

**Oregon State Bar**  
**Meeting of the Board of Governors**

November 13, 2010

**Minutes**

The meeting was called to order by President Kathleen Evans at 10:05 a.m. on November 13, 2010, and adjourned at 2:18 p.m. Members present from the Board of Governors were Barbara Dilaconi, Kathleen Evans, Ann Fisher, Michael Haglund, Gina Johnnie, Derek Johnson, Christopher Kent, Ethan Knight, Karen Lord, Audrey Matsumonji, Mitzi Naucler, Maureen O'Connor and Stephen Piucci. Staff present were Sylvia Stevens, Helen Hierschbiel, Jeff Sapiro, Rod Wegener, Susan Grabe, Kay Pulju, Anna Zanolli and Camille Greene. Also present were PLF Board Chair Ron Bryant, Jessica Cousineau, ONLD president, and Tamara Gledhill-Kessler, OLND President-Elect, Tom Kranovich and Jenifer Billman. Eugene Buckle, chair of the Council on Court Procedures, attended a portion of the meeting.

**1. Inspiration**

Audrey Matsumonji paid tribute to our country's veterans with a short history of Veteran's Day.

**2. Department Presentations**

Mr. Wegener presented an overview of OSB Facilities & Operations. He described the department's four-fold mission: save money and time, improve processes, improve customer service, and improve learning. .

**3. Nominating Committee**

A. Recommendation for President-elect

**Motion:** Ms. Evans presented the nominating committee's recommendation that Mitzi Naucler be the President-elect in 2011. The board voted unanimously in favor of the motion.

**4. Introduction of New Board Members**

Ms. Evans introduced incoming BOG members Tom Kranovich and Jenifer Billman.

**5. Report of Officers**

A. Report of the President

As written.

B. Report of the President-elect

As written.

C. Report of the Executive Director

As written. In addition, Ms. Stevens asked all 2011 BOG Members to fill out committee preference forms for 2011 and presented the tentative BOG schedule for 2011 and 2012.

D. Oregon New Lawyers Division (ONLD)

Ms. Cousineau reported on a variety of ONLD projects and events described in her written report. She also reported that the ONLD's annual meeting on November 12 was well attended. The ONLD honored Margaret Robinson with a song written by Paul Neese. The ONLD is collecting donations in Ms. Robinson's name for Northwest Coalition Against Sex Trafficking.

Ms. Kessler has been selected as 2011 Chair. She has been with the division for almost five years.

**6. Professional Liability Fund (PLF)**

A. Approval of Changes to PLF Policy 5.200(I)

Mr. Zarov and Mr. Bryant explained the proposed change to the PLF policy on asset allocation.

**Motion:** Ms. Naucler moved, Mr. Knight seconded, and the board voted unanimously to approve changes to PLF Policy 5.200(I) as proposed.

B. 2011 Changes to Coverage Plans

Mr. Zarov and Mr. Bryant explained the proposed changes to the PLF coverage plans relating to the definition of "beneficiary," reduction of claims limit for discretionary expenses, and family member claims.

**Motion:** Ms. Dilaconi moved, Mr. Piucci seconded, and the board voted unanimously to approve the requested changes to the PLF Coverage Plans as proposed.

Mr. Zarov reported on the lawsuit filed by the PLF to determine whether it is subject to the Medicare reporting requirements of the new health care legislation. He has been working with Kateri Walsh in the event the press takes an interest. Mr. Zarov also reported the PLF will have its second-highest annual claims in 2010, principally due to the changes in the real estate market since 2008.

Mr. Bryant reported that Fred Ruby will be the 2011 PLF Chair. He also reported that Mr. Zarov had a very favorable annual evaluation. Mr. Bryant thanked the BOG for including him in its meetings and its support of the PLF budget. Ms. Evans in turn thanked Mr. Bryant for his support and participation.

**7. Special Appearances**

A. Report on the 2010 American Bar Association House of Delegates meeting

As written. The ABA delegates may request time at a special meeting in January to seek guidance on issues that will be before the ABA House in early February 2011.

**8. OSB Committees, Sections, Councils, Divisions and Task Forces**

A. Review Recommendation of Out of State Lawyers in Arbitration Task Force

Ms. Stevens reviewed the report and recommendations of the OOSLA Task Force relating to registration of out-of-state lawyers participating in Oregon arbitrations. The majority concluded that registration is not necessary and recommended against implementing such a program. The minority believed that clients represented by the out-of-state lawyers should have the same protection in the event of malpractice that clients of Oregon lawyers have, and recommended amending Oregon RPC 5.5 to create a registration process requiring proof of equivalent insurance or that the client has been notified that the out-of-state does not have such insurance.

**Motion:** Mr. Kent moved, Mr. Piucci seconded, and the board voted unanimously to adopt the minority view of the task force, including its recommendation for amending Oregon RPC 5.5. This will go to HOD in Oct 2011.

B. Update on Mentoring Task Force

Mr. Piucci reported on the status of the task force's work to date. He reminded the BOG that the Chief wants this mentoring program in effect by May 2011 and that the task force is confident that its "modified Utah model" will be ready in time.

**9. BOG Committees, Special Committees, Task Forces and Study Groups**

A. Access to Justice Committee [Ms. Johnnie]

1. Lawyer Referral Service – DOL Pilot Project

**Motion:** The board voted unanimously to approve the committee motion that the LRS participate in an ABA/DOL pilot project for FMLA and FLSA referrals.

2. Revision to Language in the OSB Legal Services Program Standards and Guidelines

**Motion:** The board approved the committee motion to revise the Legal Services Program Standards and Guidelines relating to provider peer reviews as proposed. (12 yes; 0 no; Ms. Naucler abstained.)

3. Reallocation of Legal Services Program funding to legal aid providers.

**Motion:** The board voted to approve the committee motion that some of LASO's non-statewide funding be reallocated to the Oregon Law Center, with the LSP director authorized to make the final determination as to the reallocated amounts. (12 yes; 0 no; Ms. Naucler abstained.)

B. Appellate Screening Committee

1. Approve Slate to Governor's Office

Ethan Knight reported in Mr. Larson's absence. The committee found all candidates to be qualified and Joe O'Leary, General Counsel for the Governor's office, took the committee's recommendations to Governor Kulongoski.

**Motion:** The board voted unanimously to approve the committee's recommended slate of candidates (**Exhibit 1**).

C. Appointments Committee

1. Appointment to Council on Court Procedures

**Motion:** Ms. DiIaconi reported that the committee had previously selected an appointee to the Council on Court Procedures, but lacked a quorum to recommend the appointment. The board voted unanimously to approve the committee motion that Jennifer Gates be appointed to the open position on the Council on Court Procedures.

D. Budget and Finance Committee [Mr. Kent]

1. 2011 OSB Budget Review and Approval

Mr. Kent reported that there will be net revenue in 2010, confirming the BOG's earlier decision not to seek a fee increase for 2011. The committee had motions relating to two specific components of the 2011 budget.

First was the proposed fee of \$100 for new admittees participating in the New Lawyer Mentoring Program. The fee will be paid at the conclusion of the program and new admittees will receive 6 hours of general MCLE credit to apply to the next reporting period.

**Motion:** The Committee motion to approve the \$100 fee was approved unanimously.

Second was the Diversity Section's request for a contribution of \$10,000 plus in-kind support for the Convocation on Equality (COE) that is scheduled for November 4, 2011. The committee recommends approving the provision of in-kind support, which is estimated to have a value of \$20,000. The committee also recommended assisting the Section with securing the facility for the COE, up to \$11,000. There was a lengthy discussion about the COE at which the following points were raised: it is important that the COE be consistent with the OSB's diversity objectives; should the OSB Diversity Manager oversee the provision of support; this looks to be an impressive program and the BOG should give it support and autonomy; the bar's in-kind and cash contributions will make the bar the largest contributor so shouldn't the event be called the Oregon State Bar COE; it is important to recognize a distinction between the AAC and the Diversity Section; the OSB Diversity Program manager supports the Section's request and has been reaching out to potential sponsors.

**Motion:** The Committee's motion to advance funds necessary to secure the facility and to provide in-kind support was approved. (11 yes; Ms. Naucler and Mr. Haglund opposed.)

**Motion:** The committee motion to approve the 2011 budget passed unanimously.

E. Member Services Committee [Ms. Fisher]

1. OSB Financial and Staff Support for the 2011  
See discussion under Budget & Finance.

F. Policy and Governance Committee [Ms. Naucler]

1. Revised Ethics School Rule of Procedure

**Motion:** The committee recommended approval of a revised BR 6.4 incorporating changes suggested by the Supreme Court. The board voted unanimously to approve the committee motion (**Exhibit 2**).

2. Amendment to MCLE Rule 5.2(c)(2)

**Motion:** The committee recommended adoption of the MCLE Committee's proposal to allow MCLE credit for substantive editing of published work. The board voted unanimously to approve the committee motion (**Exhibit 3**).

3. New Lawyer Training Program Rule

**Motion:** The committee recommends approval and submission to the Supreme Court of the proposed New Lawyer Training Program implementing rule, as amended to replace "an active member" in paragraph 4 with "a member." The board voted unanimously to approved the committee recommendation (**Exhibit 4**).

4. Amendment to Bylaw 16 – CLE and Legal Action Publications

**Motion:** The committee recommended approval of amendments to Bylaw 16, relating to the "self-supporting" aspirational goal, reduced and complimentary registrations, and volunteer recognition. The committee also recommended that the one-meeting notice be waived so that the amended bylaw will be in place when the BarBooks benefit becomes operational. The board voted unanimously to approve the committee motions (**Exhibit 5**).

G. Public Affairs Committee

1. Public Affairs Update on the Election

Ms. Grabe pointed out that the annual sessions will move quickly. Because of the split in both houses, it will be necessary to reach out equally to all sides. The big issue for legislature in 2011 will be the budget. Section bills will be pre-session filed in December. Mr. Piucci suggested having a meeting like the one last year for all the sections that have legislative proposals for the 2011 session. Ms. Grabe plans to send an informative email to bar group leaders prior to the session.

2. Update on Court Fees Task Force.

Ms. Grabe had updated the BOG during the November 12 planning session and no additional information was provided.

3. Formation of Juvenile Dependency/Delinquency Task Force

The Public Defense Services Commission has requested the appointment of a task force to review the juvenile representation standards that have not been changed since 2006.

**Motion:** The committee recommended creation of a task force. The board voted unanimously to approve the committee motion.

**10. Consent Agenda**

**Motion:** Ms. DiIaconi moved, Ms. Fisher seconded, and the board voted unanimously to approve the consent agenda, including additional appointment recommendations (**Exhibit 6**).

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

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# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** November 13, 2010  
**Memo Date:** November 4, 2010  
**From:** Steve Larson, Chair, Appellate Screening Committee  
**Re:** Proposal to Accept Committee's Recommendations

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### Action Recommended

Consider Appellate Screening Committee's candidate recommendations to the Governor's office.

### Background

Judge Jack Landau will step down from Court of Appeals bench upon his swearing in as a Justice of the Oregon Supreme Court in January.

The following candidates have submitted application materials for the vacancy created by the Honorable Jack Landau and have interviewed with the Appellate Screening Committee. Judge Landau announced his resignation from the Court of Appeals effective January 3, 2011 creating a vacancy to be filled by the Governor.

Allan J. Arlow  
John L. Barlow  
Christopher C.S. Blattner  
Roderick A. Boutin  
Nena Cook  
Benjamin C. Debney  
Joel S. DeVore  
Michael T. Dugan  
Susan D. Isaacs

David E.A. Leith  
Christopher A. McCormack  
Lynn R. Nakamoto  
Kathleen J. Rastetter  
Scott A. Shorr  
Alycia N. Sykora  
Timothy R. Volpert  
Steven T. Wax  
Michael C. Zusman

The Appellate Screening Committee of the Board of Governors reviewed the applications and interviewed each candidate. Joe O'Leary, General Counsel for the Governor's Office also participated in the interviews. Upon completion of its review of the candidates, the committee recommends this list of candidates for consideration by the Board of Governors. The board will then make recommendations to the Governor.

## **Proposed Ethics School Bar Rule of Procedure**

### **BR 6.4. Ethics School.**

(a) An attorney sanctioned under BR 6.1(a)(ii), (a)(iii) or (a)(iv) shall successfully complete a one-day course of study developed and offered by the Bar on the subjects of legal ethics, professional responsibility and law office management. Successful completion requires that the attorney attend in person the course offered by the Bar and pay the attendance fee established by the Bar.

(b) An attorney reprimanded under BR 6.1(a)(ii) who does not successfully complete the course of study when the course is next offered by the Bar following the effective date of the reprimand ~~shall~~ may be suspended from the practice of law upon the order of the Supreme Court until the attorney successfully completes the course.

(c) An attorney suspended under BR 6.1(a)(iii) or (a)(iv) shall not be reinstated until the attorney successfully completes the course of study, unless the course is not offered before the attorney's term of suspension expires, in which case the attorney may be reinstated if otherwise eligible under applicable provisions of Title 8 of these Rules until the course is next offered by the Bar. If the attorney does not successfully complete the course when it is next offered, the attorney ~~shall~~ may be suspended from the practice of law upon the order of the Supreme Court until the attorney successfully completes the course.

(d) Notwithstanding the provisions of BR 6.4(b) and (c), an extension of time in which to complete the ethics school requirement may be granted by the Bar or the Supreme Court, as the case may be, for good cause shown.

# OREGON STATE BAR

## Policy & Governance Committee Agenda

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Meeting Date: November 12, 2010  
Memo Date: September 29, 2010  
From: Cindy Hunt, Chair, MCLE Committee  
Re: Proposal to amend Rule 5.2(c)(2)

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### Action Recommended

Review and approve the amendment to MCLE Rule 5.2(c)(2).

### Background

At its meeting on September 17, the MCLE Committee reviewed the request of OSB member Steve Larson regarding granting CLE credit for editing legal publications.

When the MCLE Rules were adopted in 1987, the rule regarding legal research read as follows:

#### 5.2 (d) Legal Research.

(1) Legal research activities may be accredited provided the activity satisfies the following criteria:

(i) It has produced published findings in the form of articles, CLE course materials, chapters, or books, personally authored in whole or in substantial part, by the applicant; and

(ii) It contributes substantially to the legal education of the applicant and other attorneys; and

(iii) It is not done in the regular course of the active member's primary employment.

In 1992, it was brought to the attention of the MCLE Board that many members spend a considerable amount of time editing CLE publications. In 1993, the Supreme Court amended the rule to include credit for editors of CLE publications.

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(1) Legal research activities may be accredited provided the activity satisfies the following criteria:

(i) It has produced published findings in the form of articles, CLE course materials, chapters, or books, personally authored or edited in whole or in substantial part, by the applicant; and

In 2000, the MCLE Committee conducted an overall review of the rules and regulations. After this review, the Legal Research rule was amended in 2001 to disallow credit for time spent editing and allow credit for time spent writing, in addition to the time spent on legal research. It was also expanded to allow credit for members who personally

authored or edited in whole or in substantial part a final product of the Legal Ethics Committee.

The current Legal Research and Writing rule is set forth below:

**Rule 5.2 (c) Legal Research and Writing.**

(1) Legal research and writing activities not included in a teaching activity may be accredited provided the activity satisfies the following criteria:

(i) It has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee, personally authored or edited in whole or in substantial part, by the applicant; and

(ii) It contributes substantially to the legal education of the applicant and other attorneys; and

(iii) It is not done in the regular course of the active member's primary employment.

(2) The number of credit hours shall be determined by the MCLE Administrator, based on the contribution of the written materials to the professional competency of the applicant and other attorneys. One hour of credit will be granted for each sixty minutes of research and writing, but no credit shall be granted for time spent on editing.

Mr. Larson participated in the September 17 MCLE Committee meeting via teleconference and provided information regarding the role of editors. He believes editing is just as challenging as authoring. Editors often perform significant research and can draft changes or send chapters back to authors for reworking. They provide an objective look at each chapter to see that everything is covered, the chapter is balanced, an important case is not missing, etc. Members of the editorial board do not perform stylistic editing, as that is performed by OSB Legal Publications staff.

After a short discussion, the MCLE Committee voted unanimously to recommend amending MCLE Rule 5.2(c)(2) as follows:

**Rule 5.2 (c) Legal Research and Writing.**

\* \* \*

(2) The number of credit hours shall be determined by the MCLE Administrator, based on the contribution of the written materials to the professional competency of the applicant and other attorneys. One hour of credit will be granted for each sixty minutes of research and writing, but no credit shall be granted for time spent on stylistic editing.

Attachments:

The Editorial Review Board Member's Guide to Editing

E-mail correspondence from Steve Larson

Page 3 of Sylvia Stevens' 11/22/2000 letter to Supreme Court

explaining proposed rule amendments

Minutes from April and June 2000 MCLE Committee meetings

Nov/Dec 1992 memo to BOG and draft rule revision

## **Supreme Court Rule on New Lawyer Mentoring Program**

*(as approved by the BOG November 13, 2010)*

1. **Applicability.** All lawyers admitted to practice in Oregon after January 1, 2011 must complete the requirements of the Oregon State Bar's New Lawyer Mentoring Program (NLMP) except as otherwise provided in this rule. Completion of the NLMP will satisfy the participating new lawyer's obligations under Minimum Continuing Education (MCLE) Rule 3.3(b).
2. **Administration of the NLMP.**
  - 2.1. The OSB Board of Governors shall develop the NLMP curriculum and requirements in consultation with the Supreme Court and shall be responsible for its administration. The OSB Board of Governors shall appoint a standing committee to advise the BOG regarding the curriculum and administration of the NLMP.
  - 2.2. The OSB Board of Governors may establish a fee to be paid by new admittees participating the NLMP.
3. **New Lawyer's Responsibilities.**
  - 3.1. The NLMP shall be operated in two sessions each year, one beginning on May 15 and the other on October 15. Unless deferred or exempt under this rule, new lawyers must enroll, in the manner prescribed by the OSB, in the first NLMP session after their admission to the bar.
  - 3.2. The new lawyer shall be responsible for ensuring that all requirements of the NLMP are completed within the requisite period including, without limitation, filing a Completion Certificate executed by the assigned mentor attesting to successful completion of the NLMP.
4. **Appointment of Mentors; MCLE Credit.**
  - 4.1. The Supreme Court will appoint mentors recommended by the OSB Board of Governors. To qualify for appointment, the mentor must be [*an active*] a member of the OSB in good standing, with at least seven years of experience in the practice of law, and have a reputation for competence and ethical and professional conduct. All appointed mentors must complete the NLMP mentor training before participating in the program.
  - 4.2. Mentors may claim MCLE credits, as established by the OSB Board of Governors, for each session during which they mentor one or more new lawyers. A mentor who participates for less than a full session shall be entitled to claim credit on a pro-rated basis.
5. **Deferrals.**
  - 5.1. The following new admittees are eligible for a temporary deferral from the NLMP requirements:

5.1.1. New admittees whose principal office is outside the State of Oregon and for whom the OSB determines that participation in the NLMP would be a substantial hardship;

5.1.2. New admittees serving as judicial clerks; and

5.1.3. New admittees who are not engaged in the practice of law.

5.2. A deferral will extend the new lawyer's MCLE compliance period by one calendar year. Additional one-year deferrals and extensions may be granted upon request.

5.3. A new admittee who is granted a deferral under section 5.1.1 of this Rule and who, within two years of beginning to practice law in any jurisdiction, establishes a principal office within the State of Oregon, must enroll in the next NLMP session. A new lawyer whose participation in the NLMP was deferred under sections 5.1.2 or 5.1.3 of this rule must enroll in the next NLMP session following the conclusion of the judicial clerkship or the lawyer's entering into the practice of law.

## **6. Exemptions.**

6.1. New admittees who have practiced law in another jurisdiction for two years or more are exempt from the requirements of the NLMP.

## **7. Certificate of Completion; Noncompliance.**

7.1. Each new lawyer is expected to complete the NLMP within 12 months of the date of enrollment, but in no event later than December 31 of the first full year of admission to the bar. The Certificate of Completion must be filed with the bar on or before that date.

7.2. A new lawyer who fails to file a Certificate of Completion by December 31 of the first full year of admission shall be given notice and opportunity to cure as provided in MCLE Rule 7.5. The MCLE Administrator may grant additional time for completion of the NLMP as provided in MCLE Rule 9. Failure to cure the noncompliance will subject the new lawyer to suspension from membership in the bar in accordance with MCLE Rule 7.6.

## **8. Reinstatement.**

8.1. A new lawyer suspended for failing to timely complete the NLMP may be reinstated by as provided in Bar Rule of Procedure 8.5.

## Proposed Amendments

### Oregon State Bar Bylaws

#### Article 16 Continuing Legal Education

##### Section 16.1 ~~Self-supporting Philosophy~~ Purpose

The mission of the Bar's CLE Seminars and Legal Publications programs is to ~~publish and maintain~~ produce high quality, practical CLE Seminars, books, and resources on Oregon law in a timely manner, with a goal of ensuring a competent bar by ~~improving~~ enhancing the knowledge and skills of Oregon lawyers.

~~Because the entire CLE function is operated out of the Bar's general fund, the aspirational goal for CLE Seminars and Legal Publications is to be generally self-supporting, with seminar registration fees and publication prices fixed accordingly.~~ Except as otherwise provided herein, participating members of the Bar will not receive compensation for services on behalf of CLE Seminars or Legal Publications, beyond a modest memento or other recognition and payment of expenses within board guidelines.

##### Section 16.2 OSB Continuing Legal Education Seminars Program

###### *Subsection 16.200 Reduced and Complimentary Registrations*

Complimentary admission to CLE seminars is available to the following OSB lawyer members: lawyer-legislators, 50-year members, judges, and judicial clerks. Complimentary admission does not include the cost of lunch or other fee-based activities held in conjunction with a CLE seminar. For purposes this policy, "judges" means full or part-time paid judges and referees of the Circuit Courts, the Court of Appeals, the Tax Court, the Supreme Court, and of tribal and federal courts within Oregon.

Complimentary registration at any event for judicial clerks will be limited to one clerk for each trial court judge and two clerks for each appellate court judge. ~~The CLE Seminars Department may provide a~~ Reduced registration fee, ~~tuition assistance and complimentary copies of programs may be available to certain attendees, in the sole discretion of the CLE Seminars Director or the co-sponsor of a program for new admittees as defined in the Minimum Continuing Legal Education rules, non-lawyer employees of lawyers or law firms, other non-legal professionals and law students.~~ Tuition assistance may be made available on the basis of financial need. The CLE Seminars Department may provide video tapes of CLE seminars, at cost, to the state court administrator or other appropriate distribution source, limited to one copy of the tapes for each seminar. The state court administrator may choose the seminars that he or she wishes to acquire. The policy also applies to federal court libraries in Oregon.

###### *Subsection 16.201 Expenses of Speakers and Planners*

CLE seminar speakers and planners will be admitted free to the seminar and receive seminar materials without charge. CLE seminar speakers and planners are eligible for reimbursement for necessary travel expenses subject to the Bar's travel reimbursement policies.

### **Section 16.3 ~~Continuing OSB~~ Legal ~~Education~~ Publications Program**

#### ***Subsection 16.300 ~~Purpose~~Benefit of Membership***

The BarBooks™ online library comprises all Legal Publications ~~books~~ products as well as other materials ~~as the Bar deems~~ appropriate to include from time to time. BarBooks™ is a benefit of active membership in the Oregon State Bar and is available for purchase by inactive members, ~~and non-~~members, and libraries. The mission of the Bar's CLE Publications program is to publish and maintain high quality, practical books on Oregon law in a timely manner. The CLE Publications library will be composed of: Permanent, core publications, on substantive areas of continuing general interest to members that are supplemented regularly and at least once each three years; intermediate term publications that have a limited life, with supplementation at appropriate intervals and cancellation at the end of their useful life and publications dealing with narrow or specialized topics that are published on an opportunity basis and will not generally be supplemented.

#### ***Subsection 16.301 Discounts ~~on Print Books~~***

Discounts on the purchase of ~~CLE-OSB print legal~~ publications, ~~when available~~, will be allowed to the following: Law school bookstores, law professors when teaching a course using the particular publication, libraries, ~~bookstores or dealers~~ and members of the Bar within one year following their admission.

#### ***Subsection 16.302 ~~Complimentary Copies~~Volunteer Copyright Agreement***

Each volunteer author of a legal publication will sign a Volunteer Copyright Agreement ~~under which provides that~~ the author retains the copyright in his or her chapter, and grants to the Oregon State Bar a nonexclusive right to include the chapter within the Publication as a collective work; to use, distribute, or sell the collective work in any manner the OSB deems appropriate; to revise the collective work, including his or her chapter, for use, distribution or sale as a subsequent edition of the collective work, a revision of the collective work, or as an entirely new publication; with the Oregon State Bar and its licensees having similar rights to use, distribute, or sell the collective work in any manner they deem appropriate. The CLE Publications Department will provide a gift certificate redeemable for the purchase of any CLE publication or BarBooks™ online library to each editor and author of each publication in appreciation for their volunteer efforts on that publication.

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# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** November 13, 2010  
**Memo Date:** November 2, 2010  
**From:** Barbara Dilaconi, Appointments Committee Chair  
**Re:** Appointments for the Consent Agenda (exhibit 1 of 2)

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### Action Recommended

Approve the following recommendations from the Appointments Committee.

#### Access to Justice Committee

Members with terms expiring 12/31/2013:

Fischer, Llewellyn  
Gruber, Diane  
Richardson, Liane  
Watkins, Ulanda

#### Affirmative Action Committee

Chair: Meng, Linda  
Secretary: Thacker, Christina  
Members with terms expiring 12/31/2013:  
Austin, Amanda  
Bartz, Dave  
Gates Rudd, Michelle  
Morgan, Janice  
Reeves, Liani  
Rastetter, Tom

#### Bar Press Broadcasters Council

Secretary: Underhill, Rod  
Members with terms expiring 12/31/2013:  
Albrecht, Cheryl  
Jacobs, Chad  
Olsen, Dan  
Sosa-Tirado, Magali

#### Client Security Fund Committee

Chair: Taggart, Max  
Secretary: Wright, Terry  
Members with terms expiring 12/31/2013:  
Angus, Jane  
Bennett, Steven  
Cousineau, Jessica L

Eggert, Christopher  
Kekel, Eric

#### Federal Practice and Procedure Committee

Chair: Milesnick, Elizabeth  
Secretary: Jerger, Scott  
Members with terms expiring 12/31/2013:  
Bladock, James  
Haddad, Joseph  
Keith, Calvin  
Lora, Sara  
Nakamoto, Lynn  
Sortun, Anna

#### Judicial Administration Committee

Chair: O'Neil, Yumi  
Secretary: Nancy Cozine  
Members with terms expiring 12/31/2013:  
Johnson, Dexter A.  
McGrath, Michael Thomas  
Nordyke, Vanessa A.  
Sugawa-Fujinawa, Kim

#### Legal Ethics Committee

Chair: Elkanich, David J.  
Secretary: Harris, Jet  
Members with terms expiring 12/31/2013:  
Cushing, Kathleen A  
Hansen, Kurt F  
Riordan, Shannon L  
Todd, James

**Legal Heritage Committee**

Chair: Fu, Ning  
Secretary: Luke Stanton  
Members with terms expiring 12/31/2013:  
Aoyagi, Robin  
Anderson, Mary Anne  
Chin, William  
Johnson, Trevor  
Landsverk, Wayne D  
Pfeiffer, Jamie  
Pirtle, Brandy  
Wright, Beth  
Martinez, Paul (public member)  
Mullen, Jay (public member)

**Legal Services Committee**

Chair: Seidman, Scott  
Secretary: Edwards, Amy  
Members with terms expiring 12/31/2013:  
Temple, Ava  
Pennock Barbour, Holly (advisory member)

**Loan Repayment Assistance Program Advisory Committee**

Members with terms expiring 12/31/2013:  
Anderly, Andrea  
Eyerman, Linda  
Freitas, Norma

**MCLE Committee**

Chair: Cribbins, Melissa  
Secretary: Mitchel-Markley, Caitlin  
Members with terms expiring 12/31/2013:  
Bush, Stephen  
Nickerson, Heyke  
Kilian, John (public member)

**Pro Bono Committee**

Chair:  
Secretary:  
Members with terms expiring 12/31/2013:  
Kenney, Brett  
Thompson, Andrea  
Van Camp, Elijah  
Williamson, Meredith

Winter Whelan, Sarah

**Procedure and Practice Committee**

Chair: Bovarnick, Paul  
Secretary:  
Members with terms expiring 12/31/2013:  
Cowley, Craig M.  
Doyle, Dirk  
Kohlhoff, Theresa  
Olson, Steven D.  
Posner, Jason L.  
Pistacchio, Jason M.

**Public Service & Information Committee**

Chair: Tookey, Douglas L  
Secretary: Johnson, Dexter  
Members with terms expiring 12/31/2011:  
Tookey, Douglas  
Members with terms expiring 12/31/2013:  
Li, Jennifer  
Taylor, Avalyn  
Terreault, Brenda

**Quality of Life Committee**

Chair: Schpak, Andrew  
Secretary: Milton Myles, Kevin  
Members with terms expiring 12/31/2013:  
Dukelow, Kyle B.  
Ehlers, Patrick J.  
Tara, Kali  
Wright Decker, Heather  
Tempey, Damon (public member)

**State Lawyers Assistance Committee**

Chair: Welch, Bryan  
Secretary: Lusk, Robert  
Members with terms expiring 12/31/2014:  
Welch, Bryan

**Uniform Civil Jury Instructions Committee**

Chair: Furrer Newton, Cynthia  
Secretary: Jonsson, Scott  
Members with terms expiring 12/31/2011:  
Newton, Cynthia

Members with terms expiring 12/31/2013:

Angeli, Courney  
Casper, Michael  
Courtnage, Emily  
Dozier, Keith  
Houston, Holli  
Kalmanson, Matthew  
Smith, Julie  
Vacura, Julie

**Uniform Criminal Jury Instructions Committee**

Chair: Furrer Howard, Chris  
Secretary: Ludington, Monte

Members with terms expiring 12/31/2013:

Davis, Kara  
Glenn, Kelly  
Kafel, Elizabeth  
Quale, Courtney  
Washington, Michael

**Unlawful Practice of Law Committee**

Chair: Borg, C. Lane  
Chair-Elect: Garcia, Oscar  
Secretary: Whang, Simon  
Members with terms expiring 12/31/2014:  
Watson, Lillian

**Disciplinary Board**

State Chair and Chair-Elect terms expire 12/31/2011.

State Chair: Paul Frasier

State Chair-Elect: William Crow

Unless otherwise noted regional chair positions have terms expiring 12/31/2011 and all members have terms expiring 12/31/2013.

**Region 1**

Chair: Carl W. Hopp Jr.

Members: Dave Coughlin, John G. McBee (public member), and William J. Olsen (public member).

**Region 2**

Chair: Jack Gardner

Members: Carrie Bebout (public member).

**Region 3**

Chair: R. Megan Annand

Members: John E. (Jack) Davis, Joan Marie Michelsen, and Duane M. Schutz.

**Region 4**

Chair: William Blair

**Region 5**

Chair: William Crow

Members: Ronald Atwood, Nancy Cooper, Charles Paternoster, Benjamin Haile, and Leah A. Johnson, Charles H. Martin (public member), Carlos Calderon(public member), and Nicole M. Ferran (public member).

**Region 6**

Chair: Mary Kim Wood

Members: James E Edmonds, Llewelly M. Fischer, Sydney Brewster, Paul Levy, Bob McCann, Yvonne A. Tamayo, Richard M. Miller (public member), Fadd E. Beyrauty

(public member), Vaugh Stanley Edsal (public member), and Dorothy Fallon (public member).

**Region 7**

Chair: Anthony Buccino

Members: Deanna Franco, Walt Barnes, Willard Chi, Andrew M. Cole, Emily Hogan, Dave Paul, Joan LeBarron (public member), and Diane Wustruck (public member).

**Bar Counsel**

Region 1

W. Eugene Hallman

Region 2

Wendy J. Baker, Stephen R. Blixseth, Louis L. Kurtz, Michael H. Long, David B. Mills, Wilson C. Muhlheim, Tina Stupasky, and Liane I. Richarson.

Region 3

Michael Jewett

Region 4

Arnold S. Polk

Region 5

Timothy M. Bowman, Kim T. Buckley, Barry J. Goehler, John M. Junkin, Sonia A. Montalbano, Andrew T. Reilly, and Simon Chongmin Whang.

Region 6

William E. Brickey, Michael F. Conroyd, and Susan Hohbach.

**Local Professional Responsibility Committee**

All terms expire 12/31/2011

BAKER/GRANT

Robert W. Whitnah – CHAIR

Matthew B. Shirtcliff

Ryan S. Joslin

BENTON/LINCOLN/POLK

Matthew L. Jarvis - CHAIR

CLACKAMAS/LINN/MARION

Carol A. Parks – CHAIR

Jennifer S. Hisey  
Ethan Resnick Hasenstein  
David L. Carlson  
John H. Beckfield  
Michael James Buroker  
Linda L. Marshall  
Philip A. Johnson  
Susan R. Gerber

CLATSOP/COLUMBIA/TILLAMOOK

Sarah E. Hanson – CHAIR  
Deborah A. Dyson

COOS/CURRY

Sharon K. Mitchell – CHAIR  
Melissa T. Cribbins  
Brett V. Kenney  
Alexandria C. Streich  
Rick Inokuchi  
Daniel M. Hinrichs  
Megan L. Jacquot

CROOK/DESCHUTES/JEFFERSON/WHEELER

Lisa N. Bertalan – CHAIR  
Steven D. Bryant  
Mark Louis Katzman  
Beth M. Bagley  
Lori A. G. Hellis

DOUGLAS

Bruce R. Coalwell– CHAIR  
Samuel Hornreich  
Dirk E. Doyle

GILLIAM/HOOD RIVER/SHERMAN/WASCO

William H. Sumerfield– CHAIR  
Jeffrey J. Baker  
Deborah M. Phillips  
Linda K. Gouge

HARNEY/MALHEUR

Brian T. Zanutelli – CHAIR

JACKSON/JOSEPHINE

Gerald M. Shean– CHAIR

Allen G. Drescher  
William Francis  
Justin Rosas

KLAMATH/LAKE

Andrew C. Brandsness- CHAIR  
Marcus M. Henderson  
Ronald D. Howen

LANE

Liane I. Richardson- CHAIR  
Jane M. Yates  
Martha L. Rice  
Andrea M. Nagles

MORROW/UMATILLA

Douglas R. Olsen- CHAIR  
James Todd

MULTNOMAH

Daniel L. Steinberg- CHAIR  
Saville W. Easley  
C. Scott Howard  
Elizabeth Kafel  
Heather Bowman  
Michael B. Hallinan  
Jennifer K. Oetter  
Candace H. Weatherby  
Paul Bovarnick  
Theresa M. Kohlohoff  
Jerilyn A. Krier  
Alexander D. Libmann  
Brenda Terreault  
Karen R. Thompson

UNION/WALLOWA

Mona K. Williams- CHAIR  
Paige Louise Sully  
Janie M. Burcart

WASHINGTON/YAMHILL

Catherine A. Wright- CHAIR  
J. Russell Rain

Stephanie M. Lommen  
Fred W. Anderson  
John Berman  
Caitlin J. Mitchel-Markley  
Thomas J. Flaherty  
Kali S. Tara

**State Professional Responsibility Committee**

Chair: Jana Toran, term expires 12/31/2011  
Region 2: Danna C. Fogarty, term expires 12/31/2014  
Region 6: Chelsea D. Armstrong, term expires 12/31/2014  
Region 7: Michael J. Gentry, term expires 12/31/2014  
Public Member: S. Michael Sasser, term expires 12/31/2014

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# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** November 13, 2010  
**Memo Date:** November 12, 2010  
**From:** Barbara Dilaconi, Appointments Committee Chair  
**Re:** Appointments for the Consent Agenda (exhibit 2 of 2)

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### **Action Recommended**

Approve the following recommendations from the Appointments Committee.

#### **Legal Services Committee**

Member: Laurence H. Hamblen, term expires 12/31/2013

#### **Pro Bono Committee**

Chair: Jay Bodzin, term expires 12/31/2011

Secretary: Traci Ray, term expires 12/31/2011

#### **Procedure and Practice Committee**

Secretary: Michael Hallinan, term expires 12/31/2011

#### **Disciplinary Board**

State Chair: Paul Frasier

##### **Region 5**

Members: John Langslet, and Dylan Cernitz with terms expiring 12/31/2013.

##### **Region 7**

Members: Deanna Franco, Walt Barnes, Willard Chi, Andrew M. Cole, Emily Hogan, Dave Paul with terms expiring 12/31/2013.

#### **State Professional Responsibility Committee**

Public Member: S. Michael Sasser, M.D., term expires 12/31/2014

#### **Oregon Law Foundation Board**

Member: William Barton, term expires 12/31/2012

#### **Professional Liability Fund Board of Directors**

Member: John Berge, term expires 12/31/2015

Public Member: Valerie Saiki, term expires 12/31/2015

#### **Legal Aid Services of Oregon & Oregon Law Center Boards**

Member: Lisa Neal-Graves

Member: Wayne Belmont

Member: Michael Mason

Member: Lou Savage

#### **Council on Court Procedures**

Member: Jennifer Gates, term expires 8/31/2013