

2010 Program Evaluations

Oregon State Bar
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2010 Program Evaluation Affirmative Action Program

Goal Statement

The goal of the Affirmative Action Program (AAP) is to increase the diversity of the Oregon bench and bar to reflect the diversity of the people of Oregon, to educate attorneys about the cultural richness and diversity of the clients they serve, and to remove barriers to justice.

Program Description

The AAP was established in 1975 on the recommendation of the Civil Rights Committee, with the stated goal of "achieving representation of minority persons in the Bar in the same proportion as they are represented in the population of Oregon ...". At that time, there were 27 ethnic minority attorneys in Oregon (.5%). Until 1998, the AAP served only ethnic minority participants. Thereafter, the AAP's mission was broadened to include diversity as a component of access to justice. Beginning in 1998, AAP programs were divided into those that directly allocate program dollars to qualified participants (allocative) and those that do not (non-allocative). Allocative programs are open to anyone (regardless of ethnicity) who can help the program achieve its mission; only ethnic minorities are eligible to participate in non-allocative programming. The principal non-allocative program is Opportunities for Law in Oregon (OLIO).

AAP programs and activities are designed to recruit and retain participants who can help to achieve the program's mission. Rather than a specific numerical goal for measuring diversity efforts, the AAP defines success as the creation and maintenance of a critical mass of participants. The success analysis also involves the subjective evaluations of program participants (law students and personnel from Oregon law schools, lawyers, law firm managers, judges, and public participants with ties to the legal community).

Volunteers/Partnerships

The OSB Affirmative Action Committee assists in the development and implementation of AAP activities and serves as an advisory body to the Board of Governors on issues relating to diversity in the legal profession.

The Affirmative Action Program activities involve partnerships and collaboration with law schools; local bar associations; the judiciary; the OSB Diversity Section; public and private practitioners and law firms; the minority specialty bars; the BOG's Access to Justice Committee; the Oregon Law Foundation; Uniting to Understand Racism; Portland State University and Portland Public Schools.

Outcomes

Outcome #1: Maintain a significant number of AAP participants.

In 2010, 38 lawyers and law students participated in allocative programs and 70 participated in OLIO.

Outcome #2: Increase the number of AAP student participants who attend and complete law school in Oregon.

In 2010, there were 350 students (1L to 3L) attending law school in Oregon.

Outcome #3: Increase the pass rate of AAP participants who sit for the Oregon Bar Examination.

While we do not have precise statistics, anecdotal information indicates the overall pass rate for minority bar applicants in 2010 was 70%. That compares favorably to a general pass rate of 63% for the February 2010 exam and 70% for the July 2010 exam.

Outcome #4: Increase the number of career placements in Oregon.

The allocative Clerk Stipend and Public Honors Fellowship Programs had 14 and 7 recipients, respectively. OLIO awarded 1 First Year Internship.

Outcome #5: Increase the number of ethnic minority lawyers who remain in Oregon practice for at least five years.

Precise statistics are not available. However, at the end of 2010 there were 931 active OSB members who self-identified as minority, constituting 6.45% of all active membership. By comparison, in 2009 there were 876 self-identified minority active members, constituting 6.22% of all active membership. Over the last five years, the number of minority lawyers has increased by 190 and their percentage of OSB active membership has increased from 5.65%.

Outcome: Increase awareness of the value of diversity in the legal profession.

No data.

Outcome: Assess AAP effectiveness through personal experiences of three participants from the following cohorts: law students from each Oregon school; law staff/faculty/administrators from each Oregon school; lawyers from various practice areas/law firm settings; law firm management; judges; and public participants with ties to the legal community.

No data.

2010 Program Evaluation Client Assistance Office

Goal Statement

The primary goal of the Client Assistance Office (CAO) is to promptly review and properly process complaints and inquiries about the conduct of members of the Oregon State Bar. A secondary goal is to provide general information about the bar's other consumer resources and to assist in the resolution of minor non-disciplinary issues between lawyers and their clients.

Program Description

CAO is the central intake for inquiries and complaints about lawyers. Complaints presenting sufficient evidence of misconduct are referred to Disciplinary Counsel's Office for further investigation. Complaints lacking sufficient evidence of misconduct are dismissed, but are subject to review by General Counsel if requested by the complainant; General Counsel's decision is final. CAO may also refer inquirers to the OSB Fee Arbitration Program, the PLF, the Client Security Fund and other programs that may be able to address their concern. As appropriate and as resources permit, the CAO will also attempt to assist in the resolution of minor non-disciplinary problems between clients and lawyer including return of files or issues that are the result of poor communication or misunderstanding.

Volunteers/Partnerships

CAO occasionally calls on members and others to provide training on specific practice areas, common problems and other resources available to the public and members. The CAO also works with other entities that play a role in maintaining high standards of ethics and professional conduct, including General Counsel's Office, Disciplinary Counsel's Office, the Professional Liability Fund and its Loss Prevention Program (the Oregon Attorney Assistance Program), and the State Lawyers' Assistance Program.

Outcomes and Evaluation

Outcome #1: Establish and maintain effective and efficient procedures to process volume of inquiries and complaints that are received.

CAO disposed of about 2100 inquiries in 2010. CAO staff resolved 22.15% (431) the same day, 2.52% (49) were resolved within two days, 3.96% (77) were resolved within three to six days, 12.74% (248) were resolved within one to two weeks, and 25.49% (496) were resolved in less than one month. One hundred fifty-nine (8.17%) were resolved within 31 to 60 days. In sum, 75.03% of all inquiries/complaints were resolved in less than 60 days. The average disposition time was 44 days. CAO met its goal of disposing of 60% of all new matters within 75 days of receipt.

All telephone inquiries are responded to within 24 hours, as are all referrals to other agencies.

Outcome #2: Ensure proper disposition of inquiries/complaints, particularly those that involve accusations of disciplinary violations by making the correct decision to refer or dismiss at least 90% of appeals.

242 matters were referred to Disciplinary Counsel's Office in 2010. There were 126 appeals to General Counsel of CAO dismissals. All but two were upheld and those two were essentially the same complaint involving two lawyers. CAO exceeded its goal of correctly disposing of 90% of appeals.

Outcome#3: Ensure a high level of competence among intake staff.

CAO staff lawyers attend more than their required MCLE programs. In addition to programs on ethics and professional responsibility, they attend national conferences for discipline counsel. They also attend selected programs that will increase their understanding of the practice areas from which most complaints arise or which will generally enhance their ability to deal with a diverse population of complainants and lawyers.

Complex or unusual cases are discussed by the staff lawyers prior to any decision being made. Interesting cases are also discussed with support staff to help them understand how those decisions are made.

Outcome #4: Promote public awareness of CAO and its services.

CAO continues to explore the possibility of accepting complaints electronically, which should make the system more accessible to the public. CAO lawyers continue to give CLEs to members to explain our processes and to civic groups when asked. We continue to refine our template letters, forms and brochures.

Outcome #5: Identify technological and process improvements to improve department efficiencies and make recommendations to the Executive Director.

In addition to considering the possibility of accepting electronically-filed complaints, CAO's paperless office project continues to evolve. Staff is working with IDT and an outside consultant to identify an existing or custom case management program that will enable all incoming and outgoing documents to be maintained and processed electronically. We also continue to review our processes to ensure the most efficient handling of files and to refine the current data base.

2010 Program Evaluation CLE Seminars Department

Program Goal Statement

The CLE Seminars Department advances the Bar's mission of improving the quality of legal services by providing high-quality seminars and seminar products that are cost-effective, relevant, and widely accessible.

Program Description

As a provider of CLE seminars, the OSB operates in a highly competitive market that includes a large number of CLE providers, multiple options for accessing CLE seminars, and fluctuations in the legal profession and the economy. To meet these challenges and provide a meaningful educational experience for bar members, the Seminars Department provides a wide range of CLE topics in a variety of formats that acknowledge diverse learning styles and changing technologies for delivery of CLE content.

Volunteers/Partnerships

Volunteers: Three hundred and ninety-three (393) attorneys and other professionals volunteered as planners and speakers in 2010; some more than once to fill the 476 opportunities.

Partnerships: The CLE Seminars program co-sponsors seminars with OSB sections and the Creditor Debtor Section of the Washington State Bar Association.

Outcomes and Evaluation

Outcome #1: Meet the needs of members for readily accessible CLE by providing members 24/7 access to OSB CLE Seminars-branded information, services, and products.

OSB CLE Seminar products are continuously available through an online, on-demand catalog that offers 385 hours of audio and video streaming in 27 practice areas. The catalog also contains almost 400 MP3 downloads, which experienced a surge in popularity in 2010 (695 downloads sold, compared to 168 in 2009). Audio and video streams as a CLE format experienced a very slight decrease, with 1,949 sales in 2010, compared to 2,004 in 2009. Sales of seminars on CD remained flat, with 1,307 CDs sold

in 2010, compared to 1,328 in 2009. DVD sales continued to decline, dropping from 118 in 2009 to 64 in 2010.

Outcome #2: High member and section satisfaction with CLE curriculum, organization, and other CLE-related services.

The CLE seminars program maintained a high level of member satisfaction, with 85.18% of attendees who returned evaluation forms rating the CLE seminars as “excellent” or “very good.” Seminar evaluations included ratings for the seminar check-in process and onsite department staff. Of those returning an evaluation, 94.06% rated the check-in process as either “very good” or “excellent.” Service by onsite staff was rated 92.82% “very good” and “excellent.” More specific comments reflecting a high level of member satisfaction include:

- “CLE staff are always amazingly helpful and pleasant”
- “Check-in process and staff were perfect”
- “You and your team do an excellent job with the CLEs. Thank you for the efforts, it makes being a presenter much easier”
- “Thank you for all your help. Without you and the CLE staff, yesterday’s program would not have been as good as it was”
- “The committee was very happy with the section CLE event in November, and expressed gratitude to the CLE Seminars Department for ‘making it happen.’”
- “...I absolutely love your department for how professional and effective and nice you are to work with. Go CLE Seminars!”

In 2010, the CLE Seminars Department co-sponsored CLE events with 18 sections and committees, including three multi-day institutes. Of those events, 13 (72%) were webcast; the other five were not conducive to webcasting (e.g., breakout sessions, length of event, etc.). On the annual section survey conducted by Member Services, the department received mostly “excellent” ratings, with the following averages (out of a scale of 1 to 5): (1) providing accurate information (4.5); (2) timely distribution of notices (4.5); (3) staff assistance, (4.6); and (4) courtesy (4.7) Member Services staff have commented that the “department is great to work with – everyone is very helpful and timely with replies;” and “as a whole everyone has been very helpful.”

Outcome #3: Provide quality educational opportunities for members that also recognize different learning styles.

In addition to the traditional classroom lecture, CLE Seminars offered the membership CLE events in several different formats, including case studies, a mock trial, role-playing scenarios, and in-class workbook exercises. The popularity of live seminar webcasts is increasing, as demonstrated in the increase from 237 viewers in 2008 (the

first year webcasts were offered) to 878 webcast registrations in 2010. The largest webcast audience totaled 170 for a child abuse reporting seminar held at the bar center.

Outcome #4: Continue to develop cost-efficient strategies and processes to achieve budget goals and ensure fiscal responsibility.

Distance learning and portable CLE formats saw marked increases in revenue. 2010 webcast revenue was almost double that of 2009 revenue, while MP3 usage and revenue saw a four-fold increase. CD and DVD rentals of CLE seminars that non-Oregon attorneys need to qualify for reciprocal admission to Oregon accounted for 65% of all rental revenue.

By continuing to increase the use of electronic notification of CLE events, CLE Seminars saw significant decreases in marketing costs. Compared to 2009, mail house services decreased by 31%; postage expenses decreased 37.5%, and the cost of printing dropped almost 27%. Holding more seminars at the OSB Center resulted in a 41.6% decrease in facilities costs and a 13.2% decrease in catering expenses as staff relied more on Costco for food and beverage purchases.

Despite an ever increasing number of Oregon-approved CLE programs, decreasing live attendance, and cut-throat pricing from national online companies, CLE Seminars had net revenue of almost \$270,000 before ICA. After factoring in approximately \$400,000 in ICA, the department ended the year with a net expense of \$115,822. The board provision of complimentary seminar registration to judges, judges' attorney staff, and 50-year members accounted for approximately \$43,375 of that deficit.

Outcome #5: Promote diversity of CLE speakers and planners.

In 2010, 62.95% of CLE seminars speakers and planners were male and 37.05% were female, compared to active bar membership that was 66.33% male and 33.67% female. This is an increase in gender diversity over 2009 speakers, when 67.27% of 443 speakers were male and 32.73% were female.

Determining accurate racial or ethnic identities is more difficult, as 42.6% of the 2010 bar membership declined to state their race. Speakers and planners who participated with the 2010 CLE program identified themselves as follows: 37.27% as White, 2.27% as Asian, .45% as Black, 1.82% as Hispanic, .45% as Native American, and 1.14% identified themselves as "Other." Also, 39.55% of speakers and planners declined to state a racial identity, and racial identity information was unavailable for the remaining 17.05%, because the speakers and planners were not members of OSB.

2010 Program Evaluation Communications

Program Goal Statement

The OSB Communications Department was created in 1998 in response to a 1996 member survey that identified low public esteem for lawyers and the legal system as the most significant issue facing the profession. The Communications Department address that concern and advances the Bar's mission of promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice through consistent and effective delivery of OSB priority messages to members and the public. For member communications, the primary goals are to provide information that benefits members in their practice of law and to increase member awareness of and involvement in bar priorities and activities. For public communications, the primary goals are to promote public confidence in the justice system, respect for the rule of law, and an understanding of the importance of Oregon lawyers to an efficient, accessible justice system.

Program Description

The Member Communications group publishes the OSB Bulletin, the electronic Bar News and BOG Update, which assist members in their practices and increase awareness of leadership issues and program activities. This group also coordinates the annual Awards event, 50-Year Member Luncheon and other membership projects and events, including membership surveys and research.

Public Communications comprises programs and services designed to educate the public about laws, lawyers, and the legal system, and how to find help with legal problems. Education efforts include: public legal education seminars and cable TV programs, pamphlets and specialty publications, public service announcements, website materials, and Tel-Law. Media relations activities support the department's education and access to justice goals as well as those of partner groups.

Volunteers/Partnerships

Volunteers: Approximately 100 members annually serve as authors and sources for member communications and in 2010 200 lawyer volunteers assisted with public information programs and media relations.

Partnerships: Communications partners with OSB sections and committees, county and specialty bars, Oregon Judicial Department, legal aid programs, social service agencies, schools, community and business leaders, and media representatives.

Outcomes and Evaluation

Outcome #1: OSB members are informed about OSB priorities, programs and events, and are engaged in discussion of bar issues.

- Evaluate member satisfaction with the Bulletin.
The Bulletin remains a highly valued membership benefit for bar members. A survey of Bulletin readers showed 80%+ of respondents agree the magazine is informative, well-organized and well-written. As a member communications vehicle, the Bulletin continues to offer thorough and consistent coverage of OSB priority issues, including diversity, professionalism and access to justice. In 2010 the Bulletin was also used effectively to communicate changes within the OSB such as conversion of the BarBooks library to a member benefit.
- Explore the use of social networking tools in bar communications.
In 2010 a Facebook page and Twitter account were established both to “lock in” the OSB identity for those sites and to experiment with best uses of these tools for the Bar. Thus far our usage has been limited, principally because we do not produce a great deal of “breaking news” for Twitter and already have fairly effective, established means of communicating with our members through email in a similar manner than that offered by Facebook. In 2011 we will focus our Facebook on promotion of special events and hosting of event photos.

Outcome #2: Bar members are actively engaged in member communications and public education programs.

- Conduct a full member survey to assess member needs and expectations.
A full member survey was developed, including questions about BarBooks, electronic communications and the membership directory. After discussion the BOG decided not to survey members on issues it had already decided. Instead, we conducted topic-specific surveys as requested. The BOG Member Services Committee recommended that the full membership survey take place after it completed its comprehensive review of bar programs. Because of the timelines involved in that process the survey was deferred.

Outcome #3: Oregonians appreciate the importance of an independent and adequately funded judicial system.

- Increase media coverage and other outreach on issues of judicial selection and judicial independence.
In 2010 we produced two versions of the online Judicial Voters Guide, one for the spring primaries and one for the fall general election. The guides are widely used by media across the state, spreading their impact beyond our own efforts. Efforts by the Oregonian to

produce its own voting guide hurt local media efforts, but the OSB guide was featured in editorials in the Bend Bulletin and Medford Mail-Tribune, among others. In addition, nearly 4,500 visitors looked at the online guide.

We also increase media awareness of judicial issues through support of the Bar/Press/Broadcasters Council and related work. The "Media & the Courts" booklet was revised in 2010, and the popular "Building a Culture of Dialogue" program was held again, this time at the OSB Center in May. The event brings together those closely involved in reporting of justice issues – judges, prosecutors and defense attorneys, police officers, and media members representing print, radio, television and the blogosphere – to work through common issues. Participants in the 2010 event rated the overall program at 4.5 on a 1-5 scale, with the vast majority agreeing it should become an annual event. This program has also captured the attention of some national organizations who want to use Oregon as a model for how to get the press and the bar to work closely together toward the mutual goal of strong news coverage of legal issues.

Outcome #4: OSB offers an array of practical, understandable legal information to help members of the public access the justice system.

- Secure grant writing expertise in support of the bar's access to justice efforts. A department staff member completed a course in grant writing which should prove useful whether the bar moves forward with seeking grants or adjusts its goals. Because the OSB is the type of organization that typically gives rather than receives grants, and because we do not wish to compete with the same grantees we help, in moving forward, we will focus on narrowly defined grant opportunities from organizations such as the ABA.
- Include a below-the-line item for OSB investment in use and development of electronic forms as appropriate pursuant to OJD directives for e-courts. In 2010 the OSB President and Chief Justice of the Oregon Supreme Court appointed a joint bench/bar task force to study and make recommendations on assistance to self-represented litigants in family law matters. The task force, staffed by OSB and including two members of the BOG's Access to Justice Committee, focused its attention primarily on development and delivery of electronic forms. A draft of the task force report is currently under review by identified "interested parties" and it is expected that a final report will be presented to the BOG in April 2011.

Outcome #5: OSB provides exceptional customer service to both members and the public.

- Promote and monitor the impact of communication preferences set by members online. Information on setting and updating communication preferences is now included in all regular bar e-communications. Regular notices in the *Bulletin* also have promoted this user-controlled feature. Because members will be required by a new Supreme Court rule to

provide the bar with an e-mail address for regulatory notices, staff have taken every opportunity to explain the communication preference features. Based on member feedback and apparent need, we will need to provide more information and guidance on managing e-mail accounts and messages.

- Analyze telephone traffic and propose customer service improvements.

In 2010 we obtained and began using call-tracking software available through Shore-Tel. We have used the results for staff performance evaluation purposes and also in addressing coverage issues and future staffing needs. One improvement already implemented was a change in RIS hours of operation so clients may now call in over the noon hour. Phone traffic analysis has also shown that we may be able to provide acceptable customer service with a smaller FTE allocation to the front desk.

2010 Program Evaluation Disciplinary Department

Program Goal Statement

Disciplinary Counsel's Office (DCO) serves the bar's function as a regulatory agency for the protection of the public. DCO's goals are to administer a fair, efficient and cost-effective system for the regulation of lawyers; to promote public and member confidence in the lawyer regulation system; and to ensure that Oregon lawyers comply with their obligations under the Oregon Rules of Professional Conduct.

Program Description

As an instrumentality of the judicial department of the State of Oregon, the Bar is charged with regulating lawyer conduct for the protection of the public and the integrity of the legal profession. The Disciplinary Counsel's Office administers regulatory programs that are mandated by statute or court rule. The DCO's responsibilities include: investigation, litigation, and probation and diversion monitoring in the Lawyer Discipline program; administration of the Trust Account Overdraft Notification program; ; representation of the Bar in contested reinstatement proceedings; representation of the Board of Bar Examiners in contested admissions proceedings; administration of membership status changes including inactive transfers, resignations and reinstatements; screening all Oregon *pro hac vice* admission applications for eligibility; responding to public record inquiries concerning members' disciplinary history; and issuing certificates of good standing as requested.

Volunteers/Partnerships

Volunteers: The State Professional Responsibility Board, which is responsible for oversight of disciplinary investigation and prosecution, is comprised of eight lawyers and two public members. Serving as field investigators on 16 professional responsibility committees are approximately 70 lawyers. Approximately 80 lawyers serve on a statewide panel as trial counsel; for the Disciplinary Board, 74 lawyers and public members serve as adjudicatory officers from which trial panels are selected.

Partnerships: Other groups and entities play a role in maintaining high standards of ethics and competency, including the bar's Client Assistance Office, which screens inquiries and complaints; state court judges who observe lawyer conduct; the Professional Liability Fund and its Oregon Attorney Assistance Program; the members of the State Lawyers Assistance

Committee, who may be called upon to assist with the monitoring of lawyers on diversion or probation; the State Court Administrator's Office; and the Oregon Supreme Court.

Outcomes and Evaluation

Outcome #1: Meet or Beat Investigation Timeline Targets .

On average, DCO did better than its timeline targets at every stage of investigation. We reviewed and took initial action on 428 new matters on average within 6 days in 2010, against a target of 14 days. "No probable cause" decisions (206 of them) were made within 88 days, well within the 120 day target. DCO made 24 referrals (involving nine lawyers) to LPRCs during the year, and did so within an average of 70 days (2.3 months), within the target of four months by nearly half. In 2010, 221 completed investigations were submitted to the SPRB on average within 7.4 months, against a target of nine months.

DCO aims to have at least 90% of staff dismissals upheld by the SPRB. In 2010, the rate was 95%. only one of the 22 staff dismissals appealed to the SPRB was not affirmed, and in that case staff already had concluded, based on new authority, that an admonition was more appropriate and so recommended to the SPRB. Although DCO did not meet in-person with any LPRCs as a group, we maintained contact with individual investigators, assisting them where we could. We also updated the LPRC Handbook for statewide distribution.

Outcome #2: Meet or Beat Prosecution Timeline Targets

Of 55 formal proceedings, 40 (73%) were resolved without trial, within the 70% target. DCO tries to file formal complaints within 60 days after a case is authorized for prosecution by the SPRB. The average for 2010 was 68 days. One complex case involving two lawyers adversely affected the average because DCO agreed to review information submitted in support of a request for reconsideration of the SPRB decision before we filed our pleading. Without that matter, the average time to file a formal complaint was 55 days.

While we attempt to request appointment of a trial panel within 120 days after a formal complaint is filed, the average in 2010 was 142 days. A few cases bogged us down slightly for a variety of reasons (case complexity, anticipation that subsequent complaints against same lawyer would be consolidated into the proceeding, need to serve lawyer by publication after obtaining court order to do so, among others).

DCO tries to be prepared for trial on the first trial setting. Of 43 trial settings in 2010, 22 were tried or settled. Fourteen were reset at the accused lawyer's request; four were reset at the trial panel's request. The OSB sought resets only three times: once because the SPRB added new charges, once because the lawyer prolonged discovery which inhibited our trial preparation and once as a joint request with the accused lawyer due to scheduling problems.

DCO's goal is to prevail at least 90% of the time. In 2010 we prevailed (by decision, settlement, resignation or diversion) in 53 of 55 proceedings (96%), and accomplished what the SPRB sought in an additional 5 reciprocal discipline matters.

Outcome #3: Quality of legal services

In a bar counsel survey, DCO staff lawyers received "excellent" ratings in 96% of the responses. Neither the SPRB or the BOG was surveyed on this issue in 2010. Anecdotal information (including a lack of complaints) suggests that DCO is regarded well by a significant portion of the membership.

Outcome #4: Process regulatory work in timely manner

DCO timely processed *pro hac vice* applications (381), membership status transfers (395), resignations (155), reinstatements (167) and good standing certificates (852). We investigated and presented roughly 30 reinstatement applications to the BOG in a timely manner, some requiring comprehensive investigations. Public records requests were also handled without a backlog. Staff responded to 2,803 requests, providing over 5300 paper copies and 125 computer disks.

Outcome #5: Continue with technology improvements

We continue to push the scanning project toward a Spring 2011 completion. With the assistance of IDT, we moved the new disciplinary database through the "beta-test" phase and then brought it online. We continued to e-file all appellate filings and worked with appellate court staff to make some refinements in 2010. As noted above, we are responding to more public records requests by downloading documents onto a disk, thereby reducing the need for members of the public to come to the OSB Center to review files.

2010 Program Evaluation Facilities & Operations Department

Program Goal Statement

The goal of the F&O Department is to provide financial and operations services that contribute to effective and efficient performance of OSB in all programmatic and operational areas. Additionally, F&O strives to identify and implement strategies that:

- **improve processes** by streamlining routine activities, eliminating redundant and processes of little value, and seeking and planning to make routines more efficient;
- **save dollars and/or time** through cost reductions or revenue generation, or reduce significantly the time to perform a task or process;
- **provide service and support to internal and external customers** that is readily accessible, reliable, consistent, and high quality;
- **enhances the skills** of employees or departments to enhance performance.

Program Description

Finance and Operations provides day-to-day administrative, financial, and support services to all staff and departments of the bar and to the membership and the public. These services (accounting, information design and technology, and facilities management) are critical to the successful operational and financial performance of the organization.

Volunteers/Partnerships

The development and oversight of the OSB's financial goals and objectives is the responsibility of the OSB Board of Governors and its Budget & Finance Committee. The BOG and the Committee are comprised of volunteer lawyers and public members. F&O also collaborates with the OSB Sustainability Section to develop and implement programs and processes that further the Bar's sustainability goals.

Outcomes and Evaluation

Outcome #1: Effective and timely performance of processes

- F&O collaborated with CLE Publications and IDT in the nearly year-long process of converting BarBooks from a subscription service to a member benefit.
- The 2011 budget process went smoothly with minimal required adjustments; department budgets were completed timely even though they were due two weeks earlier than usual.
- The audit for 2008 and 2009 included an unqualified opinion and identified no major internal control deficiencies and only minor adjustments to internal controls which already were in process or easily resolved.

- The Accounting Department streamlined processes which saved time for staff in the Accounting and other departments: certified mailings to members pending suspension; eliminated duplicate files in HR and payroll; VISA credit card processing and reporting for about 20 staff; and working with Public Affairs staff to produce the Legislative Highlights book (also saved dollars on indexing and printing).
- The improvements developed by IT staff to the bar exam grading process made the process significantly easier and more efficient for the BBX and exemplified the results of a successful collaboration of staff and members.
- The BOG Special Fund was created eliminating an administrative struggle for other staff and provided better data for the board.
- Added to the Sandy Room was built-in A/V equipment and improved microphone performance in the Columbia Rooms adding room flexibility and more availability for seminars and renters.

Outcome #2: Save dollars and/or time

- The net operating revenue for 2010 is \$620,830 - an amount considerably higher than the budgeted net revenue of \$140,085. Among the numerous reasons for the improved net revenue is a overall under spending by almost all departments on expenses like postage, training, and copying and printing.
- Areas of specific costs savings generated by F&O Departments were:
 - ... Emailing the 2011 membership fee statements. An estimated \$16,800 was saved in printing and postage through this process.
 - ... A new data warehousing contractor was identified and a new contract in place in December 2010. This change is expected to save about \$40,000 annually.
 - ... Eliminating the alphabetical member listings from the 2011 Membership Directory (renamed the Resource Directory) resulted in an estimated \$42,000 savings in printing as well as significant postage costs.
- A more proactive plan for marketing renting the bar center's meeting rooms included developing a RFP, creating a promotional brochure, sending the brochure and inviting local companies to an open house, holding an open house, and establishing more competitive rates, and resulted in revenue of \$22,516 on 2010, nearly ten times greater than the prior year.

Outcome #3: Provide service and support to internal and external customers

- Evaluations from eleven non-F&O staff on F&O Department accuracy, timeliness, and professionalism indicated a more than satisfactory assessment of performance and identified areas for improvement. Facilities, which was graded on a 1 to 5 scale, received a rating of 4.85 from the evaluators. The copy center services provided by IKON and overseen by F&O staff received outstanding performance comments from the evaluators.

- Comments from the tenants and frequent renters of the bar center (St. Jude Medical, ACN, and Zip Realty) were all very complimentary of the service and courtesy of F&O staff.
- Adding built-in A/V equipment to the Sandy Room and improving microphone performance in the Columbia Rooms enhanced room flexibility and more availability for seminars and renters.
- Examples of service and support by the IDT Department :
 - ... In response to suggestions from the 2010 bar president , a new series of photographic logos was developed that showcases various areas of Oregon.
 - ... A new online interface for recording bar exam grades was created that responded to current technology, security and data protection standards. The new method of collecting grades eliminated need for IT staff presence at the grading sessions, as help was available effectively online and over the phone. The BBX responded with grateful and high compliments to the IDT Supervisor and related staff for their efforts.
 - ... IDT created an automated process for sending annual MCLE compliance reports and deadline reminders via email. The new process allows staff to customize email messages and eliminated the need for group mail reminders and print/postage fees.
 - ... In collaboration with the Communications Department, an MP3 library was launched in the fall of 2010 to deliver 1-hour OSB Section CLE seminars . The new system integrates with existing online registration and local MCLE reporting systems.
 - ... The VOIP phone system was upgraded to support the migration to Windows 7 OS; the Blackberry Enterprise Server Express was implemented, which added wireless sync of email, calendar, contacts and notes for BarBooks users.
 - ... In collaboration with the Communications Department, the bar's in-house video production capability was enhanced through the purchase of new equipment. The first projects were an HR training session and a video to accompany the presentation of the Award of Merit . The stage is now set for expanding services to sections and bar groups and for bringing the *Legal Links* programs in-house.

Outcome #4: Enhance skills of employees or departments

- Several F&O staff engaged in professional development activities in 2010 that add value to processes for all departments. Examples are:
 - ... Michelle Peterson initiated the process to obtain CAE certification from the ASAE and attended the OSAM conference in December.
 - ... Anna Zanolli was a seminar panel presenter on *Content Management* at the IT workshop at the NABE mid-year meeting and was acknowledged for her input into the development of the new NABE website; she also served on the NABE IT section executive committee as Chair-elect and participated on the website committee.

... Darrell Stoffer worked directly with Pete Stiven and vendors who provided service and support to the bar building to learn systems and maintenance functions including enhanced knowledge of the HVAC, lighting, and security systems.

... The CFO attended eight local seminars of a broad range of topics relevant to the performance of the position.

- The Sustainability Committee had educational sessions with representatives of Tonkin Torp, two recycling agencies, and Jeanne Roy to raise recycling and sustainability awareness and implement more recycling practices at the bar center.
- A security seminar "Street Smarts" was offered to all staff on September 21 helping to raise awareness of corporate and personal safety. The consultant's report led to ideas for building security improvements and for better dealing with angry visitors.
- IDT updated all desktops to Office 2007 and Internet Explorer 8 and began the operating system upgrade to Windows 7 for all new desktops installed during the year. The installation of dual monitors for some staff improve their efficiency .

2010 Program Evaluation General Counsel's Office

Program Goal Statement

The primary object of General Counsel's Office (GCO) is to provide cost-effective, high-quality legal advice and representation to protect the legal and policy interests of the Oregon State Bar.

Secondary objectives are to administer the Client Assistance Office (see CAO Program Measures), the Client Security Fund, the Fee Arbitration Program and the MCLE Department effectively and efficiently. GCO supports the UPL Committee, the State Lawyers Assistance Committee and the Legal Ethics Committee, and is responsible for providing timely and accurate ethics assistance to members. GCO functions as the Disciplinary Board Clerk's Office. The office is also a general resource for questions from the public and others about the role of the bar, the regulation of the profession and related issues.

Program Description

GCO provides legal advice to the OSB on internal matters such as personnel, contracts, public meeting and public records compliance and non-disciplinary litigation. GCO also advises and assists the Board of Governors in the development of bar policy on a variety of issues. The Office is a resource to the public, the courts, and other branches of government regarding the role of lawyers and the legal profession, the regulation of lawyers and other miscellaneous issues.

General Counsel oversees the operation of the Client Assistance Office and the MCLE Department. Day-to-day functions are handled by the CAO Manager and the MCLE Administrator, who also develop and evaluate program goals and objectives. Ultimate responsibility for the programs, including personnel issues, however, rests with General Counsel. Additionally, General Counsel reviews, upon request, all complaints dismissed by the CAO and makes a final decision.

The Client Security Fund reimburses clients who have suffered a loss of money or property through the dishonest conduct of their lawyers. The Fund is financed entirely by member assessments, recoveries from errant lawyers, and interest on invested funds. A volunteer committee of bar members and a public member investigate and make recommendations on claims; the final decision on awards rests with the Board of Governors.

The Fee Arbitration Program is a voluntary mechanism for resolving fee disputes between bar members and their clients, or between bar members. All arbitrators are volunteers. Arbitration decisions are binding on the parties, subject to only limited court review.

The Unlawful Practice of Law Committee investigates complaints of unlawful practice by persons who are not members of the Oregon State Bar. Based on the Committee's recommendation, the bar may seek injunctive relief against unlawful practitioners or enter into voluntary cease and desist agreements as appropriate.

The provision of ethics assistance to bar members is a significant role and GCO lawyers respond to approximately 4,000 telephone requests, 400 e-mail requests, and 20 requests for informal written advice each year. GCO lawyers are regular contributors to the OSB *Bulletin* and to continuing legal education programs of the bar and other organizations. GCO is liaison to the OSB Legal Ethics Committee, assisting in the development of formal opinions that are issued by the Board of Governors. General Counsel frequently provides staff support to special task forces studying client protection programs, rules of professional conduct for lawyers and judges, and similar professional responsibility issues.

The State Lawyers Assistance Committee is charged with reviewing and resolving complaints about lawyers whose conduct may impair their practice of law. When a lawyer is determined to be within the jurisdiction of SLAC, the committee develops and monitors the lawyer's participation in a remedial program.

The Disciplinary Board Clerk's Office is a central repository for all pleadings and official documents relating to formal disciplinary proceedings. The DB Clerk maintains the original record of pleadings and other documents in disciplinary cases, tracks the progress of the proceedings through final disposition, provides periodic notices when events do not occur within the time frame set out in the Bar Rules of Procedure, and assists with the logistics of arranging hearings. GCO organizes and presents the annual Disciplinary Board Conference and advises Disciplinary Board members on procedural matters as needed.

Volunteers/Partnerships

GCO partners with a variety of member and others in fulfilling its responsibilities. Although more difficult than in the past, we are still able to recruit members to represent the bar on a *pro bono* or reduced fee basis to help with the more complex non-disciplinary litigation in which the bar is involved. The bar also receives legal representation on employment and some other legal matters either *pro bono* or at reduced fees. Members of the Client Security Fund, Legal Ethics,

State Lawyers Assistance and UPL Committees are all volunteers, including the public members; the same is true of the panelists for the Fee Arbitration Program and the public and lawyer members of the Disciplinary Board.

Outcomes and Evaluation

Outcome #1: Protect the legal interests of the Oregon State Bar.

Evaluation: The Bar suffered no adverse outcomes in connection with its non-disciplinary and UPL litigation in 2010. UPL litigation has become rather more complex and adversarial, but we continue to have good volunteer assistance. In other litigation, we have hired local counsel at discounted rates. We have enjoyed excellent legal advice from outside counsel on a variety of Fanno Creek issues.

Throughout the year, the ED and the BOG were provided with timely, clear and concise analysis and recommendations on various legal and policy issues. An area of continuing concern is the extent of the Bar's involvement in partisan political issues. All indications are that the ED and BOG are satisfied with the level and quality of legal and policy assistance from GCO.

Managers similarly received prompt and helpful assistance with issues throughout the year including personnel, contracts, trademark and other issues as they arose.

Outcome #2: Maintain an efficient and effective fee arbitration process for disputes covered by the rules.

Evaluation: Fee arbitration activity continues at similar levels as prior years (111 cases in 2010). As is typical, successful parties report a high level of satisfaction with the program, while unsuccessful parties have a much lower opinion of it. Although the number of cases continues at a steady rate, there has been a marked increase in amounts in controversy and complexity of matters. We continue to be able to recruit a sufficient supply of volunteer arbitrators, most of whom are very complimentary of the process. The BOG authorized a comprehensive review of the Fee Arbitration Program by a task force in 2010 and its recommendations are expected in early 2011.

Outcome #3: Resolve CSF claims promptly in a fair and consistent manner; maintain financial health of fund.

Evaluation: The CSF Committee continues to be a hard-working and enthusiastic group, strongly committed to the goals of the Fund. Prior years' focus on shortening claims processing time has given way to emphasis on getting them right and ensuring as much consistency as possible. Nevertheless, most

claims are resolved within six months of receipt. The Committee received slightly fewer claims in 2010 than in the prior two years, but the total amount of awards was the highest in ten years.

Outcome #4: Provide timely, accurate and helpful ethics assistance to members.

Evaluation: This service continues to be one of the most highly valued by members, at least based on the informal feedback we receive. Call volume continues at a high level (approximately 20-25 calls/day) and nearly every call is answered the day it is received. Written inquiries are also nearly always addressed the day they are received or within 24 hours. Both GCO and DGC attended the ABA's National Conference on Professional Responsibility in 2010 and participated in other activities to keep them abreast of developments in the field. We received compliments on our regular *Bulletin* articles and on our CLE presentations and both of us are recognized as valuable resources on issues of professional responsibility.

Outcome #5: Assist the UPL Committee in appropriate resolution of UPL complaints.

Evaluation: The UPL Committee's complaints have been decreasing somewhat in the past couple of years. The Committee resolves complaints in a timely manner, most within six months. The quality of investigations and reports has improved over the last year or two. Many factors likely contribute to this trend, including a smaller, more engaged group, strong leadership on the Committee, and trainings for new members.

The Committee no longer has problems with attaining a quorum, and they seem to be more thoughtful and consistent in their decisions. The Committee has made an effort to resolve more complaints by cease and desist agreements rather than through prosecutions. The Committee has also worked hard to develop a cooperative relationship with the Oregon Department of Justice, referring four cases directly to the DOJ where it was clear that significant resources and stronger enforcement tools would be needed to adequately prosecute the case. As a result, no new prosecutions for UPL were initiated in 2010.

Outcome #6: Maintain accurate records of Disciplinary Board proceedings and contribute to the timely disposition of matters.

Evaluation: The DB Clerk function has matured nicely and has enhanced the integrity of the disciplinary process by separating the DB's operations from Disciplinary Counsel's Office. There have been no significant errors or unfavorable incidents; on the contrary, the DB Clerk typically provides more service to DB members than is contemplated by the position. Records

management is accurate and timely, and we are working toward an entirely electronic filing process. GC responds to inquiries and provides procedural guidance to DB members as necessary. Print publication of the DB Reporter was discontinued in 2010 (it has been online for several years); print copies can be purchased on request.

Outcome #7: Ensure efficient and effective operation of the Client Assistance Office and timely disposition of appealed dismissals.

Evaluation: CAO has also matured into an efficient and effective program. CAO has maintained its high level of, but continues to struggle with timeliness of correspondence. CAO staff continues to examine ways to improve efficiency through process improvement through technology and other means. The number of appeals from CAO dismissals continues to be fairly high, but the number of “reversals” is very small, indicating that CAO is conducting the appropriate analysis of complaints received. General Counsel is several months behind in processing appeals because of staffing changes in the fall of 2010, but expects to be caught up and on track in early 2011.

2010 Program Evaluation Human Resources Department

Program Goal Statement

The goal of the Human Resources Department is to maintain compliance with all state and federal regulations related to human resources and safety issues; maintain a skilled, qualified, professional, productive, and diverse workforce as required to meet the service demands of the organization and make a positive impact on service areas; manage a comprehensive and cost effective benefit program; and create and enhance training options at all staff levels.

Program Description

The Human Resources Department provides direct service for all employment, training and development, performance appraisal, staff and member benefit administration, policy development, workers' compensation, and all safety related activities for all bar departments and personnel. The department ensures compliance with federal and state human resources and safety requirements. Department administrative staff directly assists other Executive Services departments and staff with secretarial and administrative support, when requested.

Volunteers/Partnerships

Partnerships: Vendors are used to provide training and products that come with service agreements. The bar utilizes professional insurance brokers to review current policies and advise on market conditions when securing workers' compensation, health, and employment practices coverage. The bar and PLF create a group, where practicable, for health insurance and employee assistance program contracts to ensure best rate premiums.

Outcomes and Evaluation

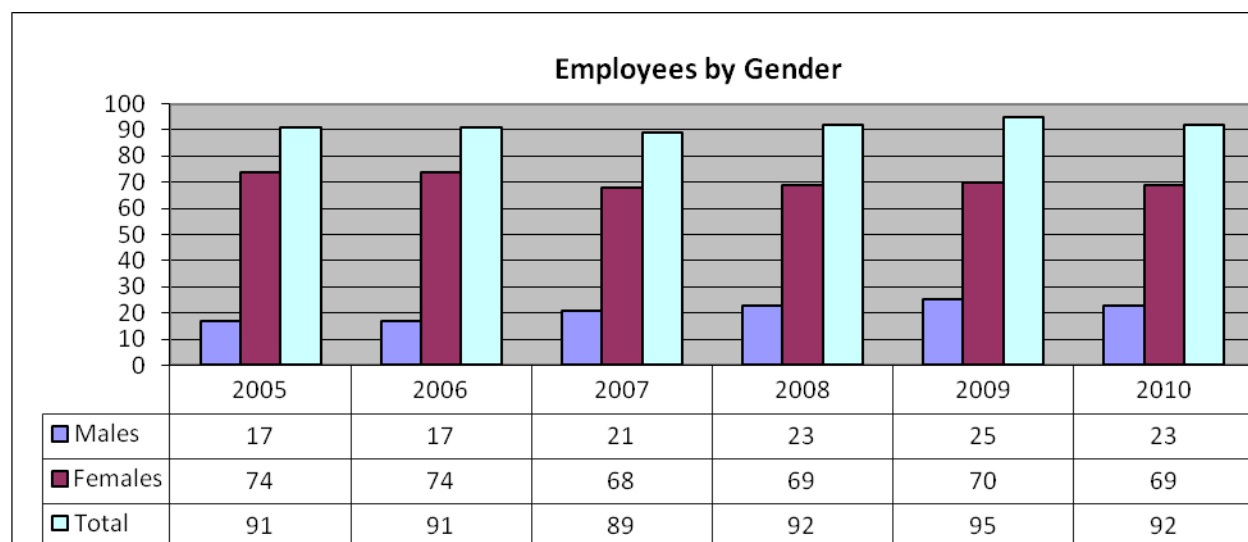
Outcome #1: Fulfill employee placement needs for all regular and temporary vacancies within a reasonable and appropriate amount of time to meet or exceed the needs of the hiring manager. Incorporate methods that will include a diverse effort of outreach and recruitment.

There were 6 open positions in 2010. All positions were filled by year end. Of the five newly-hired employees with a 2010 start date, all five remain employed with the bar. The Board of Governors made a change in the Executive Director position creating a shift in employees. The General Counsel was promoted to Executive Director and the Deputy General Counsel was promoted to General Counsel. Shifting of support staff allowed for the promotion of two current employees.

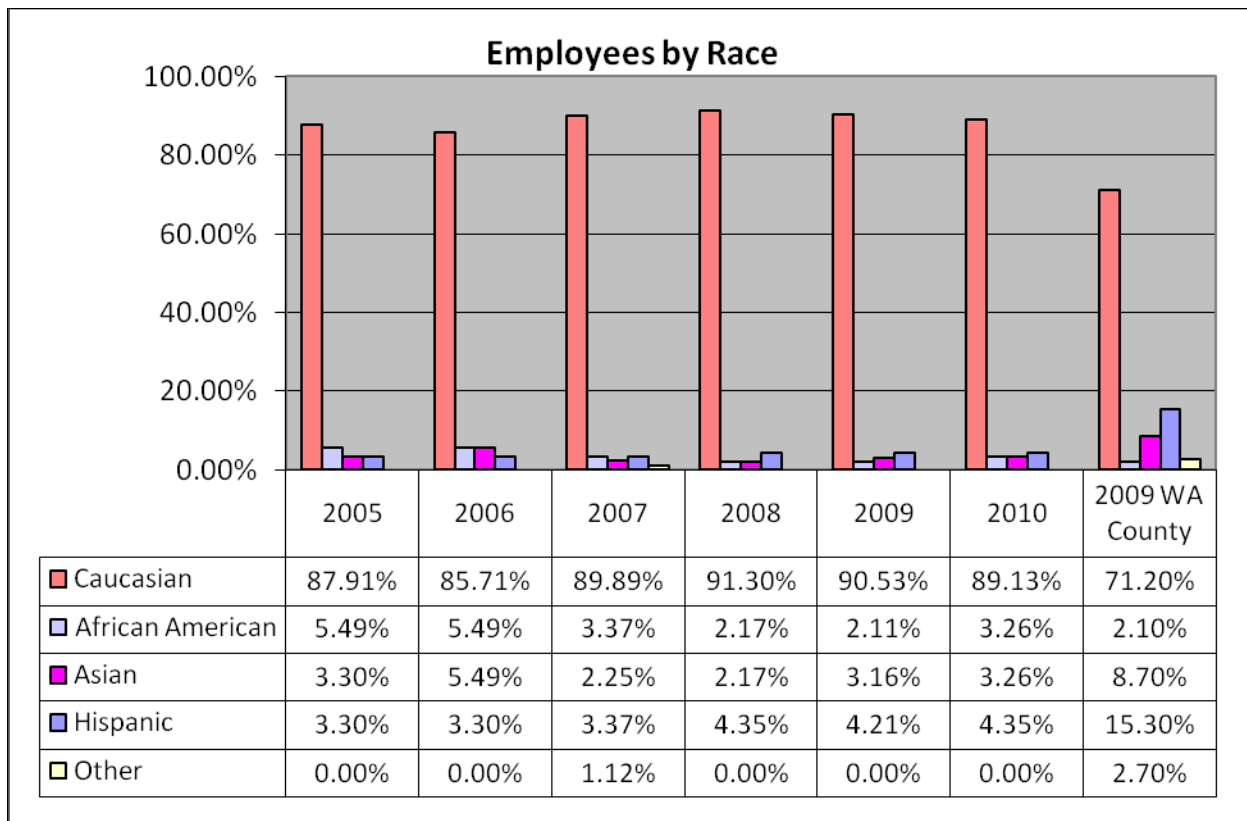
2010 Open Positions

Position Title	Exempt or Non-Exempt	Date Recruitment Started	Date Offer Accepted	No. of Days Open	Internal or External Fill	Still Employed	Race	Sex
Admissions Assistant – Limited Duration	Non-Exempt	02/12/10	02/19/10	7	External	Yes	Caucasian	F
Design and Production Artist	Non-Exempt	06/25/10	08/18/10	54	External	Yes	Caucasian	F
Executive Director	Exempt	08/16/10	08/16/10	0	Internal	Yes	Caucasian	F
General Counsel	Exempt	08/10/10	08/10/10	0	Internal	Yes	Caucasian	F
Deputy General Counsel	Exempt	08/16/10	10/22/10	67	External	Yes	Caucasian	F
Executive Assistant	Non-Exempt	09/22/10	10/25/10	33	Internal	Yes	Caucasian	F
Legal Publications Attorney Editor – Limited Duration	Non-Exempt	10/27/10	10/27/10	0	External	Yes	Caucasian	F
Public Affairs Assistant	Non-Exempt	10/28/10	11/19/10	22	Internal	Yes	Caucasian	F

During 2010, the bar did not hire any males and two male employees left during the year.



While the number of male employees has decreased since 2009, there are now ten employees of color, the most since 2006, when there were 13. The Director of Human Resources has been working with the Diversity Program Manager to increase diversity awareness among bar staff, increase diversity of the applicant pool for posted positions, and identify and address barriers to inclusion. All of these efforts are aimed at developing a more diverse bar staff.



In 2009 and 2010, there were fewer positions to fill resulting in a more focused effort for each opening. A review of the statistics reveals significant decreases in the number of days spent recruiting new employees over the 2008 information. Additionally, there were no recruitment efforts by committee. Even though there were four internal promotions, two of those promotions followed external recruitment efforts.

Number of Days to Hire

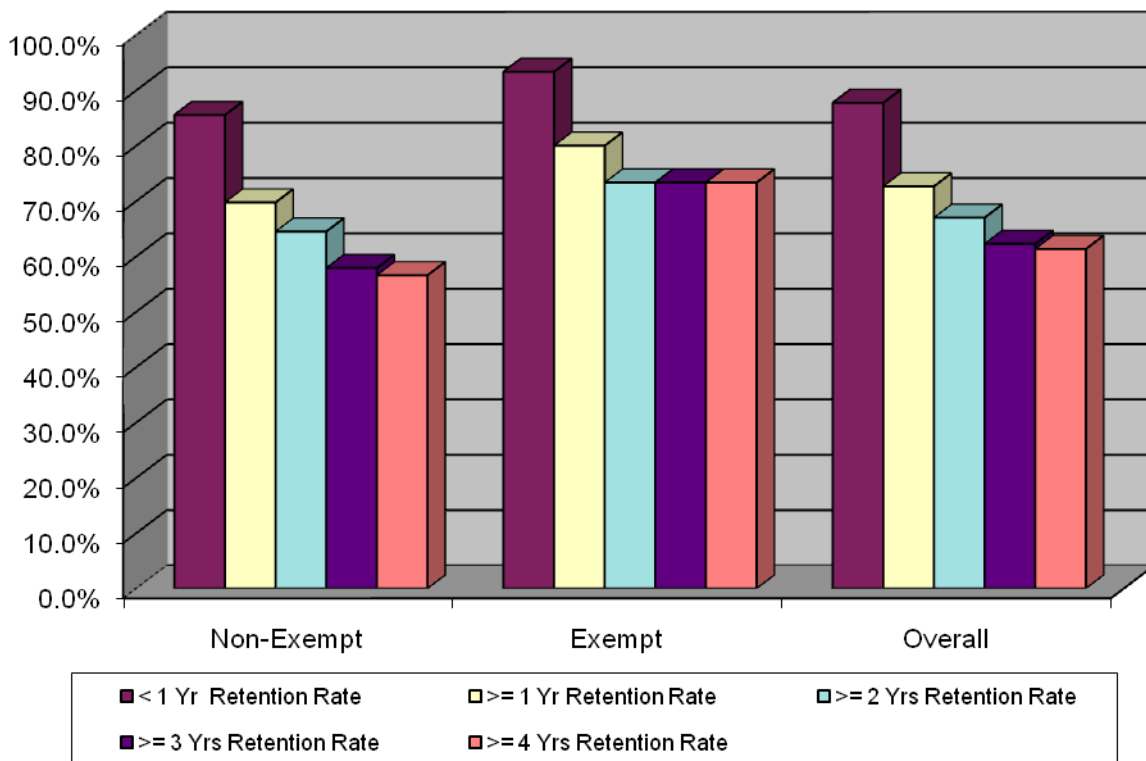
	2004	2005	2006	2007	2008	2009	2010
Number of Filled Positions	21	15	18	19	13	7	8
Average Days to Fill	56.65	69.67	74.06	76.64	102.46	65.00	22.88
Variance (Days)	NA	13.02	4.39	2.58	25.82	(37.46)	(42.12)

Number of Filled Non-Exempt Positions	17	8	13	14	11	5	5
Average Days to Fill	60.40	57.63	70.77	69.72	82.82	63.60	23.2
Variance (Days)	NA	(2.77)	13.14	(1.05)	13.10	(19.22)	(40.4)
Number of Filled Exempt Positions	4	7	5	5	2	2	3
Average Days to Fill	46.40	83.43	82.60	96.00	210.50	72.00	22.33
Variance (Days)	NA	37.03	(.83)	13.40	114.50	(138.5)	(49.67)

Retention Rates of New Hires tracks the to-date retention rate of employees hired since November 2003. During this period, 106 positions have been filled and 41 of those employees have left the bar. Only three have left because they took another job. Ten employees have been involuntarily terminated by the bar (one was the end of a limited duration assignment). The remaining left voluntarily due to geographic relocation, increased commuting expenses, full-time employment, health issues, returning to college, retirement, and “following their dreams,” including starting their own businesses or changing career paths.

Exempt position retention rates tend to be more stable as most exempt employees are in chosen careers for which they have dedicated education and training. Non-exempt staff tends to be in a job where there is more ease of movement including for career or life changes.

Retention Rates of New Hires Since November 2003



Headcount

	2005	2006	2007	2008	2009	2010
Exempt Staff	46	45	45	39	38	39
Non-Exempt Staff	45	45	45	53	57	53
Total Staff	91	90	90	92	95	92
Total FTE	82.972	81.975	84.850	86.275	89.050	85.675

A 32-year director retired at the end of 2010. As of today, there are nine employees eligible for full retirement. Four of those employees are directors or managers. Of those nine, only one might retire in 2011.

Employees Eligible for Full Retirement	July 2009		January 2010		January 2011	
	%	#	%	#	%	#
In less than one year	10	9	11	10	10	9
In less than one year to five years	18	17	19	18	10	9
In less than one year to ten years	32	29	33	31	17	16

Outcome #2: Ensure training and development programs and opportunities are provided and in a cost-efficient manner. Ensure organizational strategy and compliance training needs are met as well as personal and professional growth opportunities.

During 2010, we finished the Foundation for Personal Financial Education (FPFE) seminar series. FPFE is a non-profit organization dedicated to financial awareness in the community. The following is a list of all seminars presented for staff in 2010.

Name of Seminar	Date of Seminar	Cost of Seminar
Advanced Topics in Real Estate – How to Think Like an Investor	01/27/10	\$0
CPR (adult and child)/First Aid/Automated External Defibrillator/Bloodborne Pathogens	05/04/10	\$440
PERS – The Update Presentation	06/24/10	\$0
Fire Extinguisher Use	09/03/10	\$300
Prevention of Harassment/Equal Opportunity Training – for all staff and a supplement for supervisors/managers/directors	10/21/10	\$2,540
Breaking Barriers – Concrete Tools for Working with People in Poverty	11/16/10	\$2,440

This was the most expensive year for staff training. In the past, most training has been presented at no cost. The CPR training always carries an expense. In 2010, that expense was reduced as the bar took advantage of offering the first half of training for new students through an online course. Those students then joined the people taking the refresher course to complete certification. The cost reduction was near 50%.

Though DVDs of the 2005 harassment training were being used for all new hires, it was time to refresh the training for all staff. Brenda Baumgart from Barran Liebman presented the training and allowed us to make new DVDs for future use. As in the past, one seminar was presented for all staff and one for all staff who supervise employees. Both seminars were approved for CLE credit.

Dr. Donna Beegle, a professional speaker, presented a very enlightening presentation about communication issues with people in poverty. The seminar was well received by those who attended. The only disappointment was that few employees attended. This seminar was approved for CLE credit.

Toward the end of 2010, Christine partnered with IDT to present monthly computer training for all staff. Two classes have been held and two postponed.

Outcome #3: Ensure proper employee-related risk management exists by securing the most cost effective and comprehensive workers' compensation and employment practices liability insurance coverage. Ensure human and physical resources are prepared, protected, and trained in critical aspects of safety and management skills.

The Safety Committee continues to be active with quarterly meetings. This year there were four workers' compensation incidents.

- An employee complained of pain in the left arm and wrist – The claim was denied by SAIF stating that the work was not the major contributing cause. The decision was not appealed by the employee.
- An employee suffered a transient ischemic attack – The employee chose not to file a claim as it was not work related.
- An employee suffered a left second toe dislocation and left foot contusion stepping off a truck – The claim totaled \$415,37. The bar paid the medical expenses rather than have SAIF pay the claim so the claim is not considered in the experience modification factor affecting claims.
- An employee filed a claim for right and left sensorineural hearing loss – The claim was denied by SAIF stating that the hearing loss was not work related and it was genetic.

The CFO continues to improve security measures and arranged training for all staff to increase awareness about security issues. He continues to work toward training for the hostile visitor responders. The Director of Member & Public Services and I held a session with reception staff and any employees who fill in at the reception desk to review their options when faced with a hostile visitor.

The bar continued to work with the DEQ about the strong odor coming from outside from the coffee roasting business located nearby. While the volume of roasting does not require the business to mitigate the exhaust of odors from the facility, DEQ has assured the bar that it continues to monitor the situation.

The 2010 workers' compensation policy was renewed with an annual premium of \$9,633 reflecting a \$349 or 3.5% decrease over the 2009 premium. Additionally, the bar received a \$2,000 dividend from SAIF in 2010. The experience modification factor increased from 104 to 107 reflecting claims from policy years 2006 to 2007, 2007 to 2008, and 2008 to 2009. Payroll decreased from \$5.7 million to \$5.2 million resulting in the premium decrease. The two claims in 2008 that increased the experience modification factor occurred during the move into the new building.

The 2010 Employment Practices Liability policy was renewed for \$8,119 per year reflecting a \$158 or 1.98% increase due to increased revenue for the bar. The policy carries the same \$2,000,000 limit, \$15,000 deductible, third-party coverage, and directors and officers liability insurance.

Insurance Coverage and Activity

	2004	2005	2006	2007	2008	2009	2010
Workers' Compensation Claims	1	0	0	0	2	0	0
Annual Premium	\$8,450	\$10,474	\$9,819	\$10,136	\$9,873	\$9,982	\$9,633
Variance	(4.3%)	24.00%	(6.25%)	(0.015%)	(2.59%)	1.10%	(3.5%)
Employment Practices Liability	1	0	0	0	0	0	0
Annual Premium	\$9,765	\$11,237	\$8,633	\$8,643	\$8,224	\$7,961	\$8,119
Variance	(10.49%)	15%	(23.17%)	0.12	(4.85%)	(3.20%)	1.98%

All interested staff were trained or recertified during the annual first aid, CPR (adult and child), automated external defibrillator, and bloodborne pathogen seminar. While there are fewer people trained than there were in the past, there are still several people trained. Scott Morrill, one of our trained employees, was called into action when another employee suffered a transient ischemic attack and he did a wonderful job while waiting for the emergency medical technicians to arrive.

"Tip of the Month" continued throughout 2010 as employment law updates and HR tips were provided to managers and supervisors at the monthly meetings. Topics for 2010 included:

- 2010 New Year's Resolutions (for supervising staff)
- Supporting Diversity As a Manager
- Ninth Circuit Allows Pay Claims for Postwork Activity, Nixes Other Claims

- A How-To List for Building a Culture of Respect
- Vacations Help Productivity, Really
- Position Description Template
- A Guide to Obama's Health Care Reform
- Constructive Criticism: Why Narrative Feedback Doesn't Have to Sting
- Employers' Eye on the Court: The U.S. Supreme Court Will Decide a Host of Employment-Related Cases During Its Current Term

Outcome #4: Ensure compliance with regulatory requirements through continual audits of current policies and practices; updating policies and practices, when appropriate; managing a fully-functioning Safety Committee; and increasing efficiencies in departmental operations.

In 2010, several policies were distributed to staff. Most were revised and three policies were new to comply with new requirements. The issued policies were:

- Bereavement Leave
- Classification of Employees
- Criminal Proceeding Leave
- Family and Medical Leaves of Absence
- Jury Duty or Witness Leave
- Leaves of Absence
- Military Service Leave
- Oregon Military Family Leave
- Oregon Victims of Certain Crimes Leave
- Paid Holidays (twice and currently being reviewed for a third revision)
- Personal Leave
- Sabbatical Leave
- Severe Weather
- Sick Leave
- Vacation

The Telework Authorization was revised to eliminate the annual expiration reducing all the time used to monitor and renew agreements and reducing the need to print so many agreements every year. The authorization was earlier revised to state that employees must comply with all applicable company policies while working at home or at other locations.

Rather than write a policy to comply with Federal and Oregon regulations, another method was created for notifying affected employees of their rights and the bar's responsibilities to employees who need to express breast milk. When a pregnant employee is counseled regarding a leave of absence, she is given and signs for receipt of an information sheet.

2010 Program Evaluation Legal Publications Department

Program Goal Statement

The Legal Publications Department supports the members of the Oregon State Bar in the practice of law through the publication of quality research materials.

Program Description

Building on a history of service that began in the 1950s when OSB published its first legal handbook, Legal Publications provides Oregon attorneys with the basic reference tools they need to practice law in a variety of areas. In 2007, all publications became available online as BarBooks™ and in 2011, BarBooks™ became available to all OSB active members as a benefit of membership.

The basic library contains 48 titles, ranging from brief “booklets” to five-volume treatises, from A (Administering Oregon Estates) to W (Workers’ Compensation). The publications are distinguished from those of national publishers because they are Oregon-specific and written by Oregon practitioners. The focus is on Oregon statutes, cases, administrative rules, forms, and legal traditions. The publications also provide practice tips, caveats, queries, and notes. Many titles include practice forms. Members consistently indicate that OSB Legal Publications products are very important to their practice.

Volunteers/Partnerships

Volunteers: Over 153 bar member volunteers served as authors and editors of OSB publications in 2010. In addition, volunteers organized into committees produced material for *Uniform Civil Jury Instructions*, *Uniform Criminal Jury Instructions*, *Oregon Formal Ethics Opinions*, and the *Disciplinary Board Reporter*. All told, over 210 bar volunteers were involved in some way to produce OSB publications for members in 2010.

Partnerships: The Legal Publications Department is in partnership with the judiciary through preparation of Uniform Civil and Uniform Criminal Jury Instructions used by the courts and lawyers. The department also occasionally works with sections both formally and informally to produce new publications and supplements. In addition, the department assisted the Public Affairs Department in 2010 to produce *2010 Oregon Legislation Highlights*, which provided members with an update regarding the special legislative session.

Outcomes and Evaluation

Outcome #1: Achieve a break-even financial position where year-end revenues are not less than expenses and indirect cost allocation.

Although 2010 direct expenses were 91% of budget, overall expense exceeded revenue by \$274,016. (The 2010 budget projected a net expense of \$222,288 based on prior years' experience.) Print book revenue was only 77% of budget; the shortfall was due to several factors, most notably the announcement that beginning on January 1, 2011, the BarBooks™ online library would be a member benefit. In addition, several books that would have been released in late 2010 were delayed to January 2011 to accommodate the pre-order process, and one very large book, *Land Use*, presented editing challenges that caused a ripple effect in the entire production schedule. BarBooks™ revenue, on the other hand, was very close to budget.

Year	Balance
2005	-181,057
2006	-171,419
2007	-164,831
2008	-151,985
2009	-214,826
2010	-287,647

In late 2005 and early 2006, several new marketing strategies were implemented for print books that were continued through 2010, including the offer of a 10% early-bird discount on all new releases, and using e-mail marketing with related titles linked from the e-mail. In 2008, another new marketing strategy was implemented: cross-marketing by of related titles on the order forms . All of these strategies have been successful. The early-bird pricing moved the bulk of initial sales closer to the release date so that as much as 69% of the revenue was realized on a book in the first 30 days after release. Cross-marketing has enabled us to sell more backlist titles than anticipated.

Outcome #2: Produce high quality books that meet members' needs.

Six books were published in 2010, including 3 revisions, 1 new book, 1 supplement, and a new volume of the *Disciplinary Board Reporter*, with a total page count of 4,818. The department also assisted with copyediting of a new edition of *Oregon Legislation Highlights*.

Year	Pages
2005	5536
2006	5604
2007	5014
2008	4436
2009	3528
2010	4818

The total page counts in 2010 were impacted by staff's continuing transition to two new processes. First, the Attorney Editors now do all editing onscreen . While they work a little more slowly, authors appreciate that they can see all the manuscript edits. The new process also minimizes the amount of time necessary for word processing each chapter, minimizes the potential for errors

inherent in inputting written edits, and frees up production time for other projects . An additional benefit of this change has been a significant reduction in the paper used by the department because the author approval process is now entirely electronic.

Second, the staff attorney editors now cite checking all chapters rather than having them cite checked by a Law Clerk before editing. Although this has slowed down the Attorney Editors some, an analysis of the total time spent per page by having both the cite checking and editing functions performed by the same person revealed that this new process is more efficient. It has also eliminated the need for frequent hiring and training of student Law Clerks.

Page count is not our only measure of success. Quality, as perceived by the membership, is also important. Surveys were conducted on seven publications releases since 2008. The average response rate of those surveyed was 15%. The first question, "When you practice in this area of law how valuable is this book?" received an average rating of 3.82 on a scale of 1-5. The second question, "How satisfied are you with the quality of this book?" received an average rating of 3.97. Written survey comments included the following:

- "Anything 'could be improved.' However, I cannot off the top of my head think of how this set could be improved."
- "Ease of use. It is an easy way to start your understanding of the subject matter."
- "Practice Tips, Forms and citations are all great."
- "I like the Civ Lit Manual, I'm glad we purchased it."
- "Even experienced practitioners can find this publication helpful."
- "The General Principles and General Maxims are especially helpful."
- "Excellent work."
- "Nice format, easy to reference. It's not terribly deep on the rules of evidence in terms of supporting case law, but an excellent quick reference."

Year	How Valuable Average	Quality average
2005	n/a	4.1
2006	n/a	4.07
2007	3.98	4.11
2008	3.92	4.12
2009	n/a	n/a
2010	3.82	3.97

Outcome #3: Maintain electronic offerings that are comparable to what other legal publishers offer.

The BarBooks™ online library was launched as a subscription product in January 2007. It is a robust, professional, and easy-to-use online library. At the end of 2010, 17% of Oregon law firms had paid subscriptions to BarBooks™, down from 20% at the end of 2008. In addition to the paid subscriptions, the Legal Publications Department provided complimentary subscriptions to Legal Aid of Oregon and the Professional Liability Fund.

BarBooks Subscribers by Firm Size									
Comparison to Total Membership									
		Year End 2007		Year End 2008		Year End 2009		Year End 2010	
Firm size	No. of firms in range*	No. of BarBooks paid subs	Percentage of Total	No. of BarBooks paid subs	Percentage of Total	No. of BarBooks paid subs	Percentage of Total	No. of BarBooks paid subs	Percentage of Total
1 Attorney	2674	360	13%	533	20%	397	15%	397	15%
2 Attorneys	382	46	12%	60	16%	58	15%	76	20%
3 to 5 Attorneys	400	49	12%	69	17%	78	20%	80	20%
6 to 9 Attorneys	157	20	13%	34	22%	34	22%	37	24%
10 to 19 Attorneys	93	16	17%	19	20%	22	24%	20	22%
20 to 29 Attorneys	25	5	20%	11	44%	14	56%	9	36%
30 to 49 Attorneys	16	7	44%	9	56%	7	44%	7	44%
50 to 99 Attorneys	7	5	71%	6	86%	7	100%	7	100%
100+ Attorneys	3	3	100%	3	100%	3	100%	3	100%
Total	3757	511	14%	744	20%	620	17%	636	17%
*1 Attorney firms are Active members in Oregon with PLF									

Once the BOG decided to make BarBooks™ a member benefit, the Legal Publications Department worked with the Information and Design Technology and Accounting Departments to implement the new benefit by January 1, 2011. One key component that required immediate action was the modification of the online renewal system to charge a pro-rated fee beginning in July 2010, and the processing of refunds for bar members who had renewed their subscription into 2011.

Year	Bookstore Sales
2002	\$24,000
2003	\$63,500
2004	\$73,500
2005	\$118,153
2006	\$148,219
2007	\$114,344
2008	\$64,364
2009	\$64,600
2010	\$74,798

The Legal Publications Department encourages members to purchase print books at the online Bookstore, a practice that is important with the development of the pre-order process. The online Bookstore was first launched in 2001 and revenue increased significantly each year from 2001 through 2006. The substantial decrease in online sales in 2007 is most likely attributable to increased BarBooks™ subscription sales and a 40% coupon that subscribers could not use at the online bookstore. Bookstore sales increased slightly in 2010, which signals that more members are migrating to online purchasing for pre-ordering print books.

Outcome #4: Adequately protect OSB's intellectual property rights.

The Bar has always taken steps to protect its intellectual property rights, including obtaining copyright agreements from all volunteer authors. Since the launch of BarBooks™, security and protection of the bar's intellectual property has been an issue of increased importance. The Legal Publications Department has relied on the Information and Design Technology Department to safeguard the security of the site so that only subscribers could access BarBooks™. In addition, the site was originally programmed so that all books were viewed by section, decreasing the ability of users to download entire books.

In 2010, the development of the BarBooks™ member benefit included a decision to post publications in PDF so that they can be downloaded in whole or in part as users desire. Legal Publications Department staff created bookmarked PDFs of all books in time for the January 1 launch of the member benefit. To protect the bar's intellectual property rights in the books, each PDF was created with a copyright notice included in the text and the metadata.

Outcome #5: Promote diversity of Legal Publications authors and editors.

The Director of Legal Publications regularly discusses diversity issues with editorial review boards for publications during the planning stage. Editorial review boards are encouraged to recruit minority authors whenever possible. 2010 was the first year that the a desire for diversity was first suggested by the volunteer editors themselves, before the Director could broach the subject. The gender and ethnic original of authors and editors of Legal Publications books have generally tracked very close to the gender and ethnic origin statistics of the active membership of the bar.

2010 Program Evaluation Legal Services Program

Program Goal Statement

The goal of the Legal Services Program is to use filing fee revenues collected under ORS 21.480 and other funds granted from the Oregon Legislature to fund the integrated, statewide system of free civil legal services for the poor which is centered on the needs of the client community; and to work with providers to assure delivery of a broad range of quality legal services to low-income Oregonians. The Legal Services Program includes increasing access to civil legal services by increasing the amount of pro bono services by Oregon lawyers.

Program Description

The Legal Services Program began in 1998, following the Oregon Legislature's appropriation of a portion of court filing fees to support civil legal services to the poor. The legislation required the OSB to manage the funds. The legislation also mandated the development of Standards and Guidelines for providers, and the creation of a Legal Services Program Committee to provide ongoing oversight, evaluation and support to legal services providers, to ensure compliance with the Standards and Guidelines, and to further the program's goals.

As part of the compliance phase, the Director of the LSP conducts peer reviews and facilitates integration of services between the various legal services providers. The Director also works with other funders, the private bar and other organizations in a statewide collaboration to improve access to civil justice in Oregon. The Director also serves as Executive Director of the Oregon Law Foundation. The dual role enhances the collaboration between the OLF, the LSP and other legal services funding sources.

The LSP includes the Pro Bono Program. Under the general supervision of the Director, a part-time Pro Bono Developer works with the OSB Pro Bono Committee to develop and implement strategies that will create a statewide culture of pro bono and greater participation by the private bar. The LSP also manages the receipt and distribution of Unclaimed Lawyer Trust Account funds appropriated to legal services pursuant to ORS 98.368(2).

Volunteers/Partnerships

The Legal Services Program Committee is comprised of seven attorney and two public member volunteers. The LRAP Advisory committee is comprised on nine attorney volunteers.

Outcomes and Evaluation

Outcome #1: Develop and coordinate statewide policies that improve and expand access to legal services for low-income Oregonians.

In 2010 one-half of the \$1 million general fund appropriation was received by the bar and disbursed to legal aid. The fund was reduced twice due to the governor's mandatory reduction in general fund appropriations.

In 2010 the bar started receiving unclaimed funds from lawyer trust accounts appropriated to legal aid under the Oregon Unclaimed Property Act. This change was advertised to lawyers in the Bulletin (article and Bar News) and the email Bar News and on the bar's website home page. Staff met with the Department of State Lands to coordinate systems and complete a Memorandum of Understanding. By year's end the bar had collected over \$130,000 in unclaimed funds. Staff developed a database to track the funds. The LSP Committee recommended to the BOG that the funds be held at least until the beginning of 2012 while we get a better understanding of how many claims will be made.

Staff worked with both legal aid and the bar's Public Affairs Department to monitor and compile information for assist the legislative fiscal office and the Interim Judicial Committee in understanding the impact if legal aid was not longer received a dedicated filing fee. HB 2710 resulted from the actions of the Interim Committee which gives legal aid a flat filing fee amount of \$11.1 million which is \$779,000 less than what would have been received for the 2011/2013 biennium.

Outcome #2: Assure that standards are met and quality services are being delivered efficiently and cost effectively.

Staff worked with representatives from legal aid programs and a consultant from Greater Resource Programs to design new evaluation tools and methods to update the LSP annual reporting and evaluation system. The goal was to better align with regulatory and policy goals including the current ABA Standards for Providers of Civil Legal Services for the Poor.

Over the course of the year, the Director and the LSP Committee worked to resolve a long-standing issue regarding Columbia County Legal Aid's compliance with the LSP Standards and Guidelines. The result was a collaboration between CCLA and LASO pursuant to which LASO staff will provide legal aid services in Columbia County.

Outcome #3: Increase the amount of pro bono services by Oregon lawyers by assisting members in understanding their responsibility to provide pro bono legal services.

OSB Bylaw 13.201 (OSB Pro Bono Certified Programs) was revised to expand the eligibility criteria. A marketing plan was developed to inform agencies and attorneys of the revised rule.

In 2010, two new organizations became certified: U.S. District Court Pro Bono Program and the Oregon Crime Victims Law Center.

In 2010 A Pro Bono Committee CLE subcommittee developed a recommendation to allow MCLE credit for pro bono work. The subcommittee is now working with the MCLE committee to refine the recommendations for presentation to the BOG in 2011.

The 2010 Pro Bono Fair was very successful; attendance was the highest of any of the Fairs so far, with an energetic Committee.

The new web-based program to match up law students to do volunteer research work for pro bono attorneys was kicked off in October 2010. It has been received by the law school and pro bono communities with enthusiasm. It is being touted as an example for other states.

Loan Repayment Assistance Program (LRAP) Program Goal Statement

The LRAP was created in 2007 in recognition that substantial educational debt can create a financial barrier for lawyers who wish to pursue a career in public service law. LRAP awards loan to qualified public service lawyers to enable them to practice in their chosen career.

Program Description

In 2010, the LRAP Advisory Committee awarded loans to seven new participants. Late in the year the Advisory Committee met again and proposed changes in the Policies and Guidelines to allow for more recipients, which changes were approved by the BOG. The full implementation in 2010 of the 2007 Federal College Cost Reduction and Access Act continues to have a significant effect on student loan repayment. The revised policies allow public service lawyers to apply for loans in amounts up to \$5,000, rather than a standard \$5,000, which will allow more public service lawyers to be supported as they pursue the lower-paying public service jobs.

2010 Program Evaluation Minimum Continuing Legal Education

Program Goal Statement

Maintain and improve the competence of Oregon lawyers by ensuring their compliance with the minimum continuing legal education requirements established by the Oregon Supreme Court.

Program Description

The MCLE Rules promulgated by the Supreme Court delegate oversight and administration of the MCLE program to the OSB Board of Governors. The BOG is charged with formulating new or amended MCLE Rules for the Court's approval; the BOG is also authorized to adopt regulations to implement the Rules. The MCLE Rules generally require all active members of the bar to complete 45 hours of continuing legal education every three years. Six of the hours must be in legal ethics or professionalism, including one hour of training in mandatory child abuse reporting. Members are also required to complete three access to justice credits in alternate reporting periods. New admittees are generally required to include 10 hours of practical skills training during their first reporting period. They must also complete a three credit hour introductory course in access to justice.

An MCLE Committee appointed by the BOG serves as program advisor to the BOG by reviewing and recommending changes to the MCLE Rules and Regulations as appropriate to meet program goals. The MCLE Committee also reviews decisions of the MCLE Administrator regarding program and sponsor accreditation, eligible credits and waivers or exemptions, upon request by a member or sponsor. The MCLE Administrator supervises the day-to-day activities and flow of work, accredits programs, and makes decisions about compliance and waivers.

Volunteers/Partnerships

The MCLE program is established by the Board of Governors, subject to the review of the Supreme Court (ORS 9.112). Oversight of the program is delegated by the BOG to the MCLE Committee, which consists of six attorneys and one public member, all volunteers.

Outcomes and Evaluation

Outcome #1: Assure prompt and efficient processing of compliance reports and performance of annual audit.

In 2010, staff completed the processing of 4,430 compliance reports for the period ending 12/31/1009. Notices of NonCompliance were sent to 423 members, and 14 (.003%) were

ultimately suspended for failure to meet their MCLE obligations. This is the same rate as for the 2008 reporting period and slightly lower than previous reporting periods. The standard for this outcome is less than 1% of the reporting group suspended for non-compliance.

For the 2010 reporting period, 4,970 compliance reports were sent via email or regular mail in October 2010. Utilizing e-mail as the primary delivery method saved [insert \$] in paper, printing and postage costs.

The audit of 2009 reports was completed by the end of May 2010 with no problems identified.

Outcome #2: Assure that MCLE Rules, Regulations and procedures facilitate compliance by members.

OSB's MCLE Rules are among the most flexible and generous in the country, allowing for a wide range of programs and accredited activities from which members can meet their requirement. In 2010, over 7,000 programs were accredited. Many members complete their entire requirement by screening online programs.

Staff continues to refine the compliance report, instructions and other informational materials to assist members in meeting their requirements. There is almost always a staff member available to answer in-person, telephone or e-mail inquiries from members and sponsors. Members are nearly universally complimentary about the helpful and courteous assistance provided by staff. There is increasing member interest in being able to update their compliance reports online and file them electronically, and staff continues to encourage the development of appropriate programming to make that possible.

2010 Program Evaluation Member Services

Program Goal Statement

Provide professional networking and leadership development opportunities for bar members through support to bar groups including sections, committees, local and specialty bars and the Oregon New Lawyers Division.

Program Description

The Member Services Department provides administrative support services to the bar's 40 sections and 20 committees. These services include the scheduling of meeting rooms, maintenance of rosters, recruitment and appointment of volunteers, distribution of meeting and membership notices, bar leadership training conference, and compiling annual reports. The department provides similar services to county and specialty bars and the Oregon New Lawyers Division.

The department is responsible for administering the bar's elections and judicial preference polls, the list of Volunteer Defense Counsel members, and the affinity member Visa credit card program. A member of the department serves as administrative staff to the Board of Governors Appointments Committee and Public Member Selection Committee.

Outcomes and Evaluation

Outcome #1: Provide members with professional networking and leadership opportunities that advance the mission and goals of the OSB.

- Assist the BOG with its review of bar programs for fiscal responsibility and alignment with bar mission.

In 2010 the BOG Member Services Committee began an in-depth review of all bar programs to evaluate their purposes and effectiveness. As plans for implementing the New Lawyer Mentor Program developed the amount of overlap between the Leadership College and the new program became evident. Staff worked with the committee to provide all necessary background information. The BOG determined that the bar's resources would have a greater impact if shifted to other programs. Department staff worked with the Leadership College Advisory Board to sunset the college, and continue to work with the board committee on its program review.

- Implement changes to the Bar Leadership Conference format.

County bar and committee leader attendance at the annual Bar Leadership Conference has for some years been significantly lower than that of section leaders. After

considering the applicable information the bar needed to relay to its leaders, staff determined a more detailed county bar and committee leader handbook and a purely section-focused conference would be a better approach. All section executive committee members (not just officers, as in the past) were invited to attend the 2010 conference. The conference format was changed significantly as well. Staff offered an overview of pertinent bar information followed by an opportunity for section representatives to seek more group-specific information during a question and answer social at the end of the organized presentation. On an evaluation, when asked if the material presented would be useful during the year, one section leader wrote "Excellent- and written materials are excellent as well."

- Assist the ONLD in executing the various programs of their five subcommittees.

The most noteworthy change to the ONLD during 2010 was the reinstatement of their after-work socials. Last year the Member Service & Satisfaction subcommittee organized seven after-work events designed to foster interaction and networking for new attorneys. The events alternated between activity socials and unstructured socials each month. The unstructured socials were held at a restaurant in Portland while the activity socials ranged from golfing to a speed-dating style networking opportunity. The success of these events is measured in the number of participants, which increased from 30 in April to more than 100 in November.

Outcome #2: Maintain an effective volunteer recruitment and retention program for the organization.

- Promote the numerous volunteer opportunities available through the OSB and provide support to the BOG during the appointment of lawyer and non-lawyer volunteers to these positions.

The OSB relies heavily on more than 500 member volunteers currently serving on various BOG-appointed committees, councils and boards. In 2010 the department opted to distribute the lawyer volunteer information and application in electronic format primarily. Despite this change and the poor economy, the bar was able to maintain a consistent number of member volunteers as seen in previous years while reducing printing and shipping costs by \$5,000.

- Implement changes to the bar regions as they relate to the BOG election.

In 2009 the BOG and Oregon legislature approved a proposal for restructuring the bar's membership regions and the addition of two lawyer seats to the BOG. Implementation of the restructuring as it relates to the BOG election required coordination with the IDT Department on member voting logistics as well as an increase in recruitment to fill five vacant seats rather than the typical three. Enough candidates ran for the region 4 and 7

positions to warrant an election. In October when the ballots were tallied the election had a typical voter return of 13%.

Outcome #3: Assure that internal and external customers are satisfied with services received.

- Provide excellent customer service to section and committee officers.

A survey was conducted on the services provided by the Member Services Department during 2010; the following ratings were given on a 1-5 scale:

- Section chairs gave a 4.7 for the timely distribution of meeting notices and the accuracy of information provided by department staff.
- Section chairs rated the department staff courteousness as 4.9.
- Committee chairs gave 5.0 ratings to department staff for both courtesy and accuracy of information provided, and 4.9 for the timely distribution of meeting notices.

- Maintain list serves for committees, sections, and other bar groups.

In 2010 the department conducted an assessment of the bar's list serves to determine which of the groups were active and which were inactive. After the assessment, each of the dormant groups was notified of the inactivity with a request to notify the bar if the list serve was no longer needed. While this request resulted in the elimination of three inactive list serves it also jump started several additional groups to begin using their list serve more frequently to distribute information to their membership.

The department maintained 72 list serves throughout 2010. Since the list serves are maintained on a vendor's server a significant amount of staff time is spent each year to update members email addresses to ensure their ability to fully participate. In 2011 the bar is scheduled to bring the list serves onto an internal server which will allow a direct link between the membership database and the list serves, thus eliminating the need for manual email updates to the list serves.

Outcome #4: Maintain accurate contemporaneous and historical records of program activities to comply with bar bylaws, support leadership objectives and assist in organizational planning.

- Facilitate the annual report process for Committees and Sections.

Bylaws for committees and sections require each bar group to supply the OSB Executive Director with a report summarizing the group's activities from the prior year. These reports are compiled by the Member Services Department and distributed to members of the BOG and staff. Each year the number of groups complying with this bylaw diminishes. In 2009 the bar received reports from only 60% of committees and 85% of sections. In 2010 the percentage of groups compiling with the bylaws stands at 55% for committees and 80% for sections.

- Review trends in the number of requests for the Volunteer Defense Counsel list.

The Volunteer Defense Counsel list was created by the BOG in 2004 with the idea that volunteer attorneys would offer consultative services to lawyers accused of misconduct. From its inception the number of volunteer lawyers on the list has risen from 3 to 24. The number of requests received by accused members is also up from 1 in 2004 to 11 in 2010. It should also be noted that the number of requests from January 1 to April 5 of this year has already reached 73% of last year's requests.

Outcome #5: Frequently review department budgets to ensure events and services are conducted using the most financially responsible approach.

- Ensure a smooth transition to the Member and Public Service Department.

In 2010 the department underwent significant changes due to the retirement of the department manager and the loss of the Member Services Specialist position. The total loss of 2.0 FTE was offset by the Communications and Member Services Department merger which resulted in the now Member and Public Services Department. In 2011 the joint department plans to add back .75 FTE with the hire of a department assistant.

- Administer the affinity Visa credit card program.

Since 1997 the bar has partnered with Bank of America to offer members a Visa credit card. In 2010 the bar approved Bank of America to issue three direct marketing mailings to the membership, which was down from seven mailings in 2009. The number of member complaints reduced significantly in 2010 as a result of the reduced direct mailings; however, the bar also experienced a 31% reduction in royalties for a total reduction of \$4,509.

- Eliminate funding for the Leadership College.

As mentioned under outcome #1, the Member Services Department assisted the BOG with the elimination of funding for the Leadership College for a savings of \$41,400 on direct program and general and administrative expenses.

2010 Program Evaluation Public Affairs Department

Program Goal Statement

Apply the public policy knowledge and experience of the legal profession and program staff to the public good.

Program Description

The Public Affairs Department provides information and assistance to bar groups, bar members and government bodies on a wide variety of bar related legislation and public policy issues facing the profession, with special emphasis on access to justice and preserving the independence of the judiciary. The department works closely with OSB sections and committees on law improvement legislation and to identify responses to significant legal trends that affect the practice of law and the bar. The Board of Governors Public Affairs Committee develops the policies that guide the department's work and recommends positions the bar should take on public policy issues affecting the bar and the legal profession.

Volunteers/Partnerships

Volunteers: In addition to the members of the BOG Public Affairs Committee, the department collaborates with several hundred lawyer volunteers, the vast majority from bar sections and committees working on law improvement projects.

Partnerships: The department has working relationships with most other OSB departments. Outside coalition building is an ongoing activity, which currently emphasizes government leaders, business interest groups, political candidates and local legal communities.

Outcomes and Evaluation

Outcome #1: Ensure successful and high quality work on law-related public policy projects and problems, including law improvement.

The Public Affairs Department monitored the 25-day 2010 Supplemental Session in February and published a summary of the results of interest to the legal community: the *2010 Oregon Legislation Highlights*. Since February, department staff have attended interim committee meetings and conveyed relevant information to interested sections.

Public affairs staff also monitored the interim work of both the Oregon Law Commission and the Council on Court Procedures. The Law Commission brings forward bills designed to update and clarify Oregon statutes, and the Council proposes amendments to the Oregon Rules of Civil Procedure.

Department staff participated actively in the deliberations of the Joint Interim Committee on State Justice System Revenues – a committee created in 2009 to establish filing fees and criminal fine surcharges for the 2009-11 biennium. The bar formed its own Court Fees Task Force, which made general recommendations to the interim committee about appropriate considerations in establishing civil filing fees. The interim committee adopted most of the bar’s suggested approach. The task force and the bar advocated for continued funding for legal services through dedicated filing fees. Legislative consideration of the Joint Interim Committee’s recommendations will be a major focus for the bar in the 2011 session.

Public Affairs staff partnered with the courts to educate legislative leaders about the need for adequately funded courts in Oregon to ensure an open, accessible justice system. Department staff also worked closely with the Judicial Department’s eCourt Work Group on its continuing efforts to establish and implement electronic filing and retention of all state court records.

Outcome #2: Inform customer groups while encouraging participation in the governmental process.

During the short special session and the interim, the Public Affairs staff acted as a conduit for information between the legislature and interested bar groups, and as the point of contact between bar groups and the Public Affairs Committee.

The department assisted in organizing a program on legislative and public policy issues for the OSB Leadership College, and also organized a pre-session Legislative Tips Workshop to acquaint lawyers with legislative practice and to provide pointers on how to be effective in the legislative process.

Public Affairs staff met with section executive committees to explain the process for submitting legislative proposals to the Public Affairs Committee. The Public Affairs Department ultimately worked with eight sections to draft 19 legislative proposals, 18 of which were approved by the BOG for bar sponsorship. One was withdrawn by the section that proposed it, but the 17 remaining bills were pre-session filed through the interim Judiciary Committees.

The department published twelve issues of its newsletter – *The Capitol Insider* – via broadcast e-mail to bar leaders throughout the state. Special regional editions were

prepared for the OSB President's Eastern and Southern Oregon tours. The newsletter provides news and information on public policy, budget and political developments that affect the profession. Reader feedback continues to be positive with readership numbers increasing. Public Affairs information on the OSB website continues to improve and provides a user-friendly resource for bar members and the public.

Outcome #3: Assure operational efficiency.

Public Affairs staff continue to make improvements in program operations through the use of technology (access database upgrades), e-mail and the bar's website, as well as other record retention and electronic data management tools. Further modifications to the Access bill tracking database and early alert system have continued to improve and will continue to achieve cost and program efficiencies for the bar.

2010 Program Evaluation Referral and Information Services

Goal Statement

Referral and Information Services (RIS) is designed to increase the public's ability to access the justice system, as well as benefit bar members who serve on its panels.

Program Description

The **Lawyer Referral Service (LRS)** began as a mandatory program in 1971 when attorney advertising was limited by ethics rules. A voluntary program since 1985, LRS is the oldest and largest program in RIS and the only one that produces revenue. The basic LRS operating systems (e.g., computer hardware and software) support the other department programs. Approximately 1,300 OSB members participate as LRS panel attorneys. The Referral and Information Services Department (RIS) also offers several other programs that help both the people and the lawyers of Oregon.

The **Modest Means Program (MMP)** is a reduced-fee program assisting low to moderate-income clients in the areas of family law, landlord-tenant disputes and criminal defense. **Problem Solvers** is a pro bono program offering legal advice to youth ages 11-17. **Lawyer to Lawyer** connects Oregon lawyers working in unfamiliar practice areas with experienced lawyers willing to offer informal advice at no charge. The **Military Assistance Panel (MAP)** connects military personnel and their families in Oregon with pro bono legal assistance. Attorneys volunteering for this program are provided training on the Servicemembers' Civil Relief Act (SCRA) and other applicable law.

Outcome #1: Maintain customer satisfaction by ensuring that client requests are handled in a prompt, courteous, and efficient manner.

RIS continues to mine technology to raise its level of customer service and increase programmatic efficiencies. RIS lowered its abandoned call ratio from approximately 10% on average in 2009 to an average of 5% in 2010. In so doing, RIS captured more potential leads for its panelist attorneys – increasing both client and attorney satisfaction.

Client-attorney complaint and follow-up procedures were improved to ensure that issues are addressed quickly, and email templates and forms were created for faster responses to routine requests. Notwithstanding increases in application submissions and online referral requests, RIS was able to process applications and respond to almost

online referral requests within one business day. Applications are generally scanned and e-mailed to attorneys within 24 hours of when referrals are processed.

In addition, RIS replaced its paper and binder-based resource manuals with an intranet-only, searchable, electronic manual for each RIS Assistant to utilize while assisting callers. Not only does the electronic format allow RIS Assistants to provide more accurate and comprehensive information, they do so faster and more efficiently.

RIS had anticipated conducting caller/online user satisfaction surveys in 2010. However, due to the dynamic nature of the economic downturn, RIS instead allocated resources to improving processes in order to meet growing demands on the MMP.

Outcome #2: Ensure fiscal integrity and consistent program operations.

In 2010, RIS devoted substantial time and energy to researching national Lawyer Referral & Information Services funding models. RIS also continued to implement cost-saving/recovery measures and streamlined procedures, including:

- Scanning and e-mailing of MMP client applications to attorneys, minimizing postage and paper usage, and reducing administrative staff time.
- Continued revision of electronic forms and procedures.
- Continued revision of rotation-hold and reactivation calendar procedures, with built in redundancy and reminder notification, to ensure consistent program operations and increase attorney satisfaction.
- Implementation of more efficient computer program processes to ensure that all MMP and LRS attorneys carry PLF coverage at all times, in accordance with program policies.

Outcome #3: Increase member and public awareness of RIS programs.

In 2010, RIS continued to focus on increasing public and attorney online traffic to and awareness of RIS programs, and on developing and implementing a multi-year MMP grassroots public relations publicity campaign. Specific accomplishments include:

- Online frequently asked questions (FAQ's) for LRS and MMP to increase attorneys' understanding of the programs;
- Online income and asset evaluation criteria to assist attorneys in understanding client eligibility for MMP;
- Online interactive statistics data to assist attorneys in developing and refining their practice areas and evaluating whether to expand to other locales;
- In-person contact at CLE seminars, section and committee events and an all-bar Resource Fair;

- Multiple MMP and LRS advertisements in the Bulletin;
- Grass roots outreach effort to trial court administrators to educate them about recent changes in the MMP and further request that court-appointed counsel denial letters include information about the program;
- Reached out to community leaders to increase awareness of RIS programs, e.g., meeting with Army One Source Oregon Coordinator to further discuss MAP procedures and program parameters and possible coordination of outreach efforts;
- Participated in LegalLinks production to specifically promote RIS programs; and,
- Participated in Tel-Law production and script revisions promoting RIS programs.

Outcome #4: Adapt Services to meet both public and attorneys' needs.

In 2010, RIS implemented changes to the MMP adopted by the BOG in late 2009. The new 3-tiered MMP changes immediately increased the number of applications processed, as well as levels of attorney interest and participation. RIS also expanded the MMP to include foreclosures, but had significantly more difficulty than expected in recruiting the "critical mass" of attorneys necessary to launch this subject matter expansion as quickly as desired.

RIS was also able to complete conversion of the Problem Solvers Program to an independent database. Attorneys without PLF coverage can now participate in the program under RIS's PLF group policy for its certified pro bono programs.