

Oregon State Bar
Meeting of the Board of Governors
February 18, 2011
Open Session Minutes

The meeting was called to order by President Stephen Piucci at 9:09 a.m. on February 18, 2011, and adjourned at 12:33 p.m. Members present from the Board of Governors were Jenifer Billman, Michelle Garcia, Hunter Emerick, Ann Fisher, Michael Haglund, Derek Johnson, Matt Kehoe, Christopher Kent, Ethan Knight, Tom Kranovich, Steve Larson, Audrey Matsumonji, Kenneth Mitchell-Phillips, and Mitzi Naucler. Staff present were Sylvia Stevens, Helen Hierschbiel, Rod Wegener, Jeff Sapiro, Susan Grabe, Kay Pulju, and Camille Greene. Also present was ONLD Chair, Teresa Gledhill-Kessler.

1. Department Presentation

Ms. Pulju presented an overview of OSB Member and Public Services. She described the department's organizational chart and relationships between her departments - Bulletin, Marketing, Media and Communications, Member Services, Customer Service/Reception, and Referral and Information Services and their projects - Special Events, Event calendar, Public Education, MP3 downloads, and Legal Links among others.

2. Report of Officers

A. Report of the President

As written.

B. Report of the President-elect

As written.

C. Report of the Executive Director

ED Operations Report and Sustainability Report as written. Ms. Stevens explained the process used to recruit a new Director of Diversity and Inclusion. She presented a slide show from the ABA titled "The Future of the Legal Profession" Which predicts significant changes resulting from globalization, technology and demographics. She suggested the BOG might want to consider the creation of a "futures committee" to monitor trends and develop strategies.

D. Oregon New Lawyers Division

Ms. Kessler reported on a variety of ONLD projects and events described in her written report. She also presented the 2011 ONLD calendar of events. ONLD is working on a special project aimed at recruiting new lawyers who are unemployed or under-employed to get experience as volunteers for pro bono organizations.

E. Report of the BOG Liaison to MBA

Mr. Haglund reported on the January 4 and February 1 MBA meetings. The MBA's financial situation is solid and they will make grants to the CEJ and Volunteer Lawyer's

Project. Multnomah Bar Foundation's civic education in Junior High and High School is their primary mission.

3. Professional Liability Fund [Mr. Zarov]

A. Financial Report

Ms. Stevens gave a brief report from Mr. Zarov. The PLF ended 2010 with modest net revenue, primarily because of good investment returns in December 2010. The PLF is \$2 million toward its goal of having \$12 million in reserves. New claims attorney Pam Stendahl begins work on February 22 and a new IT person will start on March 1.

4. Rules and Ethics Opinions

A. Proposed Formal Opinion on Limited Scope Representation

Ms. Stevens presented Proposed Formal Opinion No. 2010-183 regarding Scope of Representation and Limiting the Scope and unbundled legal services. Mr. Larson, the Ethics Committee contact, suggested that the committee had not concluded in their discussions and was not ready for our vote on this proposal. Ms. Fisher and Ethan Knight disagreed, based on their personal experience with the LEC and were confident that the proposed opinion had been discussed at length and is ready for a vote. [Exhibit A]

Motion: Mr. Haglund moved, Mr. Knight seconded, and the board voted unanimously to adopt Proposed Formal Opinion No. 2010-183.

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

A. Client Security Fund

1. Mr. Haglund presented Mr. Johansen's request for review of the CSF Committee's denial of his Claim No. 2010-39. The committee was concerned that Mr. Johansen had not been entirely candid about the amount of his loss; moreover, the committee concluded that the loss resulted from loans made as a personal favor to Oh, and were not the result of the lawyer-client relationship.

Motion: Mr. Kent moved, Ms. Matsumonji seconded, and the board voted unanimously to uphold the CSF Committee's denial of Mr. Johansen's application for reimbursement.

B. Mentoring Task Force

Mr. Piucci reported on the status of the task force's work to date. He is working with Kateri Walsh on an introductory video about the mentoring program for the OSB website, mentor training and interviews. More than 200 lawyers have volunteered to be mentors thus far. Based on results from Utah's mentoring program, this synergistic project may help launch a senior law program.

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

A. Appellate Screening Committee

Mr. Larson reported that he and Mr. Piucci are going to meet with the governor's new general counsel, Liani Reeves, to talk about the appellate selection process under the new governor.

B. Budget and Finance Committee [Mr. Kent]

1. Changes to the OSB Investment Policy

Mr Kent reported on the proposed change of the OSB by law 7.402 to include strategies that the committee believes are compliant with the bar's policy and add more diversity to the portfolio. In accordance with Bylaw 27, this constitutes notice and the motion will be before the BOG for a vote in April. [Exhibit B]

2. Update on Tenants and Leases at the Bar Center

Mr. Kent reported on three recommended BOG actions: ratify the execution of the Lease Termination Agreement with OPUS; engage Macadam Forbes as brokers for leasing the vacant space at the bar center; and make recommendations for development of the vacant space at the bar center.

Motion: The board unanimously approved the Budget and Finance Committee motion.

3. Oral Report of Committee Chair

Mr. Kent reported on the options considered and their outcome on the budget's bottom line. Mr. Wegener reported on details of the OPUS lease default and monies involved.

C. Executive Director Evaluation Committee

1. Amendment of ED Contract

Ms. Garcia reported on the changes requested by Ms. Stevens' request for amendments to her contract, giving Ms. Stevens discretion to contribute a larger portion of her salary to her PERS Individual Account.

Motion: The board voted unanimously to approve the committee's motion..

D. Member Services Committee

1. Update on OSB Program Review

Ms. Matsumonji updated the board on the committee's review of the current OSB programs. The mission of the ONLD program is changing and needs review.

2. Recruitment for 2011 HOD elections

Ms. Matsumonji reported that recruitment for HOD elections is in progress. The deadline is Friday, March 18 and 64 candidates are needed.

E. Policy and Governance Committee [Ms. Naucler]

1. Complimentary CLE for Active Pro Bono Members.

Ms. Naucler explained the committee's motion that the OSB allow Active Pro Bono members to attend one complimentary CLE each year, limited to one full day. She added that there are plenty of no-cost CLE programs for Active Pro Bono Members to give them an opportunity to earn required MCLE credits. There followed some discussion about the appropriate limit on complimentary CLE attendance.

Motion: Mr. Emerick moved and Mr. Kehoe seconded that Pro Bono members be entitled to up to 8 hours of complimentary OSB CLE. The motion passed unanimously.

2. ONLD Bylaw Changes

Ms. Naucler presented the committee motion to approve the revisions to the Oregon New Lawyers Division bylaws to incorporate reference to new Region 7, ensure uniformity of terms and make modifications to various dates. In accordance with Bylaw 27, this constitutes notice and the motion will be before the BOG for a vote in April. [Exhibit C]

3. MCLE Rule and Regulation on Mentoring

Ms. Naucler presented the committee's motion to recommend that the Supreme Court adopt new MCLE Rule 5.2(f) allowing new lawyers and mentors to earn MCLE credit for participating in the New Lawyer Mentoring Program. The committee also recommends adoption of new Regulation 5.100(c) and (d) specifying the amount of credits that can be earned. [Exhibit D]

Motion: The board voted unanimously to approved the committee's motion.

4. Standing Committee on Urban/Rural Issues

Ms. Naucler reported that the committee is not recommending the creation of a standing committee to address the issues raised in the Task Force report. Rather, it has asked staff to prepare a summary of what the bar is doing in those areas. The report will be presented and open for discussion at the 2011 HOD meeting.

Motion: The board voted unanimously to accept the Urban/Rural Task Force report and to proceed as recommended by the committee.

5. Renewing Resolution to Amend ORPCs 1.2 and 3.4.

Ms. Naucler reported that, after discussion, the committee did not believe the proposed amendments should be presented again to the HOD. Rather, the

committee suggests that the issue be presented to the LEC for development of a formal opinion.

Motion: The board voted unanimously to adopt the committee's suggestion.

6. Advertising Rule Conformity

Ms. Naucler reminded the BOG that the issue of conformity among northwest states was raised at the 2010 HOD meeting. The committee recommends asking the Legal Ethics Committee to study the issue and make recommendations to the BOG regarding any changes that should be made.

Motion: The board unanimously approved the committee's recommendation.

7. Amendment to Bylaw 24.201

Motion: Ms. Naucler reported on the PLF's request that Bylaw 24.201 be amended to specifically include "judges" in addition to lawyers as eligible recipients of services provided by the PLF Personal and Practice Management Assistance Committee. In accordance with Bylaw 27, this constitutes first notice and the matter will be before the BOG for a vote in April.

F. Public Affairs Committee

Mr. Johnson updated the board on the 2011 Legislative session. The Chief Justice is interested in developing a relationship with lawyer-legislators and has requested that the Bar host a reception in March for him to network with them. The bar's law improvement package is moving along well this session. The court fees bills, civil and criminal, have had one hearing.

Motion: Mr. Larson moved, Mr. Kent seconded, a resolution that the board continue to support funding civil legal services and public defense services integral to court functions. The board voted unanimously in favor of the resolution, with Ms. Naucler abstaining.

G. Public Member Selection

No report.

7. Consent Agenda

Motion: Mr. Kehoe moved, Mr. Knight seconded, and the board voted unanimously to approve the consent agenda, including additional appointment recommendations [Exhibit E] and contact assignments [Exhibit F].

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

PROPOSED

FORMAL OPINION NO. 2010-183

Scope of Representation; Limiting the Scope

Facts:

Lawyer A is asked by Client X for assistance in preparing certain pleadings to be filed in court. Client X does not otherwise want Lawyer A's assistance in the matter, plans to appear *pro se*, and does not plan to inform anyone of Lawyer A's assistance.

Lawyer B has been asked to represent Client Y on a unique issue that has arisen in connection with complex litigation in which Client Y is represented by another law firm.

Lawyer C has consulted with Client Z about an environmental issue that is complicating Z's sale of real property. Client Z asks for Lawyer C's help with the language of the contract, but intends to conduct all of the negotiations with the other party and the other party's counsel by herself.

Question:

1 May Lawyers A, B and C limit the scope of their representations as requested by the respective clients?

Conclusion:

1. Yes, qualified.

Discussion:

In each example, the prospective client seeks to have the lawyer handle only a specific aspect of the client's legal matter. Such limited scope representation¹ is expressly allowed by Oregon RPC 1.2(b):

A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

As the examples herein reflect, a lawyer may limit the scope of his or her representation to taking only certain actions in a matter (e.g., Lawyer A's drafting 'or reviewing pleadings), or to only certain aspects of, or issues in, a matter (e.g., Lawyer B's representation on a unique issue in litigation, or Lawyer C's advising in a single issue in a transactional matter). In order to

¹ This is sometimes described as the "unbundling" of legal services, or as "discrete task representation."

limit the scope of the representation, RPC 1.2 requires that (1) the limitation must be reasonable under the circumstances, and (2) the client must give informed consent.²

With respect to the requirement that the limitations of the representation be reasonable, comment [7] to ABA Model Rule 1.2 offers the following guidance:

If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

The second requirement of RPC 1.2 is the client's informed consent to the limited scope representation. RPC 1.0(g) defines informed consent as:

[T]he agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. * * *

Obtaining the client's informed consent requires the lawyer to explain the risks of a limited scope representation. Depending on the circumstances, those risks may include that the matter is complex and that the client may have difficulty identifying, appreciating, or addressing critical issues when proceeding without legal counsel.³ One "reasonably available alternative," is to have a lawyer involved in each material aspect of the legal matter. The

² A lawyer providing a limited scope of services must be aware of and comply with any applicable law or procedural requirements. For example, if Lawyer A drafts pleadings for Client X, the pleadings would need to comply with Uniform Trial Court Rule ("UTCRC") 2.010(7), which requires a Certificate of Document Preparation by which a pro se litigant indicates whether he or she had paid assistance in selecting and completing the pleading.

³ A limited scope representation does not absolve the lawyer from any of the duties imposed by the RPCs as to the services undertaken. For example, the lawyer must provide competent representation in the limited area, may not neglect the work undertaken, and must communicate adequately with the client about the work. *See, e.g.,* Oregon RPC 1.1, 1.3, 1.4. Likewise, a lawyer providing limited assistance to a client must take steps to assure there are no conflicts of interest created by the representation. *See, e.g.,* Oregon RPC 1.7, 1.9.

explanation should also state as fully as reasonably possible what the lawyer will not do, so as to prevent the lawyer and client from developing different expectations regarding the nature and extent of the limited scope representation.

By way of example, Oregon RPC 4.2 generally prohibits a lawyer from communicating with a person if the lawyer has actual knowledge the person is represented by a lawyer on the subject of the communication.⁴ Mere knowledge of the limited scope representation may not be sufficient to invoke an obligation under Oregon RPC 4.2.⁵ Accordingly, the lawyer providing the limited scope representation should communicate the limits of Oregon RPC 4.2 with the client. If the client wants the protection of communication only through the lawyer on some or all issues, then the lawyer should be sure to communicate clearly to opposing counsel the scope of the limited representation and the extent to which communications are to be directed through the lawyer.⁶

⁴ Oregon RPC 4.2 provides that, “[i]n representing a client or the lawyer’s own interests, a lawyer shall not communicate or cause another to communicate on the subject of the representation with a person the lawyer knows to be represented by a lawyer on that subject unless:

- (a) the lawyer has the prior consent of a lawyer representing such other person;
- (b) the lawyer is authorized by law or by court order to do so; or
- (c) a written agreement requires a written notice or demand to be sent to such other person, in which case a copy of such notice or demand shall also be sent to such other person’s lawyer.”

See, e.g., OSB Legal Ethics Op Nos. 2005-6 (discussing communicating with a represented party in general) and 2005-80; *In re Newell*, 348 Or 396, 234 P3d 967 (2010) (reprimanding lawyer for communicating in a civil case with a person known to be represented by a criminal defense lawyer on the same subject). *See also* Oregon RPC 1.0(h), which provides: “‘Knowingly,’ ‘known,’ or ‘knows’ denotes actual knowledge of the fact in question * * *.”

⁵ *See, e.g.*, Colorado RPC 4.2 cmt [9A] (“[a] *pro se* party to whom limited representation has been provided * * * is considered to be unrepresented for purposes of this Rule unless the lawyer has knowledge to the contrary”); Los Angeles County Bar Association Prof’l. Responsibility and Ethics Committee, Formal Op. No. 502 (1999) (“[s]ince Attorney is not counsel of record for Client in the litigation * * * the opposing attorney is entitled to address Client directly concerning all matters relating to the litigation, including settlement of the matter”); Missouri Supreme Court Rule 4-1.2(e) (“[a]n otherwise unrepresented party to whom limited representation is being provided or has been provided is considered to be unrepresented for purposes of communication under Rule 4-4.2 and Rule 4-4.3 except to the extent the lawyer acting within the scope of limited representation provides other counsel with a written notice of a time period within which other counsel shall communicate only with the lawyer of the party who is otherwise self-represented”); Washington D.C. Bar Op. 330 (2005) (“[e]ven if the lawyer has reason to know that the *pro se* litigant is receiving some behind-the-scenes legal help, it would be unduly onerous to place the burden on that lawyer to ascertain the scope and nature of that involvement. In such a situation, opposing counsel acts reasonably in proceeding as if the opposing party is not represented, at least until informed otherwise”).

⁶ While not required, it may be advisable to clarify the scope of the limited scope representation in writing to opposing counsel. *Cf.* Washington RPC 4.2 cmt. [11] (providing “[a]n otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with Rule 1.2(c) is considered to be unrepresented for purposes of this Rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate

In the case of Lawyer A, even if the lawyer's participation was announced in compliance with court rules (such as by compliance with UTCR 2.010(7)), Oregon RPC 4.2 would not be implicated because Lawyer A is not counsel of record and the limited assistance in preparing pleadings is not evidence that Lawyer A represents Client X in the matter.⁷ In the case of Lawyer C, the lawyer should make clear to Client Z that the limited scope representation does not include communication with the opposing counsel.

Finally, while the client's informed consent to the limited scope representation is not generally required to be in writing,⁸ an effective written engagement letter minimizes any such risks if it "specifically describe[s] the scope of representation, how the fee is to be computed, how the tasks are to be limited, and what the client is to do."⁹ THE ETHICAL OREGON LAWYER §15.16 (Oregon CLE 2006).

only with the limited representation lawyer as to the subject matter within the limited scope of the representation").

⁷ See, e.g., Kansas Bar Association Legal Ethics Op. No. 09-01 (2009): "Attorneys who provided limited representation must include on any pleadings a legend stating "Prepared with Assistance of Counsel." But "[a]n attorney who receives pleadings or documents marked with the legend 'Prepared with Assistance of Counsel' has no duty to refrain from communicating directly with the *pro se* party, unless and until the attorney has reasonable notice that the *pro se* party is actually represented by another lawyer in the matter beyond the limited scope of the preparation of pleadings or documents, or the opposing counsel actually enters an appearance in the matter."

See also State Bar of Nevada Standing Committee on Ethics and Prof'l. Responsibility, Formal Op. No. 34 (2009) (an ostensibly *pro se* litigant assisted by a 'ghost-lawyer' is to consider the *pro se* litigant 'unrepresented' for purposes of the RPCs, which means that the communicating attorney must comply with Rule 4.3 governing communications with unrepresented persons).

⁸ Since RPC 1.2 does not require a writing, RPC 1.0 does not require a recommendation to consult independent counsel. It is worth noting, however, that if the lawyer is providing a limited scope representation with respect to a contingency matter, such an arrangement would need to be in writing. See ORS 20.340. *See also* FEE AGREEMENT COMPENDIUM ch. 8 (OSB CLE 2007).

⁹ In addition, "when a lawyer associates counsel to handle certain aspects of the client's representation, the division of responsibility between the lawyers should also be documented in a written agreement." *See* FEE AGREEMENT COMPENDIUM ch. 9 (OSB CLE 2007). *See also* Oregon RPC 1.5(d) (discussing when fees may be split between lawyers who are not in the same firm).

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: February 18, 2011
Memo Date: February 7, 2011
From: Chris Kent, Chair, Budget & Finance Committee
Re: Change in OSB Investment Policy

Action Recommended

Approve the change of the OSB bylaw 7.402 to include the amendments approved by the Budget & Finance Committee.

Background

At its January 7, 2011 meeting, the Budget & Finance Committee met with representatives of Washington Trust Bank who had recommended changes to the bar's investment policy to include strategies that it believed were compliant with the bar's policy and added more diversity to the portfolio. The bank representatives explained the rationale for the market neutral strategy and stated it already uses specific mutual funds for other clients for the small cap international equities and the emerging market fixed income classes proposed by the bank. In each case, the investment would not exceed 2-1/2% to 3% of the total portfolio.

The Committee resolved to approve the Small Capitalization International Equities and the Emerging Markets Fixed Income as investment classes in the bar's investment policy. The Committee did not approve other recommendations of the bank including the use of the Goldman Sachs Hi-Yield Fund as an investment option and that the bar's policy add "Investment in Securities with a rating of A- or lower shall be limited to 10% of the account's value."

Bylaw subsection 7.402 with the recommended changes (underlined and in red) follow this memo.

Subsection 7.402 Approved Investments

Investments will be limited to the following obligations and subject to the portfolio limitations as to issuer:

- (a) The State of Oregon Local Government Investment Pool (LGIP) no percentage limit for this issuer.
- (b) U.S. Treasury obligations - no percentage limitation for this issuer.
- (c) Federal Agency Obligations - each issuer is limited to \$250,000, but not to exceed 25 percent of total invested assets.
- (d) U.S. Corporate Bond or Note - each issuer limited to \$100,000.
- (e) Commercial Paper - each issuer limited to \$100,000.
- (f) Mutual funds that commingle one or more of the approved types of investments.
- (g) Mutual funds of U.S. and foreign equities and not including individual stock ownership.
- (h) Federal deposit insurance corporation insured accounts.
- (i) Individual publicly-traded stocks excluding margin transactions, short sales, and derivatives.
- (j) Small capitalization international equities.
- (K) Emerging markets fixed income.

Security	Minimum credit quality
Interest bearing deposits of banks, savings and loans and credit unions	The issuing financial institution must be rated "well capitalized" as defined by the financial institution's regulator. Those that are not "well capitalized" will be limited by the level of their deposit insurance.
Obligations issued or guaranteed by U.S., local, city and state governments and agencies	A-/A3 as defined by Standard & Poor's and Moody's
Money Market Funds	The issuing financial institution must be rated "well capitalized" as defined by the financial institution's regulator. Those that are not "well capitalized" will be limited by the level of their deposit insurance.
Money Market Mutual Funds	The issuing financial institution must be rated "well capitalized" as defined by the financial institution's regulator. Those that are not "well capitalized" will be limited by the level of their deposit insurance.
Obligations issued or guaranteed by the U.S. Federal government	Not applicable
Obligations issued or guaranteed by U.S. Federal agencies	AAA/AAA as defined by Standard & Poor's and Moody's
Obligations issued or guaranteed by U.S. government-sponsored enterprises	AAA/AAA as defined by Standard & Poor's and Moody's
Obligations issued or guaranteed by local, city and state governments and agencies.	A-/A3 as defined by Standard & Poor's and Moody's
Obligations of U.S. corporations	A-/A3 as defined by Standard & Poor's and Moody's

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: February 18, 2011
From: Mitzi Naucler, Policy & Governance Committee Chair
Re: ONLD Bylaw Changes

Action Recommended

Approve revisions to the Oregon New Lawyers Division bylaws to incorporate changes made to the bar regions, ensure uniformity of terms and make modifications to various dates.

Background

The ONLD bylaws were last updated in November 2005, since that time the bar has made changes to its bylaws and region configuration. In addition to better aligning the ONLD bylaws with OSB practices, the proposed bylaw changes also clarify terms used throughout the document.

In accordance with ONLD bylaw 11.2, Division members approved the proposed bylaw amendments during the Division's annual meeting on November 12, 2010. The Policy & Governance Committee considered the changes on January 7, 2011 and urges their adoption.

Attachment: ONLD Bylaws with Proposed Changes

New Lawyers Division Bylaws

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Article 1.
Name, Purpose and Fiscal Year

1.1 Name.

The name of this organization shall be the Oregon New Lawyers Division (“Division”) of the Oregon State Bar (“hBar”).

1.2 Purposes.

The purposes of the Division shall be to encourage new lawyers to participate in the activities of the bar, to conduct programs of value to new lawyers and law students, to promote public awareness of and access to the legal system, and to promote professionalism among new lawyers in Oregon.

1.3 Public Office.

The Division shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

1.4 Fiscal Year.

The fiscal year of the Division shall coincide with the fiscal year of the hBar.

1.5 Bar Policies.

The Division shall comply with the policies of the Board of Governors of the hBar that apply to sections, except as otherwise provided in these bylaws.

Article 2.
Membership and Dues

2.1 Members.

Each member of the hBar shall be eligible to be a member of the Division until the last day of the Division’s fiscal year in which such member attains the age of thirty-six (36) years or until the last day of the sixth full fiscal year in which any such member has been admitted to practice in this state, whichever is later. All eligible members of the hBar shall automatically be members of the Division unless and until membership dues are assessed under this Article, in which case all eligible members of the hBar who pay the Division membership dues shall be members of the Division.

2.2 Associate Members.

Any law student presently attending an ABA accredited law school in Oregon shall automatically be considered an associate member of the Division without payment of dues. Individual students at other ABA accredited schools shall be associate members upon written request.

2.3 Dues.

Membership dues may be set by the membership of the Division at the annual meeting of the Division, subject to subsequent approval of the Board of Governors. Membership dues shall not be prorated for any portion of a year. The Division Executive Committee may establish free or discounted membership rates for new admittees or for attorneys with incomes below a specified level. If assessed, membership dues shall be collected annually by the hBar with hBar membership fees.

2.4 Associate Member Participation in Division Business.

Associate members may not serve as voting members of the Executive Committee and may not vote at Division meetings. However, they may serve on any Division Standing Committee or Special Committee.

Article 3.
Division Executive Committee

3.1 Composition.

The Executive Committee shall be composed of eleven Division members. There shall be one Executive Committee position for each of the following ~~six~~ seven (7) regions.

Region 1:

Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, ~~Klamath~~, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

Region 2:

Lane County.

Region 3:

Coos, Curry, Douglas, Jackson, ~~Benton, Klamath Lincoln, Linn~~ and Josephine Counties.

Region 4:

Clatsop, Columbia, Lincoln, Tillamook, Washington, and Yamhill Counties.

Region 5:

Multnomah County.

Region 6:

~~Clackamas~~, Benton, Linn, Marion, and Polk ~~Yamhill~~ Counties.

Region 7:

Clackamas County.

The remaining ~~five~~ four Executive Committee members shall be elected at-large by the Division membership. In addition, the past Chairperson shall serve as a non voting member of the Executive Committee, whether or not he or she falls within the membership criteria of Article 2.

3.2 Duties.

The Executive Committee shall supervise and control the affairs of the Division subject to these bylaws and the bylaws and policies of the Board of Governors of the ~~b~~Bar.

3.3 Majority Vote, Quorum.

~~Action of the Executive Committee shall be by majority vote.~~ A quorum consisting of a majority of the Executive Committee, not including the past chairperson, shall be required to conduct its business. Action of the Executive Committee shall be by majority vote.

3.4 Meetings.

The Chairperson may, and upon the request of three members of the Executive Committee shall, call meetings of the Executive Committee.

3.5 Action Between Meetings.

Between meetings of the Division, the Executive Committee shall have full power to do and perform all acts and functions that the Division itself might perform. The Executive Committee shall provide a summary of such actions at the next meeting of the Division membership.

3.6 Membership Votes.

The Executive Committee may direct that a matter be submitted to the members of the Division for a vote by mail, electronic vote or for a vote at any Division meeting.

3.7 Compensation.

No salary or compensation for services shall be paid to any member of the Executive Committee or member of any other committee with the exception of the Editor and other staff of a Division newsletter (if applicable). Reimbursement may be allowed for travel and other out-of-pocket expenses for members of the Executive Committee and members of all Division standing and special committees.

3.8 Removal.

Executive Committee members missing two consecutive Executive Committee meetings or three of eight consecutive Executive Committee meetings may be removed from office by majority vote of the Executive Committee members. Executive Committee members who are suspended from membership in the Oregon State Bar may be removed at any time during the period of suspension by a two-thirds majority of the Executive Committee members or by a two-thirds majority of members voting at the Division's annual business meeting.

3.9 Rescission.

The membership of the Division shall have the right to rescind or modify any action or decision by the Executive Committee, except for filling a vacancy in the position of Officer or Executive Committee member, and also may instruct the Executive Committee as to future action. The Executive Committee shall be bound by any such action of the membership. The right of the membership to direct, modify, or rescind an act of the Executive Committee shall not include power to invalidate contracts or payments previously made under direction of the Executive Committee. Any vote to direct, modify, or rescind an action of the Executive Committee must be taken at a meeting at which two-thirds of members present vote in favor of the ~~M~~motion.

Article 4. Officers

4.1 Composition.

The officers of the Division shall be a Chairperson, a Chairperson-Elect, a Secretary, a Treasurer and such other officers as may be determined to be necessary by the membership. The officers shall be elected from among the Executive Committee members.

4.2 Chairperson.

The Chairperson, or the Chairperson-Elect in the absence of the Chairperson, shall preside at all meetings of the Division and of the Executive Committee. The Chairperson shall appoint the ~~officers~~ chairperson and members of all committees of the Division pursuant to Article 7; plan and monitor the programs of the Division; keep the Executive Committee duly informed and carry out its decisions; and perform such other duties as may be designated by the Executive Committee. The Chair shall serve as an ex-officio delegate to the Oregon State Bar House of Delegates.

4.3 Chairperson-Elect.

The Chairperson-Elect shall aid the Chairperson in the performance of his or her responsibilities, and shall perform such further duties as may be designated by the Executive Committee. In the event of the death, disability, or resignation of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or disability. The Chairperson-Elect shall automatically become the Chairperson immediately following the annual election of officers.

4.4 Secretary.

The Secretary shall maintain all books, papers, documents and other property pertaining to the work of the Division, and shall keep a true record of proceedings of all meetings of the Division and of the Executive

Committee. Typed minutes of all meetings of the Division and of the Executive Committee shall be distributed to all members of the Executive Committee as soon as possible but no later than fourteen (14) days (excluding weekends and holidays) after the meeting and shall be subject to amendment and approval at the next Executive Committee Meeting. In addition, the Chairperson or Secretary shall, whenever possible, distribute notice of scheduled Executive Committee meetings to all Executive Committee members at least ten (10) days (excluding weekends and holidays) prior to such meeting. The Secretary shall perform other such duties as designated by the Executive Committee. Minutes and agendas distributed to Executive Committee Members shall be contemporaneously provided to the ~~h~~Bar.

4.5 Treasurer.

The Treasurer, shall keep an accurate record of all receipts and expenditures approved by the Division; report on the Division's present and projected financial condition at each meeting of the Division Executive Committee; prepare, in conjunction with the ~~h~~Bar staff administrator, an annual projected budget for approval by the Executive Committee; and submit a report of the Division's financial affairs and financial condition to the members at the Division annual business meeting. The budget shall then be submitted to the Board of Governors for its approval no later than ~~November 15~~ September 1. The treasurer shall submit any requests for general Bar funding to the Board of Governors no later than ~~September 30~~ September 1 of the year prior to the fiscal year for which such funds are requested..

Article 5. Meetings

5.1 Open Meetings.

The Division (including meetings of the Executive Committee) is subject to the Public Meetings Law. Therefore, the bar shall be notified twenty (20) days in advance (excluding weekends and holidays) of Division meetings. If 20 days' notice is not practical, notice shall be given as soon as possible. Reasonable notice shall be given to Division members of all Division meetings.

5.2 Meeting.

Each year there shall be at least one membership meeting for the purpose of conducting Division business, which meeting shall be known as the Division annual business meeting. The Division annual business meeting may be held in conjunction with the annual meeting of the ~~h~~Bar at a time and place to be coordinated with the ~~h~~Bar's Executive Director, or on any other date no later than November 15.

5.3 Special Meetings.

Special meetings of the Division may be scheduled from time to time by the Executive Committee.

5.4 Action.

Action at a meeting of the Division membership shall be by a majority of those members present and voting. At least six members who maintain offices in at least three different regions must be present to establish a quorum at a meeting of the Division membership.

5.5 Floor vote.

During the meetings described in the preceding two paragraphs, the Division membership at large may call any matter to the floor upon the vote of the majority of the members who are present.

5.6 Rules.

Except as otherwise provided herein, all meetings of the Division shall be conducted in accordance with the then current version of Roberts Rules of Order.

Article 6.
Terms In Office And Elections

6.1 Limitation on Executive Committee Membership.

No member may be elected or appointed to serve on the Executive Committee for more than six years, except that a member who first serves an unexpired term of one year or less shall be eligible for election or appointment to two full three year terms.

6.2 Term.

Each term of office ~~shall begin immediately following election to the Executive Committee~~ shall begin January 1. Members of the Executive Committee shall serve three-year terms. The terms of office shall be staggered so that approximately one-third of the positions are up for election each year, as outlined below:

Positions 1 and 2 (Region 1 and 2)

Terms expire: ~~2006, 2009~~, 2012, 2015, 2018, 2021

Positions 3 and 4 (Region 3 and 4)

Terms expire: ~~2008~~, 2011, 2014, 2017, 2020

Positions 5 and 6 (Region 5 and 6)

Terms expire: ~~2007, 2010~~, 2013, 2016, 2019, 2022

Positions 7 (Region 7)

Terms expire: 2008, 2011, 2014, 2017, 2020

~~and~~ Position 8 (At Large)

Terms expire: ~~2008~~, 2011, 2014, 2017, 2020

Positions 9 and 10 (At Large)

Terms expire: ~~2006, 2009~~, 2012, 2015, 2018, 2021

Position 11 (At Large)

Term expires: ~~2007, 2010~~, 2013, 2016, 2019, 2022

6.3 Vacancies.

Except as provided by Article 4.3, the Executive Committee shall fill by appointment any officer or Executive Committee position that becomes vacant. However, if said vacancy exists at the time of the annual meeting, it shall be filled by election.

6.4 Unexpired Term.

Any officer or Executive Committee member appointed to fill an unexpired term shall serve the unexpired period.

6.5 Eligibility for Executive Committee Membership.

No person shall be eligible for election or appointment to the Executive Committee unless that person is a member of the Division at the time of the election or appointment.

6.5.1 Effect of Article 2.1.

The fact that a person will not be eligible under Article 2.1 to remain a Division member for the entire term of office does not preclude that person from being appointed or elected to the Executive Committee. However, that person's term will automatically be deemed vacant at the annual meeting which immediately precedes the end of that member's eligibility for Division membership.

6.5.2 Regional Requirements.

At the time of election or appointment to a Regional position, the member's principal office must be in that region, but subsequent moves during that term of office shall not result in disqualification.

6.6 Eligibility for Officers.

When elected, all officers must be Executive Committee Members who are eligible for Division membership through the entire term of office. In the case of the Chairperson elect, the person selected must be eligible to remain a member of the Division through the Chairperson-elect's term of office, and through his or her term as chairperson. However, a person may be selected for the Chair-elect position even though his or her term as an Executive Committee member will expire before the end of the term as Chairperson. He or she shall automatically be deemed to have been re-elected to the Executive Committee until the term as Chairperson ends, at which time the unexpired portion of the three-year Executive Committee term will be filled in accordance with Article 6.3.

6.7 Terms for Officers.

The term for each officer position shall be one year. The Chairperson-Elect shall automatically succeed to the office of Chairperson. No officer shall serve two successive terms in the same office, except the Treasurer, who may serve no more than two successive terms in office. Partial terms of office shall not be taken into account for purposes of the preceding sentence. No person shall simultaneously hold two offices for a period exceeding four months.

6.8 Nominating Committee.

At least ninety (90) days prior to the Division's annual business meeting, the Executive Committee shall appoint a nominating committee of not less than three ~~h~~Bar members. The Chairperson and at least one other Executive Committee member shall serve on the nominating committee, with preference given to those Executive Committee members who have served the longest on the Executive Committee. Those persons who accept a position on the nominating committee are ineligible for nomination to a new term or position for the upcoming year. The nominating committee shall make and report to the Executive Committee ~~at least forty-five (45) days~~ thirty (30) days or within a reasonable time prior to the Division's annual business meeting one nomination for each Division position to be filled by election. The nominating committee's proposed slate of candidates for Executive Committee positions shall be submitted to the membership unless rejected by a majority of the Executive Committee. If the slate or a portion of it is rejected, the Executive Committee shall, at least 30 days prior to the election date, formulate the slate with the assistance of the nominating committee. The nominating committee's proposed slate of officers shall automatically be submitted to the newly elected Executive Committee for its approval or rejection.

6.9 Diversity.

The nominating committee shall use reasonable efforts to nominate members who reflect a reasonable cross section of the Division's membership taking into account all relevant factors including, without limitation, the practice area, geographic, age, gender and ethnic make-up of the Division membership. To the extent possible, no more than one person from the same law firm, company or public agency in the same department may serve on the Executive Committee at the same time.

6.10 Notice.

The report of the nominating committee shall be communicated by mail or electronically to the Division membership along with the notice of the time and place of the election at least fourteen (14) days (excluding holidays and weekends) in advance of such election. The notice may be consolidated with other communications of the ~~h~~Bar or its sections so long as the notice is reasonably calculated to reach all Division members prior to the election.

6.11 Election of Executive Committee Members.

Elections shall be conducted at the Division's annual meeting, by mail, or electronically.

6.12 Election of Executive Committee Members at Annual Meeting.

If elections are conducted at the Division's annual meeting, additional nominations may be made for any position from the floor. Elections for contested positions may be by written ballot or voice vote. Each contested position shall be set forth and voted upon separately. Elections shall be by plurality. All Division members may vote for all "at large" positions. For any given regional vacancy, only those Division members who maintain their principal office in that region may vote, with any ties to be broken by a plurality vote of the entire Division membership.

6.13 Election of Executive Committee Members by Mail or Electronically.

Upon approval of the Executive Committee, elections of Executive Committee members may be by written or electronic ballot sent to the Division membership provided the process allows: (1) for write-in votes, (2) that ballots are returned to an appropriate Division officer for tabulation and (3) that the results are certified to the Bar Center no later than November 15. candidacy for each regional representative to the Executive Committee shall be limited to those members who maintain their principal office in that region.

6.14 Election of Officers.

Officers shall be elected by a majority vote of the Executive Committee immediately prior to the annual election of Executive Committee Members and ratified at the Division Annual Meeting.

Article 7. Committees

7.1 Standing Committees.

The Executive Committee may establish as many standing committees as it deems necessary and may set the names, functions, and length of service of those committees. The Chairperson of the Executive Committee, with the approval of the Executive Committee, shall appoint the Chairperson and members of the standing committees.

7.2 Other Committees.

In addition to the standing committees as provided above, the Executive Committee may appoint as many special committees for particular purposes as the Division Executive Committee deems necessary and may set the name, function, and length of service of those committees. The Chairperson, with the approval of the Executive Committee, shall appoint the chairperson and members of all special committees.

Article 8. Representation Of The Oregon State Bar's Position

8.1 Approval Required.

Except as provided below, the Division shall not present to the legislature, or any committee or agency thereof, a position or proposal on any bill or express any position of the Division without the majority approval of the Executive Committee and the approval of the Board of Governors. If the Division's Legislative Committee requests the Executive Committee to take a position on a bill, and if it is reasonably necessary to act prior to the next regularly scheduled Executive Committee meeting, the officers of the Executive Committee may act upon the request. At least three officers shall be required to establish a quorum to take such action. Any one officer shall have the power to reject a proposed position and refer the matter instead to the Executive Committee.

8.2 Bar Approval Process.

During regular legislative sessions the Executive Committee may, by majority vote, tentatively approve a position on a bill if that position is consistent with the purposes of the Division. Rather than initiating legislation, the Division will have the ability with this process to object or defend bills already introduced or surfacing to the attention of the Division with minimal notice.

The proposed position shall be submitted to the hBar's Public Affairs Director or the Chairperson of the Board of Governors' Public Affairs Committee. After receipt of the proposal, the person to whom notice was given shall have up to 72 hours to notify the Division either (a) that the position is approved or (b) that the position is being submitted to the Public Affairs Committee for approval. If such notice is not given within 72 hours, or if the position is approved, it then becomes an official position of the Division and representatives of the Division may testify or make other appropriate statements. The hBar's Public Affairs Director shall be kept informed about the status of such positions and related activities.

If the proposal is referred to the Public Affairs Committee, it shall determine, on behalf of the Board of Governors, whether or not it is in the best interests of the entire hBar (1) for the hBar to take an official position or (2) to allow the Division to take a position as requested.

Article 9. Receipts And Expenditures

9.1 Dues.

Membership dues shall be collected by the hBar and any other receipts of the Division shall be remitted promptly to the hBar and placed in an account designated for use by the Division.

9.2 Assessments.

The hBar may regularly assess the Division an amount of money to cover both direct and indirect costs of Division activities performed by hBar staff.

9.3 Expenditures.

Expenditure of the balance of Division funds after such assessment shall be as determined by the Executive Committee, to be disbursed by the hBar's Executive Director, or the Director's designee, solely as authorized in writing by the Division's Treasurer using forms and following procedures established by the Executive Director. If the Treasurer is unavailable for authorization, the Division Chairperson may authorize disbursement of Division funds followed by written notice of the action taken. Any reimbursement of expenses incurred by the Treasurer or by the Treasurer's firm must be authorized in writing by the Division's Chairperson. Expenditure of Division funds shall not be in excess of the available Division fund balance, nor shall expenditures be in violation of laws or policies generally applicable to the hBar.

9.4 Retention of Funds.

Division annual reserves, if any, shall be set and maintained as provided for in the Division's annual budget as approved by the Board of Governors.

Article 10. Minutes And Reports

10.1 Minutes.

Minutes shall be kept of all meetings of the Executive Committee and of the Division and a copy of the minutes of each such meeting shall be promptly delivered to the hBar's Executive Director or ONLD staff administrator and to each member of the Executive Committee within fourteen (14) days (excluding weekends and holidays) of the meeting so recorded.

10.2 Request for BOG Action.

Whenever the Division desires to request action by the Board of Governors, the requested action shall be reflected in the minutes and shall in addition be set forth in a letter accompanying the minutes and delivered to the Board of Governors in care of the Executive Director. If the vote on the requested action is not unanimous, the votes for and against shall be set forth in the minutes and the dissenting members shall be afforded the opportunity to explain their positions.

10.3 Report.

Not later than December 1, the Chairperson shall file with the Bar's Executive Director a concise report summarizing the activities of the current year and anticipated activities for the ensuing year, together with the full text of any proposed legislation. The report shall contain a description of the budget and expenditures for that year as well as the proposed budget for the next year. This information will be summarized by hBar staff and included with the hBar Annual Reports distributed to all active members each year.

10.4 Budget.

A proposed annual budget and proposed annual dues shall be provided to the Executive Director for approval by the Board of Governors no later than September 30th of the preceding year if it contains a proposal for charging membership dues. For any year in which funds are requested from the hBar's general funds, a proposed annual budget shall be submitted to the Board of Governors no later than September 30th of the preceding year.

10.5 In Person Report.

The Chair or Chair-elect, in so much as possible, will attend Board of Governor meetings to make a report on Division activities and programs.

Article 11. Amendments To Bylaws

11.1 Amendments by BOG.

These bylaws may be amended by the Board of Governors. Notice of intent to so promulgate and pass bylaw amendments shall be given to the Executive Committee in sufficient time to allow review and comment. Bylaw amendments so passed by the Board of Governors become effective upon passage.

11.2 Amendments by Division.

These bylaws may be amended by the Division by majority vote by ballot, or at any membership meeting of the Division by majority vote of the members present and voting, to become effective upon subsequent approval of the Board of Governors. Notice of intent to amend bylaws shall be publicized in a manner which is calculated to provide Division members with reasonable notice and opportunity to comment before the Division acts. Determination as to what notice is reasonable under any provision of these bylaws may take the cost of notification into account.

OREGON STATE BAR

Policy & Governance Committee Agenda

Meeting Date: February 17, 2011
Memo Date: February 1, 2011
From: Denise Cline, MCLE Program Manager
Re: Proposal to amend Rule 5.2 and Regulation 5.100

Action Recommended

Review and approve the amendments to MCLE Rule 5.2 and Regulation 5.100.

Background

With the inception of the New Lawyer Mentoring Program (NLMP), the MCLE Rules and Regulations should be amended to allow for credit for this type of activity. The proposed amendments are set forth below:

MCLE Rule 5.2 Other CLE Activities

(f) New Lawyer Mentoring Program (NLMP).

(1) Mentors may earn CLE credit for serving as a mentor in the Oregon State Bar's New Lawyer Mentoring Program.

(2) New lawyers who have completed the NLMP may be awarded CLE credits to be used in their first three-year reporting period.

(f) (g) A member seeking credit for any of the activities described in Rule 5.2 must submit a written application on the form designated by the MCLE Administrator for Other CLE Activities.

MCLE Regulation 5.100 Other CLE Activities

5.100 Other CLE Activities. The application procedure for accreditation of Other CLE Activities shall be in accordance with MCLE Rule 5.2 and Regulation 4.300.

(c) Members who serve as mentors in the Oregon State Bar's New Lawyer Mentoring Program (NLMP) may earn eight credits, including two ethics credits, upon completion of the plan year. If another lawyer assists with the mentoring, the credits must be apportioned between them.

(d) Upon successful completion of the NLMP, new lawyers may earn six general/practical skills credits to be used in their first three-year reporting period.

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: February 18, 2011
Memo Date: February 18, 2011
From: Barbara Dilaconi, Chair, Appointments Committee
Re: Volunteer Appointments to Various Boards, Committees, and Councils

Action Recommended

Approve the following Appointments Committee recommendations.

Affirmative Action Committee

Recommendation: Roland Iparraguirre, term expires 12/31/2011

Public Service Advisory Committee

Recommendation: Erin K. Fitzgerald, term expires 12/31/2013

Recommendation: Bruce B. Harrell, term expires 12/31/2012

Recommendation: William M. Jones, term expires 12/31/2013

Unlawful Practice of Law Committee

Recommendation: Karen Oakes, term expires 12/31/2012

Uniform Civil Jury Instructions Committee

Recommendation: Karen R. Thompson, term expires 12/31/2011

Disciplinary Board

Region 1 Recommendation: Max Taggart, term expires 12/31/2013

House of Delegates

Region 3 Recommendation: Nathan Ratliff, term expires 4/16/2012

Region 4 Recommendation: Wesley Gromlich, public member, term expires 4/16/2012

Region 7 Recommendation: Willard H. Chi, term expires 4/16/2012

Region 7 Recommendation: Angela Franco Lucero, term expires 4/16/2013

Region 7 Recommendation: Deanna L. Franco, term expires 4/16/2013

Region 7 Recommendation: Robert LeChevallier, term expires 4/16/2013

Commission on Judicial Fitness and Disability

Recommendation: Judy Snyder, four-year term

BOG Committee and OSB Group Contact Assignments 2011

	2011			2012					2013				2014				Total		
	AM	CK	GJ	BD	MN	MG	SL	AF	DJ	MOC	EK	MH	KM-P	MK	HE	TK		JB	
BOG Standing Committees																		BOG Standing Committees	
Access to Justice			x					x	x	x			x-C				x	Access to Justice	6
Appointments				x-C	x	x	x				x			x		x		Appointments	7
Budget & Finance		x-C			x	x	x		x			x			x			Budget & Finance	7
Member Services	x		x-C	x						x	x		x	x				Member Services	7
Policy & Governance		x		x	x-C	x		x				x				x		Policy & Governance	7
Public Affairs	x								x-C	x	x		x		x			Public Affairs	7
BOG Special Committees																		BOG Special Committees	
Appellate Screening	x		x				x-C		x						x		x	Appellate Screening	6
Executive Dir. Eval.		x				x-C		x				x				x		Executive Dir. Eval.	5
Public Member Select	x-C				x					x				x			x	Public Member Select	5
TOTAL BOG COM	4	3	3	3	4	4	3	3	4	4	3	3	3	3	3	3	3	TOTAL	
Special Assignments																		Special Assignments	
CSF											x							CSF	
Legal Ethics							x											Legal Ethics	
PLF (3)					x					x				x				PLF (3)	
UPL				x														UPL	
TOTAL SA	0	0	0	0	1	0	1	0	0	1	0	1	0	1	0	0	0		
OSB Committees																		OSB Committees	
Access to Justice	This was left out in 2011. Need contact for 2012.																		
Affirmative Action	x													x				Affirmative Action	
Federal P&P											x							Federal P&P	
Judicial Admin									x									Judicial Admin	
Legal Services																x		Legal Services	
MCLE														x				MCLE	
Pro Bono																	x	Pro Bono	
Procedure & Practice							x											Procedure & Practice	
Public Service Adv.								x										Public Service Adv.	
Quality of Life				x														Quality of Life	
SLAC												x						SLAC	
UJI-Civil															x			UJI-Civil	
UJI-Criminal										x								UJI-Criminal	
TOTAL COM	1	0	0	1	0	0	1	1	1	0	1	1	1	1	1	1	1	TOTAL	

BOG Committee and OSB Group Contact Assignments 2011

	2011			2012					2013				2014					Total
	AM	CK	GJ	BD	MN	MG	SL	AF	DJ	MO'C	EK	MH	KM-P	MK	HE	TK	JB	
OSB Sections																		OSB Sections
Administrative Law														x				Administrative Law
Admiralty											x							Admiralty
ADR																x		ADR
Agricultural Law													x					Agricultural Law
Animal Law														x				Animal Law
Antitrust, Trade Reg											x							Antitrust, Trade Reg
Appellate Practice															x			Appellate Practice
Aviation									x									Aviation
Business Law													x					Business Law
Business Litigation		x																Business Litigation
Civil Rights					x													Civil Rights
Computer & Internet										x								Computer & Internet
Constitutional Law		x																Constitutional Law
Construction Law			x															Construction Law
Consumer Law			x															Consumer Law
Corporate Counsel				x														Corporate Counsel
Criminal Law											x							Criminal Law
Debtor-Creditor			x															Debtor-Creditor
Disability Law	x																	Disability Law
Diversity	x																	Diversity
Elder Law					x													Elder Law
Energy, Telecom.								x										Energy, Telecom.
Environmental & NR												x						Environmental & NR
Estate Planning						x												Estate Planning
Family Law																x		Family Law
Government Law																	x	Government Law
Health Law				x														Health Law
Indian Law	x																	Indian Law
Intellectual Property												x						Intellectual Property
International Law													x					International Law
Juvenile Law																	x	Juvenile Law
Labor & Employment															x			Labor & Employment
Law Practice Mgt																		Law Practice Mgt
Litigation							x											Litigation
Products Liability									x									Products Liability
Real Est & Land Use													x					Real Est & Land Use
Securities Reg.								x										Securities Reg.
Sole & Small Firm																x		Sole & Small Firm
Taxation															x			Taxation
Workers Comp									x									Workers Comp
TOTAL SEC	3	2	3	2	2	1	2	2	3	2	2	3	3	2	3	3	2	TOTAL

BOG Committee and OSB Group Contact Assignments 2011

	2011			2012					2013				2014					Total
	AM	CK	GJ	BD	MN	MG	SL	AF	DJ	MOC	EK	MH	KM-P	MK	HE	TK	JB	
Other OSB Groups																		Other OSB Groups
LRAP										x								
Legal Heritage IG																x		Legal Heritage IG
New Lawyers Div							x											New Lawyers Div
OLF					x													OLF
SPRB				x														SPRB
TOTAL	0	0	0	1	1	0	1	0	0	1	0	0	0	0	0	1	0	TOTAL
SEC/COM/GR Total	8	5	6	7	8	5	8	6	8	8	6	8	7	7	7	8	6	GRAND TOTAL

**Oregon State Bar
Board of Governors Meeting
February 18, 2011
Judicial Proceedings Minutes**

Reinstatements and disciplinary proceedings are judicial proceedings and are not public meetings (ORS 192.690). This portion of the BOG meeting is open only to board members, staff, and any other person the board may wish to include. This portion is closed to the media. The report of the final actions taken in judicial proceedings is a public record.

A. Reinstatements

1. Derek Anderson – 961329

Motion: Ms. Fisher presented information concerning the BR 8.1 reinstatement application of Mr. Anderson. Mr. Piucci moved, and _____ seconded, to recommend Mr. Anderson’s reinstatement to the Supreme Court. The motion passed unanimously.

2. F. Michael Banks – 932065

Mr. Mitchell-Phillips presented information concerning the BR 8.1 reinstatement application of Mr. Banks to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

3. Mark J. Dobson – 842084

Mr. Johnson presented information concerning the BR 8.1 reinstatement application of Mr. Dobson to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

4. J. Pat Horton - 670523

Motion: In Ms. Johnnie’s absence, Mr. Sapiro presented information concerning the BR 8.1 reinstatement application of Mr. Horton to satisfy the one meeting notice requirement of Bylaw 6.103, and the applicant’s request pursuant to BR 8.7 for temporary reinstatement. Mr. Piucci moved, and _____ seconded, to approve Mr. Horton’s temporary reinstatement. The motion passed unanimously.

5. Aaron Jacoby – 990653

Motion: Mr. Larson presented information concerning the BR 8.2 reinstatement application of Mr. Jacoby that was approved by the board on November 13, 2011. Mr. Jacoby does not want to be subject to the terms of the conditional reinstatement. Ms. Matsumonji moved, and Mr. Kent seconded, to adhere to the board's November 13 recommendation to the Supreme Court that Mr. Jacoby be conditionally reinstated for a period of two years, during which time Mr. Jacoby is to continue with a treatment program and be monitored by the State Lawyers Assistance Committee. The board passed the motion (yes, 7 [Emerick, Haglund, Johnson, Kehoe, Kent, Matsumonji, Naucler]; no, 6 [Billman, Fisher, Knight, Kranovich, Larson, Mitchell-Phillips]; absent, 3 [DiIaconi, Johnnie, O'Connor]; abstain, 2 [Garcia, Piucci]).

6. Steven B. Johnson – 940995

Motion: Mr. Kehoe presented a request for the board to reconsider its 2008 recommendation for the BR 8.1 reinstatement of Mr. Johnson, based on the outcome of a disciplinary proceeding by the Hawaii State Bar resulting in Mr. Johnson's disbarment in that state. Mr. Kehoe moved, Ms. Matsumonji seconded, and the board voted unanimously to rescind its November 2008 recommendation to reinstate and instead to recommend to the Supreme Court that Mr. Johnson's application be denied.

7. Heath E. Kula - 023567

Mr. Haglund presented information concerning the BR 8.1 reinstatement application of Mr. Kula to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

8. William Nootenboom – 961952

Mr. Emerick presented information concerning the BR 8.1 reinstatement application of Mr. Nootenboom to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

9. Michael M. Pacheco – 910851

Mr. Kranovich presented information concerning the BR 8.1 reinstatement application of Mr. Pacheco to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

10. William J. Schermer – 793795

Motion: Mr. Kent presented information concerning the BR 8.1 reinstatement application of Mr. Schermer. Mr. Kent moved, and Mr. Piucci seconded, to recommend Mr. Schermer's reinstatement to the Supreme Court. The motion passed unanimously. Mr. Piucci abstained.

11. Cheryl K. Smith – 911037

Motion: Mr. Knight presented information concerning the BR 8.1 reinstatement application of Ms. Smith. Mr. Knight moved, and Mr. Piucci seconded, to recommend Ms. Smith's reinstatement to the Supreme Court conditioned upon Ms. Smith completing 25 MCLE credits before her reinstatement is effective. The motion passed unanimously.

12. J. Lee Street – 983965

Motion: Ms. Naucner presented information concerning the BR 8.2 reinstatement application of Mr. Street. Ms. Naucner moved, and Mr. Piucci seconded, to reinstate Mr. Street effective March 10, 2011, subject to the terms of the Stipulation for Discipline approved by the Supreme Court in *In re Street*, Or S Ct S058814 (2010). The motion passed unanimously.

13. Michael J. Uda – 914525

Motion: Ms. Matsumonji presented information concerning the BR 8.1 reinstatement application of Mr. Uda to satisfy the one meeting notice requirement of Bylaw 6.103. The application will come before the board at a later meeting.

B. Disciplinary Counsel's Report

As written.

**Oregon State Bar
Board of Governors Meeting
February 18, 2011
Executive Session Minutes**

Discussion of items on this agenda is in executive session pursuant to ORS 192.660(2)(f) and (h) to consider exempt records and to consult with counsel. This portion of the meeting is open only to board members, staff, other persons the board may wish to include, and to the media except as provided in ORS 192.660(5) and subject to instruction as to what can be disclosed. Final actions are taken in open session and reflected in the minutes, which are a public record. The minutes will not contain any information that is not required to be included or which would defeat the purpose of the executive session.

A. Unlawful Practice of Law

- a. The BOG received status reports on the non-action items.

B. General Counsel's Report

- a. The BOG received status reports on the non-action items and was asked to approve the eviction of RMT International, tenants of the PLF office space on Meadows Road, since they have not been paying rent.

Motion: Mr. Johnson moved and Mr. Mitchell-Phillips seconded to approve the eviction lawsuit against RMT International. The board unanimously approved the motion.