

Oregon State Bar

BAR LEADER

Handbook 2010

SECTIONS

Includes

Bylaws
Procedures
Deadlines
Forms
Electronic Services



Mission

The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.

Functions of the Oregon State Bar

1

We are a regulatory agency providing protection to the public.

2

We are a partner with the judicial system.

3

We are a professional organization.

4

We are a provider of assistance to the public.

&

And the bar does this as a “public” corporation – as an instrumentality of the Oregon **Supreme Court.**

Values of the Oregon State Bar

Integrity

Integrity is the measure of the bar’s values through its actions. The bar’s activities will be, in all cases, consistent with its values.

Fairness

The bar embraces its diverse constituencies and is committed to the elimination of bias in the justice system.

Leadership

The bar will actively pursue its vision. This requires the bar and all individual members to exert leadership to advance their goals.

Promote the Rule of the Law

The rule of law is the premise of the democratic form of government. The bar promotes the rule of law as the best means to resolve conflict and achieve equality. The rule of law underpins all of the programs and services the bar provides.

Accountability

The bar is committed to accountability for its decisions and actions and will provide regular means of communicating its achievements to its various constituencies.

Excellence

Excellence is a fundamental goal in the delivery of programs and services by the bar. Since excellence has no boundary, the bar strives for continuous improvement. The bar will benchmark its activities to organizations who exhibit “best practices” in order to assure high quality and high performance in its programs and services.

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Questions & Answers

(or everything you always wanted to know but were afraid to ask)

Following you will find brief answers to some of the most commonly asked questions from Oregon State Bar (“OSB”) leaders. Additional detail on each area can be found in the handbook.

1. How do I get an article in the Bulletin?

Please see page 7 for information. For further assistance, contact Paul Nickell, Ext. 340.

2. Who is Teresa Schmid and what does she do? How do I get in touch with her?

Teresa Schmid is the Executive Director of the OSB and may be reached at Ext. 312. She is employed by the BOG to serve as the bar’s chief administrative officer, overseeing the bar’s programs, activities, staff and general operations. [Please see the OSB Membership Directory or visit the OSB web site at www.osbar.org for a current OSB staff list]

3. How do I know who my Board of Governors’ contact is?

Each committee and section has an OSB staff liaison and a Board of Governors’ contact. These are listed on your group’s roster. Your BOG contact is your communication link with the BOG. Most BOG Contacts do not attend meetings, although many do try to attend the first meeting of the year. Feel free to contact your BOG contact.

4. If a section or committee needs Board of Governors’ approval, how do we proceed?

A listing of Board meeting dates is shown on page 12. Contact Teresa Wenzel, Executive Assistant, at Ext. 386, 16 days prior to the board meeting to get an item placed on the agenda.

5. May we file an amicus curiae brief on behalf of the section or committee?

No, amicus briefs must first be approved by the BOG, whether to be filed on behalf of a section or the bar itself. Specific restrictions for filing also exist. Please contact Sylvia Stevens, at Ext. 359, for assistance. [Bar Bylaw 2.105, page 20.]

6. Our committee or section wants to hold all of its meetings in Portland. Can we do this?

Committees and sections are encouraged to schedule some meetings away from the Portland area [please see Guidelines for Meetings, page 35]. The commit-

tee or section should develop its meeting schedule to accommodate all of its members.

7. Who maintains the committee rosters and section executive committee rosters and how do I get a meeting notice sent out?

The OSB Member Services Department maintains committee rosters and section executive committee rosters. Committees should call ext. 384 and sections ext. 385, at the OSB to provide the pertinent information regarding your meeting. An agenda and minutes will be distributed prior to the meeting. The bar encourages sections and committees to send e-mail notification of meetings to save on postage costs. E-mail replies as to meeting attendance can be submitted to the secretary.

Sections

1. How does a Section Executive Committee notice get distributed?

The OSB should be notified 20 days in advance of section meetings. However, if 20 days notice is not practical, then as soon as possible. Mail, email or fax the information, including the date, time, agenda and minutes of the previous meeting to the Member Services Section Specialist and to the assigned bar liaison. These minutes will be distributed along with the meeting notice. Distributoin of meeting notices, agendas and minutes will only be done via e-mail. Responses to secretaries can also be e-mailed. [Standard Section Bylaws, Article III, Section 1, page 15. Also refer to Important Dates and Deadlines for Sections located at pages 39-40.]

2. How do I get a bill paid for a section expense?

Invoices should be sent to Accounts Payable, (Ext. 305), at the OSB with the section name noted on the invoice. The OSB will forward it to the treasurer for coding and approval, and will process payment [Section Chair and Treasurer Guidelines, Check Requisition, page 49.]

3. Our section would like to sponsor a CLE. How do we apply for MCLE credit?

You must apply for MCLE credit by submitting a completed MCLE Form 2 Group Activity Accreditation Application [see form section in the Membership Directory and on the OSB web site]. There is an application fee, that varies depending upon the number of credit hours. MCLE Form 2 may be filed before but must be filed no later than 42 days after the completion of the activity. You will receive a copy of the processed MCLE Form 2 showing the number of credits assigned. You may contact the MCLE Department at the OSB, Ext. 315 or 336, for assistance.

4. Our section wants to hold a reception and serve alcoholic beverages and hors d'oeuvres. Is this an authorized utilization of section funds?

While you may be reimbursed from section funds for food, Bar Bylaw 7.501 (e) states: "Bar funds must not be used to pay the cost of alcoholic beverages." We encourage the use of no-host bars or outside sponsorship.

5. Our section would like to put on a CLE and we're not sure if we want to co-sponsor with the OSB or plan a non-co-sponsored educational program. Who should we talk to?

Call Karen Lee at the OSB, Ext. 382. Sections can choose to co-sponsor with the OSB or not. CLE will work with you regarding a mutually beneficial OSB co-sponsorship. In the alternative, for a nominal per-person fee, the OSB will provide registration services, only, for a seminar. Call the CLE Registrar at the OSB at Ext. 413 to discuss this option.

6. Our section would like to co-host a CLE with another group. May we do so?

Sections may co-sponsor, but must, by board bylaw, offer any co-sponsorship first to OSB CLE. If OSB CLE does not wish to co-sponsor, a section may co-sponsor with an outside entity. If there has been an ongoing arrangement and an agreement with OSB CLE for outside co-sponsorship of a specific program which is of a continuing nature, annual notice is all that is required. [See Bar Bylaw 15.600, pages 13 and 14.]

7. Our section would like to hold a reception at a private club. Is there any restriction on the use of private clubs?

No professional, business, or social function of the OSB, or any of its sections, committees, affiliates or other authorized entities shall be held at any private or public facility which discriminates, in any way, on the basis of race, gender, religion, nationality or any other invidious distinction. [See Article 10, page 22.]

8. If someone asks how they can join a section, what should I tell them? Do they have to wait until the next year?

No, members can join sections through October 31 simply by sending a letter to the Accounting Department of the OSB with a check for the section dues and a request to join the section.

9. Our section would like to take a position on a bill before the Legislature. Do we need prior BOG approval to do this?

Yes, see Bar Bylaw, Article 12, pages 32-33. Every effort is made to minimize restrictions upon sections. However, routine activity is usually processed and approved quickly. Contact Susan Evans Grabe at the OSB at Ext. 380, Matt Shields, Ext. 358, or David Nebel, Ext. 317, for assistance.

10. Our section wants to hire an editor for our newsletter or our website. Can we just do this on our own?

No, you must first determine if the person you wish to hire would be an employee or an independent contractor. We request that you work with Helen Hirschbiel, Senior Assistant General Counsel, at extension 361, to develop any contract. [Please see Section Employees and Independent Contractors, page 43.]

11. May we enter into any contractual arrangement of any type on behalf of our section?

Since sections are a part of the OSB, any contracts executed on behalf of the section must be reviewed by the bar's General Counsel, and executed by the bar's Executive Director. Please contact Helen Hirschbiel, at Ext. 361, for assistance.

12. Can a section use OSB letterhead for correspondence?

The bar has specifically designed a logo for each section. Contact the OSB Design Center, Ext. 414, for more information.

13. Can one of our members decide to set up an educational trust for a deceased member's children?

No, this is outside the scope of section and bar mandated activities. [See Keller v. State Bar of California, Bar Bylaw 12.602, page 33.]

14. Can a section make a contribution to a charitable organization of its choice?

No, any section making a donation to a charitable group can only do so with the approval of the Executive Director. Donations will only allow on the showing by the prospective donor that the donation of the section funds to the charitable entity is related to the purposes for which the section exists.

The following groups have been approved:

Allen Hein Scholarship Fund at NW School of Law of Lewis & Clark College.

Campaign for Equal Justice

Classroom Law Project

OMLA (Oregon Minority Lawyers Association)

OLIO (Opportunities for Lawyers in Oregon)

Peacemakers

Carlton Snows Scholarship Fund

Harry Chandler Scholarship Fund

Multnomah County Probate Advisory Committee

Nation Bar Association – Oregon Chapter

National Council on Juvenile and Family Court Judges

Oregon Lawyer Assistance Foundation (OLAF)

Oregon Lawyers Against Hunger

Section scholarships to the three Oregon law schools i.e. Securities Section awards to securities students.

[See Bar Bylaw, Article 15.401, page 13.]

Whom to Call with Questions

Broadcast e-mails	Sarah Hackbart, ext. 385	House of delegate questions	Teresa Wenzel, ext. 386
Brochures, directories, etc.	Anna Zanolli, ext. 414	Legislative matters.	Susan Grabe, ext. 380
Bulletin editor.	Paul Nickell, ext. 340	David Nebel, ext. 317
CLE co-sponsorship.	Karen Lee, ext. 382	Matt Shields, ext. 358
CLE seminar registration services	Kes Joerg, ext. 326	List serves	Michelle Casney, ext. 384
CLE publication authors	Linda Kruschke, ext. 415	Mailing List.	ext. 411
CLE seminars speakers.	Karen Lee, ext. 382	MCLE sponsor questions	Denise Cline, ext. 315
Cash receipt questions	Michele Peterson, ext. 305	Payment of invoices	Michele Peterson, ext. 305
Committee leadership opportunities	Danielle Edwards, ext. 426	Payroll	Cathi Pittman, ext. 302
Committee meeting notices & room reservations	Michelle Casney, ext. 384	Rosters, committee lists	Michelle Casney, ext. 384
Design center services	Anna Zanolli, ext. 414	Rosters, section lists	Sarah Hackbart, ext. 385
(newsletters, brochures, directories, etc.)		Section budget questions. . . .	Michelle Peterson, ext. 305
Distribution of financial statements	Michelle Peterson, ext. 305	Section bylaw questions.	Sarah Hackbart, ext. 385
General accounting questions	Michelle Peterson, ext. 305	Section contracts.	Helen Hirschbiel, ext. 361
General committee questions	Michelle Casney, ext. 384	Section meeting notices & room reservations	Sarah Hackbart, ext. 385
General section questions	Sarah Hackbart, ext. 385	Web site services	Anna Zanolli, ext. 414

OSB Member Services Staff

503-620-0222 or 1-800-452-8260

Margaret Robinson

Member Services Department ManagerExt. 409

Frank Garcia

Diversity Program AdministratorExt. 337
Administers the Affirmative Action Program.

Danielle Edwards

Member Services AdministratorExt. 426
Committee volunteer opportunities and appointments,
public member recruitment.

Emily Yip

Diversity Program AssistantExt. 338
Provides administrative support to
the Affirmative Action Program.

Shelley Dobson

Member Services SpecialistExt. 404
New Lawyers Division and Leadership College.

Sarah Hackbart

Member Services Section SpecialistExt. 385
Section administration and rosters.

Michelle Casney

Member Services AssistantExt. 384
Public meeting notice, committee meeting notices,
local bar associations and specialty bar assistance.

Commonly Asked MCLE Questions & Answers

What is MCLE?

MCLE is the acronym for the Minimum Continuing Legal Education program. The Rules and Regulations governing MCLE and various MCLE forms can be found on the bar's web site at www.osbar.org.

What is the best way to contact the MCLE staff?

We are available by phone, fax or e-mail:

MCLE Department:

Phone: 503-620-0222 or 1-800-452-8260, ext. 368
Fax: 503-684-1366

Denise Cline, MCLE Administrator

Ext. 315, E-mail: dcline@osbar.org,
Fax: 503-598-6915

Jenni Abalan, MCLE Assistant

Ext. 336, E-mail: jabalan@osbar.org,
Fax: 503-598-6936

How and when do I submit applications for accreditation of programs and applications for teaching or research?

Use MCLE Form 2 for accreditation of a live or group replay CLE. Be sure to include all information requested on the form and, if applying as a sponsor, include the program fee. See MCLE Rule 4.5 and Regulation 4.50 for details.

OSB sections may pay the sponsor fee using a transfer of funds form signed by the section treasurer. Applications will not be processed until all requested information is submitted. The accreditation process takes approximately 30 days from the date the MCLE office receives the application. Applications must be submitted in advance of the program if you wish to advertise that it is accredited and for how many credits. Otherwise, applications must be submitted within 30 days after the program.

What programs qualify for MCLE credit?

MCLE Rule 5 sets out the accreditation standards that are used by the MCLE Department when reviewing applications for accreditation. Programs must have "significant intellectual or practical content" designed to enhance or improve competence as a lawyer. Accreditation is available for programs dealing with substantive law, personal and practice management, ethics, professionalism and diversity.

What kind of programs qualify for ethics credit?

MCLE Rule 5.5(a) states: "In order to be accredited as a legal ethics activity, an activity shall be devoted to the study of judicial or legal ethics and professional responsibility or professionalism and shall include discussion of applicable judicial conduct codes, disciplinary rules or statements of professionalism.

Are there requirements for program length?

To qualify for credit, a program must be at least 30 minutes in length. Programs are given one hour of credit for each 60 minutes of actual instruction, except that there can be a break of not more than 15 minutes in a three hour program.

Oregon Law Foundation and the IOLTA Program

Fact Sheet 2010

IOLTA Program

The Interest on Lawyers' Trust Accounts (IOLTA) program is an innovative way to supply a public good. Client funds that are too small in amount or held for too short of a time to earn interest for the client, net of bank charges or administrative fees, are placed in a pooled interest-bearing trust account. The interest from these accounts is remitted by the financial institutions to the Oregon Law Foundation, a charitable, tax-exempt entity. Financial institutions play a significant role in the success of the IOLTA program. The amount of funding generated through IOLTA each year is dependent upon several factors, including interest rates and bank-imposed service fees. You can help the Oregon Law Foundation by establishing your IOLTA account at (or moving your IOLTA account to) a bank that is committed to maximizing the rate of return on IOLTA accounts. The Oregon Law Foundation's "Leadership Banks" have shown such a commitment. For more information on the Oregon Law Foundation and to see the Oregon Law Foundation's 2010 "Leadership Banks" please go to www.oregonlawfoundation.org.

IOLTA Income

Due to falling interest rates IOLTA income for 2009 totaled only \$1,00,000, only 30% of what was received in 2007. Because interest rates are predicted to stay low in 2010 IOLTA income will continue to decrease and the 2010 total is projected to be the same as 2009.

2010 Grantees

For 2010 the Foundation awarded \$1,800,000 in grants that greatly benefited the economically and socially disadvantaged citizens of Oregon. Grants totaling \$1,334,575 were made to the legal aid offices which are Legal Aid Services of Oregon, Center for Non-Profit Legal Aid (Jackson County), Oregon Law Center and the Lane County Law and Advocacy Center. Other direct service grants totaling \$446,925 were made to Immigration Counseling Service, Oregon Advocacy Center, St. Andrew Legal Clinic, Multnomah Volunteer Lawyers' Project, Juvenile Rights Project, Northwest Justice Project and Hood River Legalization.

In addition to the Foundation's focus of direct service to economically disadvantaged Oregonians, the Foundation funds legal education that benefits all citizens and promotion of diversity in the Legal profession. For 2010 \$13,500 was awarded to Classroom Law Project, and \$5,000 to OSB Affirmative Action OLIO program.

Grant Application

To be considered for an OLF grant, application must be received not later than October 1. Applications are available in August either by request or they can be downloaded from our website www.oregonlawfoundation.org. The Board makes grants once each year, in November, for payments to be made in four equal installments. In the absence of special circumstances, the funding period for successful applicants is one year. Eligibility considerations and requirements; the focus of the Foundation continues to be support of access to justice in Oregon by obtaining and distributing funds to provide legal services to persons of lesser means.

For further information, please contact the Oregon Law Foundation Executive Director, Judith Baker, at extension 323 at the Oregon State Bar.

Oregon State Bar Bulletin

2010 Bulletin Editorial/Advertising Deadlines

Issue	Bulletin Deadline	Bar News Deadline	Mailed
January	November 26, 2009	December 19, 2010	January 6, 2010
February/March	January 15, 2010	February 5, 2010	March 5, 2010
April	February 12, 2010	March 5, 2010	April 2, 2010
May	March 19, 2010	April 9, 2010	May 7, 2010
June	April 16, 2010	May 7, 2010	June 4, 2010
July	May 21, 2010	June 11, 2010	July 9, 2010
August/September	July 16, 2010	August 6, 2010	September 3, 2010
October	August 13, 2010	September 3, 2010	October 1, 2010
November	September 17, 2010	October 8, 2010	November 5, 2010
December	October 15, 2010	November 5, 2010	December 3, 2010

Editorial and Advertising Guidelines Oregon State Bar Bulletin

The Bulletin is published for members of the Oregon State Bar (OSB). The Bulletin is published monthly and distributed during the first week of the month, except for double issues in February-March and August-September. It is not a consumer magazine, nor a law library text/review book. The purpose of the Bulletin is to provide the members of the Oregon State Bar with information that will directly affect their practice of law in Oregon, will aid and improve their business, and will keep them informed on activities and issues in the legal profession.

Deadlines

Contact the Oregon State Bar Bulletin editor at (503) 620-0222, ext. 340, or editor@osbar.org. The in-state toll-free line is 1-800-452-8260.

Classified Advertising

Classified advertisements are available for purchase by both OSB members and non-members. Firms or organizations offering professional employment opportunities or services are available to OSB members and non-members at the same rate. Non-position and non-service advertising is provided to OSB members at a reduced rate.

Lawyer Announcements

Paid advertising space is available for members to announce changes in law firms or practices. Such advertising is available only in the Bulletin, and only to members of the Oregon State Bar, or their law firms or offices.

Rates

For rates and other information, contact the Oregon State Bar advertising coordinator at (503) 620-0222, ext. 348, or advertising@osbar.org.

OSB Electronic Services

Casemaker™ Online Web Library

The Casemaker™ Web Library contains a library of Oregon, and other state and federal resources. The library permits search and browse functions for legal research and is a valuable membership benefit. An online tutorial and user manual are also located on the website via the member login page.

Membership Fees and Section Enrollment

View and make payments for your membership and section fees online, or print your statement and mail your payment to the bar. Also, view your section's current membership roster.

Member Profile Update

You can change your address online through the member login page. The online Member Directory is updated daily.

OSB Online Voting

Online voting is available to members who have listed an e-mail address as part of their permanent bar record. Electronic elections offer convenience to members, save money, and increase member participation.

Telephone Conferencing for Committees and Sections

Premiere is the conference call provider for the Oregon State Bar. Groups utilizing this service have service available 24 hours a day, seven days a week, with no prior set-up required.

Sections and committees have individualized toll-free numbers along with the conference ID number.

The numbers are included on meeting notices for members who occasionally call into a meeting.

Conference call services continue to be free to Oregon State Bar Committees. Sections continue to be charged a minute rate for conference calls.

Web Conferencing

The Oregon State Bar has contracted with Premiere, a provider of web conferencing services. Premiere is a full-featured web conferencing service that lets you easily conduct online web and audio events from start to finish for virtually any size audience. Premiere allows you to organize and conduct meetings online, view and share documents.

Web-conferencing is available at no cost to Oregon State Bar Committees. Section Executive Committees will pay an hourly fee, as yet to be determined.

If you would like more information about web-conferencing services contact Danielle Edwards, Member Services Administrator, 1-800-452-8260, ext. 426, 503-431-6426 or dedwards@osbar.org.

Web Surveys

The Oregon State Bar uses a variety of services to conduct online surveys for the bar and sections. Pricing is based on the length and type of survey desired, and the bar can provide a quote per your section's specific needs. If you would like more information about web surveys, contact Anna Zanolli, Design Center Supervisor, 1-800-452-8260, ext. 414, 503-431-6414 or azanolli@osbar.org.

Website Services

Several options are available to OSB sections who want to develop a presence on the web—from a basic business “e-card” page to a full-blown website:

Basic web page

Design and hosting included
Content..... created & maintained by OSB

A basic section web page is maintained for each section on the OSB website. This web page contains the group’s dues, membership, executive committee and annual report. These pages follow a templated design and are maintained by the OSB Design Center. No section editor is required and the cost of these pages is included in the section member assessment.

Share your links: Sections that have created a web page with practice area links are encouraged to add their link content to the bar’s main site and will receive a credit for this contribution on the bar’s site. The bar’s internet resources page is a popular site among practitioners and the Legallinks pages reach a wide public audience. The bar will credit the section for its contribution and maintain a link to the section’s website on those respective pages of the bar’s website.

Expanded web page

Design and hosting included
Content..... created by section
Page updates OSB Design @ \$40/hour

Basic pages can be expanded to include section newsletters (pdf format) and practice area links. The section is asked to appoint a web editor to create and maintain this additional content, and to develop an update schedule and procedure with the OSB Design Center.

Collaborative web site

Design..... OSB Design @ \$40/hour
Content..... created & maintained* by section

A section can choose to create and maintain a site on a collaborative site that provides a set of web development tools that can be accessed by one or more section web

editors. These basic sites contain no advertising. The OSB Design center will help the section create a site on homestead.com that contains the basic web page information outlined above. Additional content must then be provided and maintained by the section web editor(s). Design Center staff can provide instruction in the site web development tools as well as bar graphics.

The bar will pay the annual fee for collaborative section sites. If the section does not contribute and maintain content on the site during the course of the year, the bar reserves the right to close the site after notifying the section.

*Occasional website updates may be available through the OSB Design Center at the standard design rate of \$40/hr. Please contact Anna Zanolli (ext. 414) for availability and scheduling, and for training information.

Custom web site

Site design..... negotiated with designer
Content..... created & maintained by section

OSB hosting* included
File uploads to OSB site included
Non-OSB hosting ...negotiated with web host

Sections may also choose to completely design and maintain their own web sites.

OSB hosting: The bar will host a custom web site on its server at no additional cost to the section. OSB hosted sites must be designed to work on the OSB server and, as such, set up and features must be approved in advance by the bar. Pages on these sites are maintained and updated by the section web editor and sent to the OSB Design Center (webmaster@osbar.org) for upload to the bar’s site. This upload is normally available within the same work day. Supplied pages must be web ready, or Design Center can be hired to finalize these pages (\$40/hr.).

Non-OSB hosting: The section may choose to have its custom site maintained on a server other than the bar’s. In such a case, the bar will maintain a link on the bar site to the provided URL.

Please contact Anna Zanolli (ext. 414) to discuss your section web site needs and for more information on any of the options above.

Electronic Communications Policies

Member Services Department, Oregon State Bar

The Oregon State Bar Member Services Department provides electronic communications such as broadcast e-mails, list serves and broadcast faxes to bar groups. These groups consist of sections, committees and local bar associations. These services provide cost-effective communication methods to disseminate information regarding CLE seminars and group activities.

BROADCAST E-MAIL

Broadcast e-mails are for official section, local bar association and committee business only. A typical broadcast e-mail announces meetings, CLE seminars, conferences, symposiums or networking opportunities. Broadcast e-mail services from the Member Services Department are not available to express political views, job announcements, solicitations to OSB members to join sections, or to purchase products.

The following conditions apply to the sending of broadcast e-mails:

1. Requests for broadcast e-mails must be received by Member Services a minimum of two (2) business days prior to distribution. Such requests must indicate the group(s) to receive the e-mail and the date by which the e-mail is to be sent.
2. The information to be sent must be in a single document, no more than one page in length and include a subject line.
3. Attachments are not included in broadcast e-mails, all text must be embedded in the body of the e-mail. However a link to a CLE brochure can be placed into the broadcast e-mail.
4. The broadcast e-mail text must designate the person who is to receive e-mail replies.
5. Section e-mails may include the sponsoring section and up to two additional sections for free. If a section e-mails to more than two additional sections, a charge of \$25 per additional section will be assessed. E-mails to the total bar membership are not allowed.
6. Local bar association broadcast e-mails may be sent to all lawyers in a particular county as well as surrounding counties.

7. Unless the broadcast e-mail is county-wide, local bars must provide a current list of members with the broadcast e-mail request.
8. Sections, committees and local bars utilizing broadcast e-mails to market a CLE seminar may send an initial announcement and no more than two reminders per seminar.
9. Bar committees may utilize broadcast e-mails for meeting notices, seminar announcements and legislative information.

All broadcast e-mail requests are subject to review and approval by Member Services staff.

LIST SERVES

Upon request, the Member Services Department will create an Executive Committee or full section list serve or both. OSB committees may also utilize list serves.

The purpose of the list serve is to facilitate communication among members of the group. Note that list serves are a private list: participation is open only to members of the group who have e-mail addresses registered with the Bar.

Once established, each Section Executive Committee is responsible for monitoring their own section list serves and must work with the OSB Member Services Department to remove or change any members list serve status. A copy of the standard list serve welcome letter is in the current Bar Leader Handbook..

BROADCAST FAXES

Broadcast faxes may be utilized by local bar associations only. This support service is provided by Member Services to local bars at no cost. Requests for broadcast e-mails may stipulate that broadcast faxes be sent to members who do not have an e-mail address registered with the bar.

For the current status of these services, contact Sarah Hackbart, Member Services Section Specialist, 503-431-6385, 1-800-452-8260, ext. 385 or shackbart@osbar.org.

Members of the Board of Governors

Officers

President: Kathleen Evans
President – Elect: Stephen V. Piucci

Members

Terms expiring 2010

Kathleen A. Evans
 969 13th St SE
 Salem, OR 97302
 Phone: (503) 588-5670
 kathy@kevanslaw.com

Ann L. Fisher
 AF Legal & Consulting Services
 PO Box 25302
 Portland, OR 97298
 Phone: (503) 721-0181
 energlaw@aol.com

Karen Lord, Public Member
 2496 Landau St SE
 Salem, OR 97306
 Phone: (503) 585-7149
 karenlord@gmail.com

Vacant Seat
**This region 5 seat will be filled
 by appointment.**

Terms expiring 2011

Gina A. Johnnie
 Sherman Sherman Johnnie & Hoyt
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 Phone: (503) 364-2281 ext. 19
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 ckent@kentlaw.com

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2010 Board Meeting Schedule

Committee Meetings at OSB Center	Board Meeting	Locations	Events
January 15	February 18-20 <i>Disciplinary Counsel</i>	j. james Restaurant Salem Oregon Garden Silverton	Lunch with Supreme Court President's Reception, Dinner with ONLD, Leadership College
March 19	April 29-30 <i>Communications</i>	Oregon State Bar Center	Board Meeting, Joint PLF Mtg.
May 14 <i>Past BOG Dinner</i>	June 17-18 <i>Legal Publications</i>	Geiser Grand Baker City	Board Meeting, Regional Bar Social
July 16	August 12-13 <i>Public Affairs</i>	Oregon State Bar Center	HOD Agenda Approval
September 24	October 29 (HOD)	Oregon State Bar Center	HOD Annual Meeting (1:30 p.m.)
	November 11-14 <i>Finance & Operations</i>	Timberline Lodge <i>Timberline</i>	BOG Planning Retreat, Regional Bar Social

Bar Bylaws

Article 15 – Sections

Section 15.1 Purpose

Sections are an integral and important part of the Bar. Sections are intended to provide bar members who share particular interests an opportunity to develop and improve skills and to provide a forum for communication and action in matters of common interest.

Section 15.2 Formation

Any 100 members of the Bar who wish to form a section in a particular area of law may submit a petition to the Board to create a section. The petition must state that the signators are committed to becoming members of the section, if the Board approves forming the section. The Board must consider creating a section when it receives the petition and determines that the proposed section does not duplicate another section's activities or area of legal interest. The Board may merge, reorganize or abolish sections at the request of affected sections or as the Board deems appropriate. Factors that the Board must consider include, but are not limited to, the section's membership falling below 100 members, failure to conduct Continuing Legal Education activities or failure to hold regular meetings.

Section 15.3 Bylaws

Sections are governed by the Standard Section Bylaws adopted by the Board. Sections may propose and the Board may approve, modified bylaws commensurate with the section's needs.

Section 15.4 Finances

Subsection 15.400 Dues

The Bar will assess and collect section dues at the same time that bar membership dues are collected. Section dues will be assessed and collected together with bar dues by the Bar. The Board must approve the dues for each section. Each section should set dues at an appropriate level to pay for programs and activities. The Bar charges each section a per capita fee equal to 50 percent of the cost of providing services to the sections. This fee is recalculated periodically as determined by the

Executive Director. No section may maintain a separate bank account. Each section's receipts and expenditures are handled by the Bar and accounted for in the section's monthly financial statement provided by the Bar. Interest on section accounts accrues to the Bar's General Fund and is used to offset the calculation of the per capita fee.

Subsection 15.401 Donations

Sections may make donations to charitable causes only with prior approval of the Executive Director. The Executive Director will allow such donations only on a showing by the prospective donee that the donation of section funds to the charitable entity is related to the purposes for which the section exists. For sections that are not entirely self-supporting, as described in Article IX, Section 5(B) of the Standard Section Bylaws, the prospective donee must also show that the donation fits within the limitations set forth in Section 12.1 of the Bar's Bylaws.

Section 15.5 Administrative Services

Special services of the Bar that are not included in the calculation of the per capita assessment may be made available at cost to the sections upon adequate notification to and negotiation with the Bar. Sections must give the Bar the first opportunity to provide the necessary publications production support services before contracting with outside organizations or individuals. Sections seeking to contract for any goods or services with outside organizations or individuals must contact the General Counsel's office of the Bar for preparation of appropriate contract documents and must obtain the Executive Director's prior approval of all such contracts.

Section 15.6 Continuing Legal Education Activities

Subsection 15.600 CLE Publications and Seminars Scheduling

The Bar, is the informational clearinghouse for the CLE activities of each section. Each section should advise the Bar's CLE Publications and Seminars Departments of any proposed CLE activities at the earliest possible date and in accordance with timelines established by the CLE Committee.

Subsection 15.601 CLE Event Co-sponsorship with Bar

If a section decides to seek co-sponsorship for a CLE event, it is encouraged to first contact Bar's CLE Seminars Department. If the CLE Seminars Department is unavailable to co-sponsor the seminar event, the section then may seek co-sponsorship with other organizations. The CLE Seminars Department will establish policies for bar co-sponsorship of section CLE events. These policies will address issues such as event revenues and expenses, topic, speakers, date and location.

Subsection 15.602 Oregon State Bar Logo

A section that plans a seminar or a publication without the Bar's co-sponsorship must indicate clearly on all publicity, printed seminar materials and publications that the seminar or publication is a section endeavor and the sponsoring section. The section must not use the Oregon State Bar logo or the phrase Oregon State Bar CLE. A section that plans a seminar without the Bar's co-sponsorship is responsible for applying for Minimum Continuing Legal Education credit for the seminar.

Section 15.7 Grants

Sections may apply for grants only with prior approval of the Board of Governors. The board will allow grant applications only upon a showing that the grant activity is consistent with the section's purposes and the mission of the bar. The board may disallow any application that the board does not believe is in the best interests of the bar. The grant application must be reviewed and approved by OSB General Counsel before submission to the grant-making organization. Any grant funds received by a section shall be deposited with the bar and will be distributed only upon request of the section treasurer and in accordance with the grant specifications. The section must periodically report to OSB General Counsel regarding the status of the grant project and any reports to the granting organization must be reviewed and approved by OSB General Counsel in advance of submission.

Standard Section Bylaws

Revised 5/08

Article I Definition And Purpose

Section 1. Sections provide Bar members who share interests in particular substantive areas of law an opportunity to develop and improve skills and provide a forum for communication and action in matters of common interest.

Section 2. Sections may adopt a statement of purpose.

Section 3. The Section shall not participate in or take a position with respect to the election or appointment of a candidate for any public office.

Article II Membership

Section 1. Any active or inactive member of the Oregon State Bar may be a regular member upon payment of the membership dues. Any active member of another state bar may be an out-of-state member. Sections are encouraged to offer complimentary membership to 50-year members and to judges and their lawyer staff. Nonlawyers may be associate members as provided in Section 2 of this Article. Only regular members may vote and hold office except as otherwise specifically approved by the Section membership and the Board of Governors.

Section 2.

(A). Associate membership shall be available to: (1) employees of an Oregon lawyer or employees of the legal department of a corporation or government entity who are supervised by an Oregon lawyer, (2) law students, and (3) members of related professions.

(B). Out-of-state members as defined in Section 1 and associate members as defined in Section 2(A) are automatically entitled to membership upon payment of section dues unless the Section votes at its annual meeting to “opt out” and not include either out-of-state members or associate members.

(C). Out-of-state members and associate members shall certify their qualifying status upon initial application for membership and annually upon renewing their membership.

(D). Out-of-state or associate membership shall terminate immediately upon the termination of the member’s qualifying status. There shall be no refund of dues in that event.

Section 3. Membership dues shall be set by the membership of the Section at the annual meeting of the

Section or by mail or electronic ballot, subject to subsequent approval of the Board of Governors. Membership dues shall not be prorated for any portion of a year. Dues may be waived for new admittees, law students or any other category designated by the Section. Membership dues for members of the Oregon State Bar shall be collected annually by the Bar with Bar membership fees.

Article III Meetings of Section

Section 1. Meetings of the Section (including meetings of the Executive Committee and its committees) are subject to the Public Meetings Law (ORS 192.610 et seq. and 192.630(4)). ORS 192.630(4) requires that meetings of a public body be held within the geographic boundaries of the state. The Section shall notify the Bar at least twenty (20) days in advance of any meeting, or in the case of special meetings as soon as possible.

Section 2. The Section shall hold at least one membership meeting annually for the purpose of conducting Section business, which meeting shall be known as the Section Annual Business Meeting. The Section Annual Business Meeting may be held in conjunction with the Annual House of Delegates Meeting of the Oregon State Bar. Sections shall elect officers and executive committee members by November 15 either at the Section Annual Meeting or by a mail or electronic ballot election.

Section 3. Special meetings of the Section may be scheduled from time to time by the Section Executive Committee.

Section 4. A quorum is required to conduct Section Business. Those members present shall constitute a quorum. Action at a meeting of the Section shall be by majority of those voting.

Section 5. A report to the Section membership shall be included in the meeting notice and shall include information about the Section’s activities and use of dues for the previous calendar year, the activities and use of dues contemplated for the next year, the status of the Section’s finances, its budget, long range plan and fiscal reserve policy.

Section 6. The Section shall sponsor or co-sponsor not less than one continuing legal education program every two years. The CLE program may, but need not, be held in conjunction with the Section’s Annual Business Meeting. Sections are encouraged to offer complimentary CLE admission to 50-year members and to judges and their lawyer staff.

Article IV Officers

Section 1. The officers of the Section shall be the Chair, Chair-Elect, Immediate Past Chair, Secretary, Treasurer and such other officers as may be determined to be necessary by the membership. Officers of the Section shall be active members of the Oregon State Bar. Sections may establish eligibility requirements or other procedures to ensure rotation of the Chair among specific groups or specialty areas of the membership, such as plaintiff or defense counsel.

Section 2. The Chair, or the Chair-Elect in the absence of the Chair, shall preside at all meetings of the Section and of the Section Executive Committee. The Chair shall appoint the officers and members of all committees of the Section pursuant to Article VII; plan and monitor the programs of the Section; keep the Section Executive Committee informed and carry out its decisions; and perform such other duties as may be designated by the Section Executive Committee.

Section 3. The Chair-Elect will become the Chair on January 1 regardless of the date of the Section Annual Business Meeting or, regardless of the date of the mailed or electronic ballot election. The Chair-Elect shall aid the Chair in the performance of the Chair's responsibilities, and shall perform such other duties as may be designated by the Section Executive Committee. In the event of the death, disability, or resignation of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term or disability.

Section 4. The Secretary shall retain and maintain all books, papers, documents and other property pertaining to the work of the Section, and shall keep a true record of proceedings of all meetings of the Section and of the Section Executive Committee. The Secretary shall perform other duties as assigned by the Section Executive Committee.

Section 5. The Treasurer shall keep an accurate record of all receipts and expenditures by the Section as hereinafter provided; report on the Section's present and projected financial condition at each meeting of the Section Executive Committee; prepare an annual projected budget for approval by the Section Executive Committee; and submit a report of the Section's financial affairs and financial condition to the members at the Section Annual Business Meeting.

Article V Section Executive Committee

Section 1. The Section Executive Committee shall be composed of the Chair, the Chair-Elect, the Immediate Past Chair, the Secretary, the Treasurer, and not fewer than two (2) nor more than twelve (12) Members-at-Large. The terms of the Members-at-Large shall be staggered as evenly as possible. Suspended members may not serve on the Section Executive Committee.

Section 2. The Section Executive Committee shall supervise and control the affairs of the Section subject to these Bylaws and the Bar's bylaws.

Section 3. A quorum is required to conduct Executive Committee business. A quorum shall consist of a majority of the Executive Committee. Action of the Section Executive Committee shall be by majority vote of those voting.

Section 4. The Chair may, and upon the request of three members of the Executive Committee shall, call meetings of the Executive Committee.

Section 5. Between meetings of the Section, the Section Executive Committee shall have full power to do and perform all acts and functions that the Section itself may perform.

Section 6. The Section Executive Committee may direct that a matter be submitted to the members of the Section by a mail or electronic vote or by a vote at the Section Annual Business Meeting; in any such event, binding action of the Section shall be by majority of those voting.

Section 7. No salary or compensation for services shall be paid to any member of the Section Executive Committee or member of any committee with the exception of the Editor and other staff of the Section newsletter (if applicable). Reimbursement may be allowed for travel and other out-of-pocket expenses for members of the Section Executive Committee and members of all Section standing and special committees.

Section 8. The membership of the Section shall have the right to rescind or modify any action or decision by the Section Executive Committee, except for filling a vacancy in the position of Officer or Executive Committee member, and also may instruct the Section Executive Committee as to future action. The Executive Committee shall be bound by any such action of the membership. The right of the membership to direct, modify, or rescind an act of the Section Executive Committee shall not include the power to invalidate contracts or payments previously made under direction of the Executive Committee. Any vote to direct, modify, or rescind an action of the Section Executive Committee must be taken at a meeting at which two-thirds of members voting approve the Motion.

Article VI Terms of Office and Elections

Section 1. No member may serve on the Section Executive Committee for more than nine consecutive years.

Section 2. Each term of office shall begin on January 1 regardless of whether the election is held at the Section Annual Business Meeting or a mailed or electronic ballot election.

Section 3. A position on the executive committee, including an officer position, may be, at the option of the Executive Committee, deemed vacant if that member:

- A. Fails to attend two consecutive meetings, in the absence of an excuse approved by the chair prior to the meeting; or
- B. Fails to attend four consecutive meetings, even if excused.

Section 4. Except as provided by Article IV, Section 3, and except for the office of Chair-Elect, the Section Executive Committee shall fill by appointment until January 1 of the next year any position that becomes vacant.

Section 5. Any officer or Member-at-Large appointed to fill an unexpired term shall serve the unexpired period. Such members shall then be eligible at the next Section Annual Business Meeting or mail or electronic ballot election for election for a first full term, unless the member's election to the new term will result in a violation of Section 1 of this article.

Section 6. At the Section Annual Business Meeting or a mail or electronic ballot election, the Section membership shall elect:

- A. A Chair-Elect, Secretary and Treasurer, each to serve a term of one year; and
- B. Members-at-Large to serve terms of two years or less on the Section Executive Committee.

Section 7. The Chair-Elect will succeed to the office of Chair on January 1 and serve a term of one year. If the office of Chair-Elect is vacant at the Section Annual Business Meeting or a mail or electronic ballot election, then a Chair shall be elected by the members. No officer shall serve two successive terms in the same office, except the Treasurer. A Member-at-Large may serve no more than four consecutive years as a Member-at-Large.

Section 8. At least sixty (60) days prior to the Section Annual Business Meeting or a mail or electronic ballot election, the Section Executive Committee shall appoint a nominating committee of not less than three members of the Section, no more than two-thirds of whom may be on the Executive Committee. The nominating committee shall make and report to the Chair at least thirty (30) days prior to the Section Annual Business Meeting or the

date of a mail or electronic ballot election one nomination for each position to be filled by election. The nominating committee shall use reasonable efforts to ensure that the members nominated reflect the diversity of the Section membership taking into account all relevant factors including without limitation practice area, office location, age, gender and race.

Section 9. To the extent possible, no more than one person from the same law firm, company or department of a public agency may serve on the Executive Committee at the same time.

Section 10. If elections are held at the Section Annual Business Meeting, the report of the nominating committee shall be distributed to the Section membership along with the notice of the time and place of the Section Annual Business Meeting at least fourteen (14) business days in advance of the meeting. Additional nominations for any position may be made from the floor at the Section Annual Business Meeting. Elections for contested positions may be by written ballot. Each contested position shall be set forth and voted upon separately. In a contested election, the candidate receiving the highest number of votes shall be elected.

Section 11. Upon approval of the Section Executive Committee, elections may be by mail or electronic ballot of the Section membership provided that: (1) write-in votes are allowed, (2) ballots are returned to an appropriate Section officer for tabulation, and (3) the results are certified to the Bar Center no later than November 15.

Article VII Committees

Section 1. The Section Executive Committee may establish as many standing committees as deemed necessary and may set the names, functions, and duration of such committees. The Chair, with the approval of the Section Executive Committee, shall appoint the Chair and members of all standing committees.

Section 2. In addition to the standing committees provided above, the Executive Committee may appoint as many special committees for particular purposes as deemed appropriate and may set the names, functions, and duration of such committees. The Chair, with the approval of the Section Executive Committee, shall appoint the Chair and members of all special committees.

Article VIII Legislative Activities

Section 1. Legislative activity of the Section, whether initiating legislation or taking positions in support or opposition of pending legislation shall be in compliance with Article 12 of the OSB Bylaws and these bylaws. The Section shall not represent to the legislature or any committee thereof a position or proposal or any bill or act as the position of the Section without the majority approval of the Section Executive Committee and the approval of the Board of Governors, except as provided otherwise below.

Section 2. The Section shall submit proposals for new legislation, together with the full text of the proposals to the Public Affairs Director by May 1 of each odd numbered year, or such other date as the Public Affairs Director shall designate. The proposal shall indicate whether the Section requests that it be presented to the legislature under the sponsorship of the Oregon State Bar or of the Section. The Board of Governors will inform the Section whether the legislation should go forward under the sponsorship of the Section or under the sponsorship of the Bar, and whether it will be presented to the House of Delegates or the membership for approval. If the Board of Governors declines to submit the Section's proposal for Bar-sponsored legislation to the House of Delegates or the membership, any member of the Section may submit the matter to the House of Delegates or the membership in accordance with ORS 9.148(3) and (4) and Article 3 of the OSB Bylaws.

Section 3. During regular legislative sessions the Section Executive Committee may, by majority vote, tentatively approve a position in favor of or in opposition to any pending bill within its general subject area. The proposal shall be submitted to the Bar's Public Affairs Director or the Chair of the Public Affairs Committee. After receipt of the proposal, the chair of the committee shall have 72 hours to approve the position or to refer it to the entire Public Affairs Committee. If the chair or committee approves the proposal, the action then becomes an official position of the Section and representatives of the Section may testify or make other appropriate statements.

Section 4. When special need is demonstrated, the Public Affairs Committee may expedite the introduction of new Section bills or amendments. The Public Affairs Director shall be kept informed about the status of Section legislative activity.

Article IX Receipts and Expenditures

Section 1. Membership dues shall be collected by the Oregon State Bar and any other receipts of this Section shall be remitted promptly to the Oregon State Bar.

Section 2. The Oregon State Bar shall regularly assess the Section an amount to cover both direct and indirect costs of the Section's activities performed by the Oregon State Bar staff.

Section 3. Expenditure of the balance of Section funds, after such assessment, shall be as determined by the Executive Committee. Section funds shall be disbursed by the Oregon State Bar as authorized in writing by the Section's Treasurer using forms and following procedures established by the Bar. If the Treasurer is unavailable for authorization, the Section Chair may authorize disbursement of Section funds followed by written notice to the Treasurer of the action taken. Reimbursement of expenses incurred by the Treasurer or by the Treasurer's firm must be authorized in writing by the Section chair. Expenditures of Section funds shall not exceed the available Section fund balance, nor shall expenditures be in violation of laws or policies generally applicable to the Oregon State Bar.

Section 4. Contracts for Section newsletter editors or other providers of personal services must be reviewed and signed by the Oregon State Bar Executive Director or the Director's designee.

Section 5.

(A) The Section serves as an education, communication and networking forum in the areas of law or other law related activity for which the Board of Governors approved its establishment. If the Section receives support from the Bar on other than a fee for service basis, it shall comply with the expenditure restrictions applicable to the Bar as set forth in *Keller v. State Bar of California*, 496 US 1 (1990) and related board policies.

(B) If the Section wishes to spend Section funds free from the restrictions imposed by *Keller* and related board policies it may do so if it pays the full cost of administration and other support provided by the Bar, so that the Section is entirely self-supported by voluntary dues of its members. The Section must obtain approval of its members to such election by mail or electronic vote or at a regular or special meeting. Upon exercising its right under this policy, the Section shall be provided administrative and other services by the bar on a fee for service basis only. The election shall be effective until rescinded by a vote of the Section membership.

Article X Notice of Meetings, Minutes and Reports

Section 1. The Chair or Secretary shall distribute notice of scheduled Section Executive Committee meetings together with an agenda and minutes of the previous meeting to all Section Executive Committee members and to the Bar at least ten (10) business days prior to such meetings, or if ten days' notice is not practicable, then such lesser notice as is practicable. Typed minutes of all meetings of the Section and of the Section Executive Committee shall be distributed to all members of the Section Executive Committee and to the Bar no later than thirty (30) days after the meeting and are subject to amendment and approval at the next meeting of the Section or the Section Executive Meeting.

Section 2. Whenever the Section desires to request action by the Board of Governors, the requested action shall be reflected in the minutes and shall in addition be set forth in a letter accompanying the minutes and delivered to the Board of Governors in care of the Executive Director. If the vote on the requested action is not unanimous, the votes for and against shall be set forth in the minutes and the dissenting members shall be afforded the opportunity to explain their positions.

Section 3. Not later than December 1, the Chair shall file with the Executive Director of the Oregon State Bar a concise report summarizing the activities of the current year and anticipated activities for the ensuing year, together with the full text of any proposed legislation.

Section 4. A proposed annual budget and proposed annual dues for approval by the Board of Governors shall be provided to the Executive Director no later than October 15 of each year if it contains a proposal for a change in membership dues, or no later than December 1 of each year if no change in membership dues is proposed. Alternatively, this budget information may be included with the Section's annual report submitted December 1, pursuant to Section 3 of this Article.

Section 5. The proposed budget shall have attached to it a short description of the Section's long range plans for programs and activities which require accumulation of funds and the Executive Committee's reserve plan, including the target reserve calculated to protect the Section from foreseeable financial loss.

Section 6. At the request of the Board of Governors, the Section Chair shall present a report in person to the Board of Governors concerning the activities of the Section for the current and succeeding years.

Article XI Amendments to Bylaws

Section 1. These Bylaws may be amended by the Board of Governors. Notice of intent to promulgate and pass Bylaw Amendments shall be given to the Section Executive Committee in sufficient time to allow for review and comment. Bylaw amendments passed by the Board of Governors become effective upon passage.

Section 2. These Bylaws may be amended by the Section by a majority of those voting in a mail or electronic ballot or at any membership meeting of the Section to become effective upon subsequent approval of the Board of Governors. Notice of intent to amend bylaws and the text of proposed amendments shall be distributed to all Section members at least fourteen (14) business days prior to the meeting or mail or electronic balloting.

Article XII Sunsetting the Section

Section 1. The Section has a duty to its members, and at a minimum each year, must:

- A. Hold regular Executive Committee meetings.
- B. Appoint a Nominating Committee.
- C. Hold a Section Annual Business Meeting.
- D. Elect officers and executive committee members at large by November 15 of each year.
- E. Submit an annual budget.
- F. File an annual Section CLE Participation Report.
- G. File its annual report.

If the Section fails to meet the above minimum requirements, it is subject to restructuring or sunsetting by the Board of Governors.

Article XIII Rules of Order

Section 1. Except as otherwise provided herein, meetings of this Section shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

Section 2. All references in these Bylaws to "mail" or "mailing" or "mail ballot" shall also include electronic email to a member or addressee who has an email address on file with the Oregon State Bar and who has agreed to be contacted by electronic mail.

Miscellaneous Bar Bylaws

The current version of this document is maintained on the bar's website: www.osbar.org

Subsection 2.105 Amicus Curiae Briefs

A section or committee that wishes to enter an *amicus curiae* appearance before any trial court or appellate court must obtain prior approval from the Board. The request must be in writing and must include a synopsis of the question involved, the posture of the case, the position to be taken in the *amicus* appearance, and the anticipated cost of appearing *amicus curiae* including lawyer fees, if any. The question involved must directly or substantially affect admission to the practice of law, the practice of law, discipline of members of the bench or bar, the method of selecting members of the judiciary or other questions of substantial interest to the Bar or a committee or section. The Board will determine whether the question involved can be adequately presented to the court without the *amicus* appearance of the committee or section. All costs for appearance by a section must be paid by the section; if the Board approves the filing of an *amicus* appearance by a committee, the Bar will pay any costs for the appearance.

Section 2.6 Conflicts of Interest

Bar officials are subject to the provisions of ORS Chapter 244, the Government Standards and Practices Act. Nothing in this section is intended to enlarge or contradict the statutory provisions as they may apply to bar officials.

Subsection 2.600 Definitions

As used in Section 2:

- (a) "Actual conflict of interest" means that the person, a relative of the person or a business with which the person or a relative of the person is associated will derive a private pecuniary benefit or detriment as a result of an action, decision or recommendation of the person in the course of bar-related activities.
- (b) "Bar official" means members of the Board of Governors; appointees of the Board of Governors, including members of standing committees, Local Professional Responsibility Committees, bar counsel panels, and the State Professional Responsibility Board; section officers and executive committee members; and bar staff.
- (c) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association,

organization, self-employed person and any other legal entity operated for economic gain, but excluding any income-producing not-for-profit corporation that is tax exempt under IRC §501(c) with which a bar official is associated in a non-remunerative capacity.

(d) "Business with which the person is associated" means any business of which the person or the person's relative is a director, officer, owner, employee or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding year.

(e) "Potential conflict of interest" means that the person, a relative of the person or a business with which the person or a relative of the person is associated, could derive a private pecuniary benefit or detriment as a result of an action, decision or recommendation of the person in the course of bar-related activities.

(f) "Relative" means the bar official's spouse, any children of the bar official or the bar official's spouse and siblings and parents of the bar official or the bar official's spouse.

Subsection 2.601 Prohibited Actions

Regardless of whether an actual or potential conflict is disclosed:

- (a) No bar official may use or attempt to use the person's official position to obtain any financial gain or the avoidance of any financial detriment that would not otherwise be available to the person, but for the bar official's holding of the official position, except official salary, reimbursement of expenses for official activities or unsolicited awards for professional achievement for the bar official or a relative of the bar official or for any business with which the bar official or the bar official's relative is associated.
- (b) No bar official may attempt to further the personal gain of the bar official through the use of confidential information gained by reason of an official activity or position.
- (c) No bar official may solicit or receive, during any calendar year, any gift or gifts with an aggregate value of more than \$100 from any single source that could reasonably be known to have an interest in any matter concerning which the official has any authority or responsibility.

(d) No bar official may solicit or receive a promise of future employment based on an understanding that any official action will be influenced by the promise.

Subsection 2.602 Disclosure of Conflict

When met with an actual or potential conflict of interest, a bar official must disclose the conflict and take any other action required by this bylaw.

(a) If appointed by the Executive Director, the bar official must notify the Executive Director of the nature of the conflict and request the Executive Director to dispose of the matter giving rise to the conflict. Upon receipt of the request, the Executive Director will designate within a reasonable time an alternate to dispose of the matter, or will direct the bar official to dispose of the matter in a manner specified by the Executive Director.

(b) If the bar official is the Executive Director, she/he must notify the Board of Governors, through the President, of the nature of the conflict and request the Board of Governors to dispose of the matter giving rise to the conflict. Upon receipt of the request, the President will designate within a reasonable period of time an alternate to dispose of the matter, or will direct the Executive Director to dispose of the matter in a manner specified by the Board of Governors.

(c) If the bar official is elected to or appointed by the Board of Governors or other appointing authority to serve on a board, committee, council, commission or other public body, the bar official must:

(1) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a bar official; (2) when met with an actual conflict of interest, announce publicly the nature of the actual conflict, and refrain from participating in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue, except that if the bar official's vote is necessary to meet a requirement of a minimum number of votes, the bar official may vote, but may not participate in any discussion or debate on the issue out of which the actual conflict arises.

(d) When a bar official gives notice of an actual or potential conflict of interest under subsection 2.602(c), the conflict must be recorded in the minutes or other official record of the board, committee, council, commission or other public body on which the official serves, together with an explanation of how the conflict was resolved. If there are no minutes

or other official record, then the bar official, in addition to the disclosure to the board, committee, council, commission or other public body, must disclose the conflict in writing to the Executive Director.

(e) No decision or action of the any bar official or of any board, committee, council, commission or other public body on which the official serves is invalid or voidable solely by reason of the failure to disclose an actual or potential conflict of interest.

Subsection 2.603 Board Members as Witnesses in Bar Proceedings

As provided in BR 5.3(c), a current member of the Board of Governors must not testify as a witness in any bar admission, discipline or reinstatement proceeding except pursuant to subpoena. If requested by a party to be a witness in a bar proceeding, board members should urge the party to present the anticipated testimony through other witnesses. However, the parties ultimately decide whether a board member will be subpoenaed to testify as a witness in a bar proceeding.

Article 4 Awards

Section 4.1 General Policy

The Board will select award recipients from among the nominations received from local bars, committees, sections, individual members, affiliated groups and bar groups.

Section 4.2 President's Membership Service Award

The criteria for the President's Membership Service Award is as follows: The nominee must have volunteered his or her time for the activity in which he or she was involved; the nominee must be an active member of the Bar; the nominee must have made a significant contribution to other lawyers through efforts involving Continuing Legal Education programs or publications, committees, sections, boards or the Bar's legislative/public affairs process or similar activities through local bar associations or other law-related groups.

Section 4.3 President's Public Service Award

The criteria for the President's Public Service Awards is as follows: The nominee must have volunteered his or her time for the activity in which she or he was involved; the nominee must be an active member of the Oregon State Bar; the nominee must have made a significant contribution to the public through efforts involving pro bono services; coordination of local public service law-related events, such as those associated with Law Day; service

with community boards or organizations or similar activities that benefit the public.

Section 4.4 President's Affirmative Action Award

The criteria for the President's Affirmative Action Award is as follows: The nominee must be an active member of the Bar or be an Oregon law firm; the nominee must have made a significant contribution to the goal of increasing minority representation in the legal profession in Oregon through progressive employment efforts, innovative recruitment and retention programs, advocacy or other significant efforts.

Section 4.5 President's Special Award of Appreciation

The President's Special Award of Appreciation is a discretionary award of the President of the Bar, with the concurrence of the Board, to be presented to a person who has made recent outstanding contributions to the bar, the bench and/or the community. The award will be made in conjunction with the OSB Awards Dinner or House of Delegates events within the following guidelines. In any given year, there may be no award, one award or more than one award. The recipient may be a lawyer or a non-lawyer. The President will present his or her proposed award recipient to the Board at the same time the Board considers the Bar's other awards.

Section 4.6 Award of Merit

The Award of Merit is the highest honor that the Bar can bestow. The recipient may be (1) an Oregon lawyer who has made outstanding contributions to the bench, the bar and the community-at-large, and who exhibits the highest standards of professionalism or (2) a non-lawyer who has made outstanding contributions to the bar and/or bench, and who exhibits the highest standards of service to the community-at-large. The award does not have to be granted every year and only one award may be bestowed in any year.

Section 4.7 Wallace P. Carson, Jr. Award for Judicial Excellence

The Wallace P. Carson, Jr. Award for Judicial Excellence honors a member of the state's judiciary. The criteria for the award are as follows: 1) a current or retired state court judge or federal judge; 2) who has made significant contributions to the judicial system; and 3) who is a model of professionalism, integrity, and judicial independence.

Section 4.8 President's Public Leadership Award

The criteria for the President's Public Leadership Award is as follows: The nominee must not be an active or inactive member of the Oregon State Bar and the nominee must have made significant contributions in any of the areas

described in the President's Awards (Section 4.2-4.4 above).

Section 6.3 Rights of Members

Subject to the other provisions of these policies, all active members have equal rights and privileges including the right to hold an office of the Bar, the right to vote, and the right to serve on bar committees. Inactive members may be members, but not officers, of sections. Suspended members may remain members of or join sections during the term of their suspensions, but may not hold an office of the Bar, vote or serve on the Board of Governors, in the House of Delegates or on any bar committee or section executive committee.

Article 10 Diversity

The Bar respects the diversity of its membership and its employees. Bar entities, including, but not limited to standing committees, section executive committees and Continuing Legal Education programs and publications, should reflect this diversity. "Reflect," as used in this article, does not require the application of strict quotas, but requires a good faith attempt to achieve representative participation. Reports of such efforts may be required of bar entities. In addition, no bar entity may discriminate on the basis of race, religion, color, gender, sexual orientation, geographic location, age, handicap or disability, marital, parental or military status or other classification protected by law. No professional, business or social functions of the Bar, or any of its sections, committees, affiliates or other authorized entities may be held at any private or public facility, which discriminates, based upon the terms listed above. Furthermore, advertisements or solicitations for employment must offer equal employment opportunities. The United States Armed Forces are exempt from this policy as it regards advertisements in the bar's communications.

Section 11.3 Media Relations

The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar. If public appearances or statements by the chairperson or other officer or member of any bar committee are deemed necessary, prior authority must be obtained in advance from the President.

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 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.

Serving on the OSB House of Delegates, Committees, Sections and Task Forces Meets the OSB Aspirational Pro Bono Standard

The OSB Pro Bono Aspirational standard found at OSB Bylaw 13.1 details a category of pro bono work designed for those bar members who contribute valuable volunteer time to improve the law, the legal system and the legal profession. This category includes those lawyers who serve on the HOD, Committees, Sections and Task Forces.

We encourage you to report the hours you spent serving on the HOD Committees, Sections, and Task Forces in the annual OSB Pro Bono Roll Call, Category B. To record your hours of pro bono service go to www.osbar.org/probono.

List of Approved Charitable Contributions

Any section making a donation to a charitable group can only do so with the approval of the Executive Director. The Director will only allow donations on the showing by the prospective donee that the donation of section funds to the charitable entity is related to the purpose for which the section exists.

The following groups have been approved:

- Allen Hein Scholarship Fund at NW School of Law of Lewis & Clark College
- Campaign for Equal Justice
- Classroom Law Project
- OMLA (Oregon Minority Lawyers Association)
- OLIO (Opportunity for Lawyers in Oregon)
- Section scholarships to 3 law school for students earning the highest grade on the final exam i.e., Securities Section award to securities students.
- Peacemakers
- Carlton Snow's Scholarship Fund
- Harry Chandler Scholarship Fund
- National Bar Assoc. – Oregon Chapter
- National Council on Juvenile and Family Court Judges
- Multnomah County Probate Advisory Committee
- Oregon Lawyer Assistance Foundation (OLAF)
- Oregon Lawyers Against Hunger

Governmental Relations and Public Affairs

Public Affairs Mission

The Public Affairs Department works to apply the knowledge and experience of the legal profession to the public good by advising governmental bodies, proposing legislation for law improvement, and advocating on matters that affect the legal profession.

What is the OSB Public Affairs Program?

The Public Affairs Program:

- Provides legal expertise and assistance to lawmakers;
- informs bar leaders, members and government bodies on bar related legislation and public policy issues;
- assists bar groups with law improvement projects; and
- influences major issues affecting the legal profession and justice system.

The bar recognizes the diverse membership of the organization and tries to “avoid committing bar funds to issues which are divisive or result in creating factions within the profession.”

The Public Affairs Committee of the Board of Governors oversees the work of the program, and makes recommendations to the Board of Governors on public policy issues.

BOG – Public Affairs Committee Members

Steve Piucci, Chair, Portland

Derek Johnson, Vice-Chair, Portland

Ann Fisher, Portland

Gina Johnnie, Salem

Kellie Johnson, Portland

Audrey Matsumonji, Gresham

Steve Larson, Portland

Department Contact

If you have any questions or would like to talk about legislative activity, please feel free to contact the Public Affairs Department staff.

Camille Greene, Administrative Assistant

503-431-6376

1-800-452-8260, ext. 376 (only within OR)

cgreene@osbar.org

Also please visit the bar’s legislative web pages at:
www.osbar.org/publicaffairs

2009 in Review

The 2009 legislative session commanded much of the attention and energy of the public affairs staff when it convened on January 12 to its adjournment on June 29. Since adjournment, staff has been monitoring interim activities, produced the *2009 Legislation Highlights* review of the legislature’s work, and begun to work with sections and committees to develop legislative proposals for the 2011 session.

The severe economic crisis facing the state and the nation as the legislature convened forced the Board of Governors to focus its priorities on maintenance of the justice system at a level that avoided court closures and dramatic curtailment of court services, maintained at least some movement on long term technology and court facility projects, and provided support for legal services to the poor. This was achieved:

- The Oregon Judicial Department (OJD) will sustain a cut of roughly 7.5 percent from its essential budget level for the 2009-11 biennium. This is a substantial, but manageable reduction, enabling all state courts to remain open five days a week. New income from temporary filing fee increases is being used to backfill what was originally to be a 10 percent reduction.
- The OJD will also receive funding to continue implementation of the eCourt (electronic court) program, including funds for debt service and proceeds on new bonds for implementation itself.
- The legislature also authorized the Department of Administrative Services to issue lottery revenue bonds for repairs of county court facilities, generating over \$11 million for 32 deferred maintenance projects that can be started and completed quickly.
- Indigent defense will receive part of the revenue from increased filing fees, and civil legal services programs for low income Oregonians will receive \$1 million from the General Fund in addition to ongoing income from filing fees.

Public affairs staff also worked to pass 24 of 28 law improvement proposals brought forward by 12 different bar groups. These measures are generally designed to make the legal system and its components work better.

During the session, 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. Members

representing the bar or specific sections supported or opposed a broad range of bills brought forward by others and lent expertise to improve measures that the legislature considered.

During the session staff also organized several events to acquaint lawyers with the legislative process and to put lawyers in touch with their legislators on issues of importance to the justice system. The department staffed a Leadership College program in February, featuring a trip to the Capitol and several presentations by legislators and lobbyists about how lawyers can be most effective in relating to the legislature. In March, the Public Affairs Committee organized a Day at the Capitol at which lawyers met with their legislators to discuss the importance of an adequate court system to the citizens of Oregon and to businesses that operate within the state.

Since the end of the session, the public affairs staff worked with volunteer authors and editors to produce a comprehensive review of the 2009 session designed to apprise practitioners of changes in virtually all practice areas—*2009 Legislation Highlights*. The staff also organized a half day CLE on the legislature’s work, the faculty of which was by and large lawyers who serve in the legislature. To prepare for the February 2010 session and the 2011 regular session, public affairs staff has met with section executive committees and other bar groups to discuss the process by which groups may submit legislative proposals for bar sponsorship, and offered to help these groups through the process.

Staff monitors the work of interim legislative committees, task forces and work groups. Of special interest to lawyers this interim are the Joint Committee on Justice System Revenues, which promises to review court filing fees and fines from top to bottom, and the ongoing OJD advisory groups giving input and overseeing the implementation of the eCourt program.

Public affairs staff continues to be the liaison between the bar and the Council on Court Procedures (COCP) and between the bar and the Oregon Law Commission (OLC). The COCP is a statutorily created group charged with maintaining the Oregon Rules of Civil Procedure in good working order and proposing suggested improvements which go into effect unless changed by the legislature. The OLC is also a statutory group, but with a broader charge of general law reform, simplification, modernization and consolidation when appropriate.

State Elected Officials with Legal Training

13 Legislators with Legal Training in the 2009 Legislative Session

Oregon Senate:

Suzanne Bonamici (D), District 17, NW Portland, NE Washington County

Peter Courtney (D), District 11, Keizer, Gervais, Woodburn

Elizabeth “Betsy” Johnson (D), District 16, Scappoose*

Dave Nelson (R), District 29, Pendleton*

Floyd Prozanski (D), District 4, Parts of Lane, Douglas and Coos Counties

Oregon House of Representatives:

Phil Barnhart (D), District 11, Central Lane and Linn Counties

Brent Barton (D), District 51, Clackamas

Cliff Bentz (R), District 60, Ontario

Chris Garrett (D), District 38, Lake Oswego, SW Portland

Nick Kahl (D), District 49, Wood Village, Gresham**

Dennis Richardson (R), District 4, Central Point, Rogue Valley

Jefferson Smith (D), District 47, Mid-Multnomah County

Judy Stiegler (D), District 54, Bend

** Indicates law degree but not licensed to practice in Oregon.*

*** Indicates law student.*

Statewide Office

Ted Kulongoski (D), Governor

John Kroger (D), Attorney General

Kate Brown (D), Secretary of State

Brad Avakian, Commissioner of the Bureau of Labor and Industries

Information Numbers

Legislative Committees.....	(503) 986-1813
House Democratic Office.....	(503) 986-1900
House Republican Office	(503) 986-1400
Senate Republican Office	(503) 986-1950
Senate Democratic Office.....	(503) 986-1700
Legislative Counsel	(503) 986-1243

Distribution Center
 (for copy of legislative bills).....(503) 986-1180
 www.leg.state.or.us

Oregon State Bar,
 Government Relations(503) 620-0222 ext. 376

Governor's Legal Counsel,

Joseph O'Leary (503) 378-8636

2009-2011 Interim Joint Judiciary Committees

Senate

Sen. Floyd Prozanski, Chair
 Sen. Brian Boquist, Vice Chair
 Sen. Suzanne Bonamici
 Sen. Jackie Dingfelder
 Sen. Doug Whitsett

House

Rep. Jeff Barker, Chair
 Rep. Judy Stiegler, Vice Chair
 Rep. Gene Whisnant, Vice Chair
 Rep. Brent Barton
 Rep. Kevin Cameron
 Rep. Chris Garrett
 Rep. Wayne Krieger
 Rep. Andy Olson
 Rep. Jefferson Smith
 Rep. Carolyn Tomei

2009-2011 Interim Joint Ways & Means

Sen. Peter Courtney, Co-Chair
 Sen. Betsy Johnson, Vice Chair
 Sen. Alan Bates
 Sen. Chris Edwards
 Sen. Joanne Verger
 Sen. Rod Monroe
 Sen. Jackie Winters
 Sen. David Nelson
 Sen. Doug Whitsett
 Sen. Chip Shields
 Sen. Fred Girod

Sen. Jeff Kruse
 Rep. Peter Buckley, Co-Chair
 Rep. Nancy Nathanson, Vice Chair
 Rep. David Edwards
 Rep. Jeff Barker
 Rep. Bill Garrard
 Rep. George Gilman
 Rep. Bob Jenson
 Rep. Betty Komp
 Rep. Tina Kotek
 Rep. Dennis Richardson
 Rep. Jean Cowen
 Rep. Greg Smith

Justice System Revenues

Sen. Joanne Verger, Co-Chair
 Rep. Nancy Nathanson, Co-Chair
 Sen. Suzanne Bonamici
 Sen. Doug Whitsett
 Rep. Cliff Bentz
 Rep. Chris Garrett
 Douglas Bray
 Christopher Kent
Staffing:
 Erin Seiler
 Mike Reiley

The Political Process: Roles and Responsibilities

1.0 Introduction

In the public policy arena, the bar plays a significant role in the evaluation and consideration of administration of justice issues in the legislative and political processes. The board encourages bar groups to be involved in legislative activities within their jurisdiction, subject to the bar's legislative guidelines and relevant election laws. There is a long tradition of lawyers working through the bar process to improve the quality of laws in the state of Oregon. The bar's law improvement program has served to raise the credibility of lawyers as a resource for expertise in a wide variety of areas.

The Oregon State Bar Board of Governors guidelines for legislative and political activity are set forth in BOG Bylaws Article 12. The guidelines are drawn from the bar's statutory purposes, constitutional limits on the use of mandatory membership fees, and election law limits on the activities of public employees. They also reflect the recognition that the Oregon State Bar has a diverse membership with differing views on many subjects.

1.1 Statutory Authority

By way of background, the Oregon State Bar is a "public corporation and an instrumentality of the Judicial Department of the government of the State of Oregon..." ORS 9.010(1). Although the board has statutory authority to "at all times direct its power to the administration of the science of jurisprudence and the improvement of the administration of justice" (see ORS 9.080(1)), its actions are still constrained by other applicable law, including *Keller v. State Bar of California*, 496 U.S. 1 (1990). As a state entity, the bar's funds are subject to audit by the Secretary of State pursuant to ORS 297.210 and, for purposes of the expenditure of bar resources, bar "funds" are considered "public funds" and board members may be subject to the restrictions on the expenditure of public funds under ORS 294.100 as public officials.

As a mandatory membership organization, the Oregon State Bar cannot engage in the wide-range of activities allowed voluntary organizations. Even though the bar is partially funded by membership fees as opposed to state general fund revenues, its unique statutory composition makes it subject to various laws. Thus, in pursuing any activity, the expenditure of public funds by the board must be related to the purposes for which the bar exists. If it is not, the public officials who permit the unauthorized expenditure may be subject to personal liability under ORS 294.100 if the expenditure constitutes malfeasance or wanton neglect of duty.

1.2 Keller Standard

The U.S. Supreme Court's decision in *Keller v. State Bar of California* set the parameters for what a mandatory state bar can do under the First Amendment. In *Keller*, a member of the California bar contested the bar's use of compulsory dues to support and/or advocate "political or ideological" views in violation of his First Amendment rights. The U.S. Supreme Court held that a mandatory state bar's use of compulsory dues to finance political and ideological activities violates the First Amendment rights of dissenting members when such expenditures are not "necessarily or reasonably incurred" for the purpose of regulating the legal profession or improving the quality of legal services.

The court did not establish a particularly clear standard on what constitutes permissible or impermissible dues-financed activities. However, it stated that the extreme ends of the spectrum were endorsing or advancing gun control or a nuclear weapons freeze which were prohibited on the one hand and disciplining bar members or adopting changes to the profession's ethics code as acceptable on the other hand. We believe the broad middle area of law improvement is appropriate if it is germane to the bar's role in improving the quality of legal services to the people of the State of Oregon or relates to the regulation of the legal profession. The Board of Governors has set the scope of OSB permitted activities under *Keller* in BOG Bylaws Article 12.

Additionally, the bar's guidelines for legislative and policy activities require that the Board of Governors "endeavor to respect the divergent opinions of subgroups within the profession" and make reasonable efforts to "avoid committing bar funds to issues which are divisive or result in creating factions within the profession." See BOG Bylaws Article 12.

1.3 Oregon Election Law

Bar employees are not public employees within the meaning of ORS 260.432. Therefore, bar staff may participate in advocacy efforts on behalf of the bar.

1.4 OSB Board Member (“Elected Official”) Roles and Responsibilities

The board may do the following:

- 1) Advocate support or opposition to a measure or candidate. A board member may use staff-prepared informational and advocacy materials.
- 2) Use public (bar) resources and staff to develop and distribute material on the effects of an initiative measure on the bar and the justice system.
- 3) Take a position on an initiative measure. Public announcement of the board’s position by way of a press release is permissible.
- 4) Provide, at bar expense, a content neutral forum at which proponents and opponents of an initiative measure may present their views.
- 5) Personally campaign for or against a measure.

1.5 Recent bar activities

In 2006 the Board of Governors reviewed its policy on involvement in the initiative and electoral process and substantially expanded the scope of its activities.

In 2008 the Board of Governors and House of Delegates passed resolutions opposing both Measures 51 and 53, imposed limits on contingency fees and created additional sanctions for “frivolous pleadings.” The bar worked closely with other interest groups to oppose the measure and was ultimately successful when the initiatives were withdrawn by the petitioners after challenges were made to their signature gathering procedures.

The Board of Governors also voted to oppose Measure 59 which would have created an unlimited deduction for federal income taxes on individual taxpayers’ state tax returns. This measure failed by a wide margin.

1.6 OSB Section/Committee Roles and Responsibilities

Sections and committees of the bar operate under the umbrella of the bar and thus are subject to the same legal constraints as the board. In light of the political restrictions outlined above, here are some examples of activities that are permitted and some that are restricted:

- 1) Bar groups can develop legislation for sponsorship to be included in the bar’s legislative package or take positions on legislation that fall within *Keller* and legislative guidelines subject to OSB Public Affairs Committee approval.
- 2) Bar groups may take positions or respond to public policy activities on legislation. OSB Section/Committee leaders cannot use bar funds to advocate a position on a ballot measure, unless approved by the BOG or HOD. This means money, staff time during working hours, travel allowances, facilities or equipment. Section/committee members or officers cannot ask staff to research or write a speech designed to support or oppose a ballot measure or charge travel expenses for attending a meeting at which such a position is advocated.
- 3) Bar groups may coordinate or liaison with any group to engage in information gathering on issues involving the bar, the judicial system, the judicial department budget and issues relating to the administration of justice.
- 4) Bar groups may take a position for or against an initiative or referendum, with prior BOG approval. Bar groups may not advocate a political position for or against a candidate.

OSB Legislation Contacts — 2010

(Please note this contact list is subject to change)

Below is a list of bar legislative contacts. If you have particular questions or comments regarding legislation we encourage you to contact the appropriate person. Please contact Camille Greene at 431.6376 or cgreene@osbar.org if a contact assignment changes.

(* indicates person is also the section/committee chair)

Administrative Law	Frank Mussell Janice Krem	Debtor/Creditor	David Hercher
Admiralty	John Dudrey	Disability Law	Sherri Rita
Affirmative Action	Frank Garcia (OSB)	Diversity	Tony A. Padilla
Agriculture.....	Tim Bernasek*	Elder Law	Mike Schmidt
Alternative Dispute Resolution	Bill Boyd Scott Bellows Robert Banks*	Energy, Telecom & Utility.....	David F. White
Animal Law	Scott Beckstead	Environmental Law	David Ashton Michael R. Campbell
Anti-Trust	Joseph N. Eckhardt	Estate Planning	Bill Brewer Penny Serrurier* Eric Vetterlein Chuck Mauritz
Appellate Law	Marc Brown Ryan Kahn Keith M. Garza Jeff Dobbins	Family Law	David Gannett Sean E. Armstrong
Aviation	Richard Vial Thomas J. Flahertys Rod Boutinx	Adoption Law Subcommittee.....	Robin Pope
Bar Act and Bar Priorities	Gerry Gaydos Susan Grabe (OSB)	Government Law	Karen Williams*
Business Law	Chris Hall	Health Law	Lauren Rhoades
Business Litigation	Keith Dubanevich	Indian Law	Craig Dorsay
Civil Rights	Sean Driscoll	Intellectual Properties.....	Kelly Luzania Anna McCoy*
Computer and Internet Law	Paula Holm Jensen	International Law	Kimball Ferris*
Constitutional Law.....	Greg Chaimov	Judicial Administration and Funding	Jennifer Gales* Eric Waxler
Construction Law	Darien S. Loisselle	Juvenile Law	Cathy Ouellette Thomas P. Cleary
Consumer Law.....	Keith Karnes	Labor & Employment	Rich Meneghello
Corporate Counsel	Dan J. Field	Law Practice Management.....	David L. Carlson
Criminal Law	Tim Sylwester Rebecca Duncan	Legal Ethics	Sylvia Stevens (OSB)
		Legal Services	Judith Baker (OSB)

Litigation	Lindsey Hughes
Military Assistance Panel.....	Jesse Barton
.....	Mike Mendelson
.....	Velda Rogers*
Pro Bono.....	David J. Petersen*
.....	Cathy Petrecca
Procedure and Practice	Courtney Dippel
Product Liability	Jeffrey Bowersox
Professional Liability	Barbara Fishleder
.....	Ira Zarov
Public Service & Information	Kay Pulju (OSB)
Quality of Life	Ellen K. Jones*
Real Estate and Land Use	
Real Estate	Greg Nelson
Land Use	Chris Crean..
.....	Laurie Craghead
Securities Regulation.....	David Matheson
.....	Timothy DeJong
.....	Gustavo Cruz, Jr.*
Sole and Small Firm Practitioners.....	Kelly Doyle
.....	Velda Rogers
.....	Donna G. Goldian
Sustainable Future.....	Michelle Slater
Taxation.....	Robert Manicke
Unlawful Practice & Independent Paralegals	J. O'Shea Gumusoglu*
.....	Helen Hirschbiel (OSB)
Workers' Compensation	Jennifer Roumell

LAW IMPROVEMENT QUESTIONS

.....	David Nebel (OSB)
.....	Susan Grabe (OSB)

OTHER INTEREST GROUPS

Access to Justice	Judith Baker (OSB)
Bar, Press and Broadcasters	Dan Keppler,
.....	Kateri Walsh (OSB)
New Lawyers Division	Jessica Cousineau

Bar Bylaws

Article 12 – Legislation and Public Policy

(Effective Nov. 1, 2003)

Section 12.1 Guidelines

Bar legislative or policy activities must be reasonably related to any of the following subjects: Regulating and disciplining lawyers; improving the functioning of the courts including issues of judicial independence, fairness, efficacy and efficiency; making legal services available to society; regulating lawyer trust accounts; the education, ethics, competence, integrity and regulation of the legal profession; providing law improvement assistance to elected and appointed government officials; issues involving the structure and organization of federal, state and local courts in or affecting Oregon; issues involving the rules of practice, procedure and evidence in federal, state or local courts in or affecting Oregon; or issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Oregon.

Section 12.2 Initiation of Legislation

Subsection 12.200 House of Delegates and Membership

The Bar must sponsor legislative proposals approved by the House of Delegates or through a membership initiative to the Legislative Assembly directly following the House or membership action. Legislation not enacted may not be sponsored in the following session unless resubmitted by one of the methods set forth above or by action of the Board.

Subsection 12.201 Board of Governors

The Board may sponsor legislative proposals to the Legislative Assembly on its own initiative. The Board and its Public Affairs Committee has the authority between meetings of the House of Delegates to act on legislative and public policy matters pursuant to the guidelines established.

Section 12.3 Legislative Process

Because of the nature of the legislative process, the Board or its Public Affairs Committee retains the right to set priorities regarding the enactment of legislation, to propose

amendments or consent to amendments to legislation and to sponsor or take positions on appropriate legislation. In so doing, the Board will make a reasonable effort to do the following:

Encourage as wide a participation of the membership as possible in formulating positions on legislative issues; inform members, especially sections and committees, of the Bar's legislative positions; respect divergent opinions of subgroups within the legal profession; provide assistance to bar sections and committees; avoid committing bar funds to issues that are divisive or result in creating factions within the profession; present major issues to the House of Delegates for approval; ensure that the Public Affairs Committee encompasses a balance of interest within the Bar and ensure that the Public Affairs Committee consults frequently with the Board.

Section 12.4 Committees and Sections

Any committee or section wishing to sponsor legislation or take a position on any rule or public policy issue will inform the Public Affairs Program, and through that office, the Board, of the exact nature of the legislation proposed. A copy of the bill, proposed rule or policy will be presented for consideration and approval of the Board. A committee or section of the Bar may not represent to the legislature or any individual, committee or agency thereof, a position or proposal or any bill or act, as the position of that committee or section of the Bar without the majority approval of the members of that committee or, in the case of a section, the executive committee and the prior approval of the Board, except as follows. During a legislative session or during the interim, a bar committee or the executive committee of any section must contact the Bar's Public Affairs Program before taking any position on a bill, rule or public policy issue within its general subject area. The chair of the Board's Public Affairs Committee will determine, within 72 hours of notice of the issue, whether it is appropriate for the Bar to take an official position or to allow the section or committee to take a position as requested. The full Public Affairs Committee or the full Board may be consulted before a final decision is made. Bar staff and the Public Affairs Committee of the Board will make every effort to accommodate committees and sections that wish to express positions on relevant issues.

The Public Affairs Program shall be kept informed about the status of such positions and related activities.

Section 12.5 Professional Liability Fund Legislation

The Professional Liability Fund ("PLF") may not present to the legislature or any individual, committee or agency thereof, a position or proposal or any bill or act, as the position of the PLF without the majority approval of the Board of Directors of the PLF and the prior approval of the Board of Governors, except as is provided in Section 12.4 of the Bar's Bylaws.

Section 12.6 Objections to Use of Bar Dues

Subsection 12.600 Submission

A member of the Bar who objects to the use of any portion of the member's bar dues for activities he or she considers promotes or opposes political or ideological causes may request the Board to review the member's concerns to determine if the Board agrees with the member's objections. Member objections must be in writing and filed with the Executive Director of the Bar. The Board will review each written objection received by the Executive Director at its next scheduled board meeting following receipt of the objection. The Board will respond through the Executive Director in writing to each objection. The Board's response will include an explanation of the Board's reasoning in agreeing or disagreeing with each objection.

Subsection 12.601 Refund

If the Board agrees with the member's objection, it will immediately refund the portion of the member's dues that are attributable to the activity, with interest paid on that sum of money from the date that the member's fees were received to the date of the Bar's refund. The statutory rate of interest will be used. If the Board disagrees with the member's objection, it will immediately offer the member the opportunity to submit the matter to binding arbitration between the Bar and the objecting member. The Executive Director and the member must sign an arbitration agreement approved as to form by the Board.

Subsection 12.602 Arbitration

If an objecting member agrees to binding arbitration, the matter will be submitted to the Oregon Senior Judges Association ("OSJA") for the designation of three active-status retired judges who have previously indicated a willingness to serve as volunteer arbitrators in these matters. The Bar and the objecting member will have one peremptory challenge to the list of arbitrators. The Bar and the objecting member must notify one another of a peremptory challenge within seven days after receiving the list of proposed arbitrators. If there are no challenges or only one challenge, the OSJA will designate the arbitrator. The arbitrator will promptly arrange for an informal hearing on the objection, which may be held at the Oregon State Bar Center or at another location in Oregon that is acceptable to the parties and the arbitrator. The hearing will be limited to the presentation of written information and oral argument by the Bar and the objecting member. The arbitrator will not be bound by rules of evidence. The presentation of witnesses will not be a part of the hearing process, although the arbitrator may ask the state bar representative and the objecting member and his or her lawyer, if any, questions. The hearing may be reported, but the expense of reporting must be borne by the party requesting it. The Bar and the objecting member may submit written material and a legal memorandum to the arbitrator no later than seven days before the hearing date. The arbitrator may request additional written material or memoranda from the parties. The arbitrator will promptly decide the matter, applying the standard set forth in *Keller v. State Bar of California*, 496 U.S. 1, 110 S. Ct. 2228, 110 L. Ed. 2d 1 (1990), to the expenditures to which the member objected. The scope of the arbitrator's review must solely be to determine whether the matters at issue are acceptable activities for which compulsory fees may be used under applicable constitutional law. In making his or her decision, the arbitrator must apply the substantive law of Oregon and of the United States Federal Courts. The arbitrator must file a written decision with the Executive Director within 14 days after the hearing. The arbitrator's decision is final and binding on the parties. If the arbitrator agrees with the member's objection, the Bar will immediately refund the portion of the member's dues that are reasonably attributable to the activity, with interest at the statutory rate paid on the amount from the date that the member's fees were received to the date of the Bar's refund. If the arbitrator agrees with the Bar, the member's objection is denied and the file in the matter closed. Similar or related objections, by agreement of the parties, may be consolidated for hearing before one arbitrator.

Oregon State Bar Sections

OSB Sections provide specialized information and opportunities for members. Each section is designed to:

- Enhance lawyers' specialized skill and knowledge.
- Influence changes in the legislature and community.
- Keep members abreast of developments in their field.
- Provide an avenue for educational and pro bono opportunities.
- Provide a forum to network, build relationships, and express views.

Each section accomplishes these goals through a combination of section meetings, Continuing Legal Education programs, legislative activities, and publications. In addition to these activities common to most section, sections have programs and goals that address important issues in their specific field.

Guidelines

For Bar Committee and Section Executive Committee Meetings

These guidelines are intended to make participation on Committees less difficult for members living outside the Portland area. Committees are urged to take these guidelines into account when meeting schedules are established.

1. Committee meetings should be limited to every six, or even eight, weeks, unless a particular committee's work load justifies more frequent meetings. Over the course of a year, a few long meetings will be less demanding on member's time than several short ones. Moreover, longer meetings may be more productive, since there is less time spent reviewing and reinventing.
2. Committees should schedule a minimum number of meetings away from the Portland area. For example, an eight meeting schedule should include five meetings in Portland, two at a moderate distance (e.g., Eugene, Bend, Newport) and one in southern or eastern Oregon (Ashland, Pendleton, John Day, etc.). Portland area members should be strongly encouraged to attend as part of their duties as committee members.
3. At least a third of the meetings should be held on Saturday. Portland meetings often require the commitment of an entire day for members living outside the Portland-Salem area. Impact on office time should be reduced by scheduling Saturday meetings.
4. Committees should explore alternatives to regular meetings, such as phone conferences, and means of participation other than attending regular meetings.
5. To schedule a meeting at the bar center, call, write, or e-mail your bar liaison with the desired date and time. Meeting space is available at the bar center at no charge and the bar will provide coffee and tea for committee and section meetings. Please note that meeting space is assigned on a first come, first served basis.

Section Chair Job Description

- Conduct the Executive Committee Meetings.
- Schedule the Executive Committee meetings for the year.
- Determine Subcommittees.
- Plan and Schedule Activities and CLE's.
- Submit Agenda's to the OSB Member Services Department to be included with the Executive Committee meeting notice which are distributed 14 days in advance.
- February 1st – file Initial Section Report. See page 41.
- April 1st – submit Legislative Summary and full text of proposed legislation to Board's Public Affairs Committee for approval and pre-session filing in even-numbered years prior to legislative session.
- April 15th – file the annual section CLE Participation Report with the CLE Seminars Department. See page 43.
- Hold the sections annual meeting prior to October 15th if section proposes a dues increase for the next calendar year. The OSB Accounting Department needs to be notified no later than October 15th so that the correct dues amount can be listed on the membership fee statements.
- Hold the sections annual meeting prior to November 15th if there are no proposed dues increase for the next calendar year.
- Confirm that the Treasurer has submitted next years budget to the OSB Accounting Department by November 15th.
- December 1st – file Section Annual Report with the Member Services Department. See page 42.
- Serve as an ex-officio member of the HOD and attend the annual meeting on October 29, 2010 at the Oregon State Bar beginning at 1:30 p.m.

OSB Liaison to Sections Job Description

General

Serve as a resource and information source on bar programs, services, and policies for bar sections.

Specific

At the beginning of each section year, the bar liaison will contact the chair to schedule a meeting to discuss a plan of work that will allow the section to effectively and efficiently discharge its responsibilities for the year. The chair will be encouraged to schedule all section meetings for the year at the first meeting of the executive committee.

The bar liaison will attend all section meetings including the annual meeting. If unable to attend, the bar liaison will find a replacement. The bar liaison will actively participate in meetings offering suggestions or direction. The bar liaison will remain in telephone contact with the chair or other appropriate members of the section on relevant issues and agendas.

The bar liaison will alert appropriate bar employees or departments of planned activities of the section which will affect their operations. Examples: budget or dues issues, CLE programs, CLE publications, meeting dates and location, amicus brief issues, legislative issues, public service projects, desktop publishing/technology issues, surveys and mail room.

The bar liaison will facilitate communication with BOG contact and identify issues which may require board consideration or action, or interaction with other OSB sections, committees and other groups.

The bar liaison will submit copies of agendas and minutes

to Member Services and assist Member Services staff, on request, in obtaining required reports and other documentation from the section. The bar liaison will receive copies of all section meeting notices, OSB correspondence, and updated rosters. The bar liaison will have a general knowledge of bar bylaws on sections (Article 15), Standard Section Bylaws and co-sponsorship of CLE's. The bar liaison has a general knowledge of the section's financial condition and the bar's financial procedures for sections and will alert appropriate bar staff of potential financial or budget needs of the section.

The bar liaison will assist the section chair in meeting deadlines: Budget and annual report due December 1, Initial Section Report due February 1, CLE Participation Report due April 15 [Also see page 39 of the Bar Leadership Handbook].

The bar liaison will submit liaison report to Member Services Manager with a copy to the Member Services Section Specialist and Executive Director within five (5) days of the meeting. A copy will also be provided to a particular staff person if discussion included topics relevant to other staff. The next meeting date should be noted in the report.

Member Services Procedures for Meeting Notices

An important outcome of the Member Services Department is to assure that the external customers of the department are satisfied with services received. A major part of this effort is the sending and tracking of meeting notices. The meeting notice procedure is based on the premise that notices are sent timely, efficiently and cost effectively.

Member Services will, on receipt of the necessary information, send notice of meetings with the following information the meeting date, time, location, agenda and minutes of the last meeting. Notices of meetings should be given a minimum of two weeks before the meeting date to allow ease of scheduling for members and to meet the Oregon public meeting notice requirements.

All meeting notices are sent by email and allow committee members to return attendance replies to the secretary or his/her designee.

An important bar liaison responsibility is to assist the committee in determining both a meeting schedule and the method by which it wants to receive and reply to meeting notices, and to inform Member Services of this information. Once Member Services is informed of the schedule and meeting notice process, the bar liaison is sent a reminder that it is time to initiate the meeting notice process approximately three weeks prior to the scheduled meeting.

The method above reflects standard procedure. Allowances can be made to accommodate individual committee preferences.

Important Dates and Deadlines for Sections

January 1

Begin section year. Officers and executive committee members take office.

February 1

File Initial Section Report. See page 41.

April 1

Submit Legislative Summary and full text of proposed legislation to board's Public Affairs Committee for approval and pre-session filing in even-numbered years prior to legislative session.

October 15

Hold annual meeting or mailed ballot election if section proposes a dues increase for the next calendar year. The OSB Accounting Department needs notification no later than October 15 so that the correct dues amount can be listed on the membership fee statement.

If the section is proposing a change in membership dues, the budget must be received by October 15, so that the BOG may approve the change and dues can be collected with the membership fees.

November 15

Hold annual meeting or mailed ballot election in accordance with standard section bylaws. Election results shall be certified to the Oregon State Bar once election or mailed ballot election occurs for the purpose of bar records, creating new section executive committee rosters and for publication in the annual membership directory. Section shall hold at least one membership meeting for the purpose of conducting section business including the election of the section executive committee (or hold a mailed ballot election).

Section treasurer to submit a report of the section's financial affairs and financial condition to the members at the section annual business meeting.

December 1

File with the Executive Director of the OSB an annual report which is a summary of the activities of the current year and anticipated activities for the upcoming year, together with the full text of any proposed legislation

unless submitted to the OSB by the April 1 deadline. Budget and financial information on the current year may be included in this report. See page 42.

Section budget. The section treasurer shall submit the section budget to the Board of Governors' Budget & Finance Committee for its approval no later than December 1. If the section is proposing a change in membership dues, the budget must be received by October 15, so that the BOG may approve the change and dues can be collected with the membership fees.

60 days prior to the Section's Annual Business Meeting

The section executive committee shall appoint a nominating committee to make nominations for positions for the upcoming year.

45 days prior to a House of Delegates meetings

Any proposed recommendation or resolution considered by the House of Delegates must be submitted to the Executive Director at the Oregon State Bar no less than 45 days prior to the meeting. See page 12 for meeting Schedule.

30 days prior to the Section's Annual Business Meeting

The nominating committee shall make and report to the chairperson one nomination for each position.

Within 30 days of any Section Executive Committee Meetings

A copy of the minutes of each meeting shall be delivered to the OSB Section Member Services Section Specialist.

14 days prior to any scheduled Executive Committee or Section meeting

Notice and agenda shall be distributed to the OSB Section Member Services Section Specialist and to the assigned BOG Contact and bar liaison.

14 business days prior to the Section's Annual Business Meeting

The report of the nominating committee shall be distributed to the section membership along with the notice of the time and place of the meeting. Included in that mailing, a report to the section's membership shall include information about the section's activities and use of dues in the year since the last section annual business meeting and the activities and use of dues contemplated for the next year.

14 days prior to membership meeting

If section bylaws are to be amended, notice of intent to amend bylaws and the text of proposed amendments shall be mailed to all section members.

At least 5 days prior to any section mailing that is handled by OSB

Written notification to the Section Member Services Specialist, so that labels, copying and stuffing can be coordinated.

At least 3 days prior to any section mailing not handled by OSB mailing service

Content of mailing must be provided to the Section Member Services Specialist.

Oregon State Bar Initial Section Report

To be completed by the Section chairperson. Use extra pages, if necessary.

Committee Name:
1. This report must be received in the bar office no later than February 1, 2010. List Section goals and objectives for the period ending December 31, 2010. (This will include projects that may continue beyond December 31, 2010.)
2. If committees are appointed, list the committees, the chairperson, and the committee responsibilities.
3. Name of legislative contact(s).
4. Section Executive Committee meeting schedule through December 31, 2010.
Please return to: Sarah Hackbart shackbart@osbar.org Member Services Oregon State Bar P.O. Box 231935 Tigard, OR 97281-1935

Oregon State Bar

Section Annual Report Guidelines

Standard Section Bylaws - Article X, Section 3

Not later than December 1, the Chair shall file with the Executive Director of the Oregon State Bar a concise report summarizing the activities of the current year and anticipated activities for the ensuing year, together with the full text of any proposed legislation.

The Annual Report is a valuable planning document for the future work of the group and is useful as a way to share ideas between sections and committees. The committee and section reports are compiled in a booklet and distributed at the beginning of the year to the Board of Governors, committees, sections, bar liaisons, and libraries. A web based Annual Report is available online at www.osbar.org.

The information in the Annual Report should correspond to the Initial Section Report and contain the following:

1. Describe briefly the sections accomplishments for the year including any activities, CLE's and newsletter publications.
2. General budget information from the 2009 year and/or 2010 year.
3. Description of any legislative issues during the year.
4. Recommendations for next year's goals and activities.
5. Any other comments.

Section chairs should submit Annual Reports in electronic format (either Word or Word Perfect) to dedwards@osbar.org before December 1, 2010.

Section Employees and Independent Contractors

Memorandum

TO: Section Officers

FROM: Sylvia Stevens, General Counsel

Sections often hire newsletter editors, web site designers, law clerks, and other persons to assist with section projects. Because sections are part of the bar, the legal relationships with these individuals must be handled in accordance with bar policy.

Law clerks and other personnel who will be working under the supervision and direction of a section member are generally considered employees and need to be added to the bar's payroll as temporary employees. The forms that must be completed before a temporary employee can be hired are indicated below. The Human Resources manager is available to assist you in this regard. She can be reached at 620-0222, ext. 401.

Newsletter editors and web site designers and managers are generally independent contractors under the standard established in ORS 670.600. The bar has an independent contractor agreement template that can be tailored to meet any special circumstances.

Bar policy provides that payment to independent contractors cannot be made if there is not an independent contractor agreement in place. Please call me at 620-0222, ext. 359, if your section would like to enter into an independent contractor agreement or if you have questions about section employees.

Thank you for your cooperation in this important area.

Hiring and Payroll Procedures For Temporary Employees

1. Determine if the person should be hired as an employee as opposed to being put on a contract as an independent contractor. Call Sylvia Stevens, ext. 359 if there is any question.
2. If the person is an employee, the section chair should contact the bar's payroll department at extension 305. Since the person will become a temporary employee of the bar the following forms must be completed by the employee and/or the section chair:
 - a. Personnel Action Notice for Section Temporary Employees. (authorization and information provided by the section)
 - b. Form W-4 (required IRS tax withholding information)
 - c. Form I-9 (Employment eligibility verification required by Immigration and Naturalization Service)
 - d. Timesheet (for the employee to record hours worked)
3. The new employee completes the W-4 and I-9 forms. The supervising attorney reviews the required documents and signs the certification on the I-9 form. Both documents must be completed prior to the start of work and then forwarded to OSB Payroll
4. The employee completes an OSB timesheet to show all dates and hours worked. The signed timesheet is sent to the section's treasurer for approval, (the employee should retain a copy for the employee's records.)
5. The section treasurer signs the timesheet and forwards it to OSB Payroll.
6. The approved timesheet will be processed in the next payroll period after which it was received.
7. The paycheck will have payroll taxes withheld at the rate designated for a bi-weekly payroll and based on the number of exemptions indicated on the employee's W-4 form.
8. Paychecks are mailed to the employee unless the employee directs the check be held for pickup.
9. Each personnel action notice is in effect for six months unless a shorter authorized duration is specified.
10. Any change in the rate being paid requires a new Personnel Action Notice specifying the new rate.
11. Any questions regarding payroll processing may be directed to the Accounting Supervisor at ext. 305.

Menu of Section Services

Services included with Per Member assessment (\$6.50)

Accounting and Office Services

- Section membership fee statement printing, and mailing, and processing.
- Associate member billing.
- Cash receipt of revenue from all other section activities.
- Processing and payment of section bills and expense reimbursement requests.
- Maintenance of all computer systems to handle financial processes and membership dues database.
- Coordination of Section Budget process.
- Section treasurer training.
- Information resource for chair and treasurer questions concerning budgeting and accounting procedures.
- Bi-annual audit of section accounting records and procedures.
- Preparation, publication and distribution of monthly financial statements.

Other Services

- Serve as general resource for section leaders and members.
- Respond to inquiries regarding section activities (information clearing house).
- Print and distribute annual reports which describe section activities for the year.
- Conduct annual Conference of Bar Leaders for new and continuing section leadership.
- Print and distribute Conference of Bar Leaders manual to section leadership.
- Meeting facilities for groups up to 140 at the Bar Center (classroom or conference room seating). Advance reservations are advised.
- Board and bar liaison personnel available as additional resource.
- Mailing services.
- Publication design, printing and distribution (newsletters, brochures, announcements, annual meeting material).
- Section web page services.

Member Support Services

- Maintenance of section membership roster.
- Executive committee and general meeting notice preparation and distribution.
- Distribution of broadcast e-mails.
- Maintenance of list serves for executive committee and sections (if requested).

The services listed above are charged to the section on a \$6.50 per member basis. The charge is made on the section's financial statements as members join the section.

Bar Bylaw 15.400 states, "The bar charges each section a per capita fee equal to 50 percent of the costs of providing services to the sections."

Additional Services Available to Sections

Layout and Design

The OSB Design Center staff is available to help sections prepare newsletters and other communication materials, such as brochures, ads, announcements, and annual meeting notices and handbooks.

Graphic design services..... \$40/hour

Newsletter design & layout.....\$25/page

The newsletter price per page includes an electronic file (pdf) for website/archive use and up to one hour of other graphic services (photo scans and clean up, ad preparation, inserts, etc.). Additional graphic service time will be charged at the normal \$30 per hour design rate.

Call Anna Zanolli (ext. 414) or Andy Baudoin (ext. 349) in the Design Center to discuss lead time/details on your upcoming project.

Printing and Mailing

Estimates provided on a per project basis. Please contact Andy Baudoin (ext. 349) in the Design Center about project estimates.

Invoicing

The OSB Accounting department can provide invoicing services for the sections upon request. This service includes creating, delivering and tracking the payment of section charges that need to be billed to third parties. A typical example is event sponsorships whereby firms have agreed to sponsor an event but require an invoice from the bar section to make the payment to the section.

The charge to the section for invoicing services is \$10.00 per invoice per customer.

The section contact will be notified if an invoice becomes past due so the section may make collection efforts for these invoices. Please contact the Accounting Supervisor at ext. 305 to request invoicing services.

CLE Services

Sections have a variety of options when organizing a CLE event. For sections planning an event without the cosponsorship of the CLE Seminars Department, the following information highlights some of the services available through the bar. For a complete brochure on planning a CLE event, please contact the CLE Seminars Department : (503) 431-6351 or toll-free in Oregon (800) 452-8260, ext. 351.

Please note: Cosponsorship with any Washington State Bar section must receive prior approval from the WSBA CLE Department. For more information, please contact Mark Sideman, Director, WSBA CLE, (800) 945-9722.

Venue

Bar center facilities are available to sections free of charge. Depending upon the room configuration, the rooms at the bar can accommodate between 40 and 72 people in a classroom setting or up to 120 people theater-style. For CLE events where attendance in a classroom style setting is expected to exceed 72, another venue should be selected. General information regarding other venues can be obtained from the CLE Seminars Department: (503) 431-6351 or toll-free in Oregon (800) 452-8260, ext. 351.

Equipment

The following equipment is free for use by sections, but subject to availability.

- Document Camera
- VCR/DVD Player
- Data projector
- Podium
- Microphones (tabletop and wireless lapel/lavaliere)

Registration Services

Registration can be handled through the CLE Seminars Department or directly by the section. Sections not utilizing CLE Seminars registration services should refer to the Bar Leader Handbook for information regarding procedures for handling registration fees. A written agreement with the CLE Seminars Department is required for registration services. Credit card transactions cannot be processed unless CLE Seminars registration services are used. The following services are provided for a cost of \$7 per registrant (\$350 minimum charge), plus applicable bank fees for each credit card transaction:

- Review registration information before CLE event notices are distributed
- Receive and process registration forms and fees (cash, checks, and credit cards-VISA and MasterCard only)
- Credit registration fees to the section's account
- Send event confirmations to registrants
- Print a list of registrants (name badges and plastic sleeves are available for an additional flat fee of \$25)
- Provide registration information via the CLE Service Center
- Process cancellations and refunds (the event brochure should specify refund and cancellation policies)
- Send the final registration list to the MCLE Department
- Mail program materials to registrants who did not attend the seminar. Program materials remaining after 30 days following the seminar will be forwarded to the section chair or, upon request, recycled. At this time, registration services do not include selling program materials or products after the conclusion of the seminar. Sales of program materials or video/audio products from the seminar must be handled by the section.

Please note: The bar can not bill attendees for CLE registration fees. Sections are responsible for collecting fees from individuals who registered the day of the seminar but did not pay at that time. Contact the CLE Seminars Event Coordinator to arrange for or discuss registration services: (503) 431-6351 or toll-free in Oregon (800) 452-8260, ext. 351.

Event Services

The following event services are available for an additional charge to sections that have executed a CLE registration services agreement for an event:

- Subject to staff availability, two hours of on-site registration assistance by a CLE Seminars staff member for events held within 50 miles of the Oregon State Bar Center, including Salem, Vancouver, Hillsboro, and Troutdale. If a section CLE event is held outside this area, please contact the CLE Seminars Manager at (503) 431-6382 to discuss staffing options.
- Assist the section with selecting and reserving an event facility; recommend room arrangements
- Obtain, review, and forward the facility contract to the Executive Director for approval
- Review registration information before CLE event notices are distributed
- Assist the section with making catering selections and finalizing the Banquet Event Order (BEO) with the facility
- Assist the section with audio/visual equipment selection
- Print speaker name tents

The charge for CLE event services covers staff mileage reimbursement within the 50-mile service limit but does not include parking, tolls, or other transportation-related expenses incurred by staff assisting with on-site registration.

Event services are available for an additional cost of \$300. To arrange for or discuss event services, please contact the CLE Seminars Event Coordinator at (503) 431-6351 or toll-free in Oregon at (800) 452-8260, ext. 351.

Please Note: Printing program materials, event evaluations forms, or MCLE recordkeeping forms are not included with registration or event services. A sample of an MCLE recordkeeping form is available from the MCLE link at www.osbar.org. To discuss printing course materials or forms, please contact the Design Center: (503) 431-6414 or toll-free in Oregon (800) 452-8260, ext. 414.

MCLE Sponsor Fees for CLE Programs

Sponsor fees are \$40.00 for a program of four or fewer hours and \$75.00 for a program of more than four hours. A sponsor who submits an application for accreditation more than 30 days after the completion of the CLE activity shall pay a late application fee of \$40.00 and accreditation shall not be granted until the fee is received. If you have questions, please call ext. 368.

Series MCLE Costs

Sponsors presenting a CLE activity as a series of presentations may pay one program fee of \$40.00 for all presentations offered within three consecutive calendar months, provided:

- The presentations do not exceed a total of three credit hours for the approved series; and
- Any one presentation does not exceed one credit hour.

MCLE Accreditation Process

Contact Person: Denise Cline, Ext. 315

The following forms and information is needed to apply for MCLE credit:

- MCLE Form 2 – Enclosed
- Copy of the CLE notice
- Sign-in sheet
- Copy or sample of programs written materials
- Transfer of Funds Authorization Form completed by Treasurer (program fee of \$40.00)

A written application for accreditation of a group CLE activity should be filed either before or no later than 30 days after the completion of the activity. If the accreditation application is received after 30 days there will be a \$40.00 late fee due in addition to the program sponsor fee.

A program fee of \$40 is due for all presentations offered within three consecutive calendar months, provided 1) the presentations do not exceed a total of three credit hours for the approved series; and 2) any one presentation does not exceed one credit hour. (MCLE Regulation 4.350(c)).

Return the completed MCLE Form 2, sign-in sheet, copy or sample of program written materials, and the Transfer of Funds Authorization Form to the MCLE department.

MCLE FORM 2: Group CLE Activity Accreditation Application

Instructions:

Pursuant to MCLE Rule 4.3, sponsors of Group CLE Activities must apply for accreditation no later than 30 days after the completion of the CLE activity. Individual bar members may also apply on their own behalf for accreditation of a Group CLE Activity by using this form. No fee is required. The sponsor fee is \$40 for a program of 4 or fewer hours and \$75 for a program of more than 4 hours. The sponsor fee for a series of programs not exceeding 3 hours in 3 consecutive months is \$40. A sponsor fee is required for each repeat (live or electronic) of the programs. (See MCLE Rule 4.3(c).)

Name and address of person or organization applying (Please print. This will be mailing label):		Applying As (check one): <input type="checkbox"/> Sponsor <input type="checkbox"/> Individual Member Bar # _____
Phone: _____ Contact Person (Sponsors only): _____		
Title of CLE Activity: _____		
Name of CLE Sponsor (if not the applicant): _____		Phone: _____
Date(s) and Location(s) of CLE Activity Date(s) _____ Location(s) (city/state) _____		Number of credits requested: General _____ Practical Skills _____ Prof. Resp.: Ethics _____ Child Abuse Rep _____ A/J _____ TOTAL _____
Delivery method(s): <input type="checkbox"/> faculty in room with participants; <input type="checkbox"/> telephone to broadcast site; <input type="checkbox"/> interactive video; <input type="checkbox"/> satellite <input type="checkbox"/> audiotape presentation; <input type="checkbox"/> videotape presentation; <input type="checkbox"/> interactive computer/internet; <input type="checkbox"/> discussion leader present		
Is this a replay? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please identify program producer: _____		
Will this program include the use of written materials? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, please explain) Total pages: _____		List any attendance restrictions [See MCLE Rule 5.1(f)]
Describe sponsor's experience in providing CLE activities (for non-OSB accredited sponsors):		
This application will not be processed unless the following are enclosed: <input checked="" type="checkbox"/> Copy of the program agenda showing timelines <input checked="" type="checkbox"/> Biographical information on the program faculty <input checked="" type="checkbox"/> Copy or sample (15-20 pages) of program's written materials - include ethics portion if applicable <input checked="" type="checkbox"/> Sponsor Fee		
Sponsor/Member Signature: _____		Date: _____

OSB MCLE Office Use Only			
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Fee Paid: _____	MCLE Credits: _____	General: _____
MCLE Dept.: _____	Reciprocity? <input type="checkbox"/> Yes <input type="checkbox"/> No		Ethics: _____
Date: _____	Program No.: _____		A/J: _____
			General or Practical Skills: _____
			Total: _____

Make a copy of this form for your records and mail the original to:
 Oregon State Bar MCLE, 16037 SW Upper Boones Ferry Rd., PO Box 231935, Tigard, OR 97281-1935
 (503) 620-0222 X368 or 1-800-452-8260 X368

Section Chair and Treasurer Guidelines

General Financial Information

The bar's fiscal year ends December 31. The Accounting Department produces monthly financial statements for each section. The statements include monthly revenue and expense, year-to-date activity, comparison to current budget, and prior year's month-to-date and year-to-date activity.

Timing of Financial Statements

Books are held open until the 5th working day of the next month to allocate relevant items to the correct month. Any transactions received after this date will be reflected on the next financial statement. Financial statements should be available by the tenth working day of the month, except the months of December and January. As part of the year-end process, December financial records are held open longer than normal in order to post transactions into the correct fiscal year.

Budgets and Long Range Plans

The section can change its member dues annually in accordance with Article II, Section 3, of the Standard Section Bylaws. Budgets are due annually by October 15th, if the section is planning a dues increase. If no dues increase is proposed then the deadline is December 1st.

All section receipts and disbursements must be made from the Oregon State Bar checking account. Under no circumstances should a section maintain a separate checking account or process its receipts through a firm or attorneys bank account.

Revenue

Membership Fees General Information: The Accounting Department sends a section membership statement to all active and inactive members annually. It also processes all section membership dues. A member may join a section through October 31st of each calendar year. Membership is based on a calendar year and membership dues are not prorated.

Additional Membership Recruitment Mailings: Sections may send additional notices to members after the first general section statement is mailed in early December.

Please contact the Controller, extension 305, prior to mailing any solicitation for funds from section members. All expenses related to these additional notices will be assessed to the section.

Associate and Out-of-State Membership: Associate and out-of-state section membership is provided in the Standard Section Bylaws, unless the section membership votes not to allow associate or out-of-state members. Non-attorneys may join a section by completing an "Application for Associate Section Membership" form, and paying the current year's section dues. See Standard Section Bylaws, Article II, Section 2 for definition of associate members.

Applications for Associate and Out-of-State Section Membership are available from the bar's Accounting Department or online at www.osbar.org and selecting the OSB forms library. The Accounting Department sends a renewal notice to the associate and out-of-state members for each section from the prior year's roster. Any questions on these memberships should be addressed to the Accounting Assistant, at ext. 302.

Cash Receipts

Non Co-Sponsored CLE's: When sections coordinate non co-sponsored CLE's or other revenue generating activities, which require submission of funds to the bar, a Cash Received Form must be used. This form is available online in both Excel and Word formats. The following items should be included with all monies forwarded to the bar: the section name, date of event, the revenue account code to apply the funds to, a roster of persons paying for the event, the name on the check, the amount of check, check number and a grand total of funds submitted to the bar. [See sample.]

Please do not mail cash to the bar. When dealing with cash, deposit it in your personal account and submit a check to the Oregon State Bar.

Credit card processing as a method of payment, is available for non-co-sponsored CLE's, if the section uses the registration services of the Seminars dept.

Expenses and Assessments

Bar Services:

The Section is charged a per-member-assessment for the services provided by the bar (see Menu of Section Services.) This assessment is made each time a member or associate section member joins the Section and is reflected on the financial statements under "OSB Support Services."

The assessment is \$6.50 per member.

Conference call charges:

Conference call charges attributable to sections and invoiced to OSB will be charged directly to the sections each month by the OSB accounting department. Upon request the accounting department will send section treasurer a copy of the detailed invoice for sections conference calls, thereby documenting the direct charge. If the conference call invoice detail appears to be correct, no action from the treasurer is necessary.

Credit Card Assessment: The bar accepts VISA and MasterCard payments for section CLE co-sponsorship events. The bank charges OSB a fee for processing credit card transactions. This fee will be passed on to the section; currently it is approximately 3%.

Alcoholic Beverages: Per Bar Bylaw 7.501(e), bar and section funds cannot be used for the purchase of alcoholic beverages. Reimbursement or payment of the cost of alcoholic beverages from section funds is prohibited.

Check Requests: To process a member expense or a vendor invoice, please use either Member Expense Reimbursement or Section Check Request Form (Both are available online). Treasurers should route these requests to the OSB, Attention: Accounts Payable. A section treasurer cannot approve their own or their firm expense reimbursements. Section chair approval is required on all section treasurer reimbursement requests.

Vendor Payment: To mitigate the problem of delay in payment to vendors such as printers, hotels, etc., vendors shall be instructed to send the invoice to the bar's Accounts Payable Department and to state on the invoice the name of the section. The bar will forward the invoice to the current section treasurer for approval. These may be delivered electronically by email to: accountspayable@osbar.org

Invoicing: To ensure accurate record keeping, ALL invoicing must be done through the bar's accounting system. Therefore, sections may **not** generate "invoices" on their own. (Solicitation/confirmation letters are suitable without the word "invoice" mentioned.)

The OSB Accounting department will provide invoicing services for the sections upon request. A typical example is event sponsorships whereby firms have agreed to sponsor an event, but require an invoice from the bar/section to make the payment to the section.

Please note: the bar does not invoice for seminar, conference or other event registrations. Event registrants shall submit payment at the time they register.

To request invoicing, please e-mail the particulars to mpeterson@osbar.org. There is no charge for invoicing services.

Contracts and Independent Contractors

Before entering into a contract, all section contracts must be reviewed by Helen Hierschbiel, Deputy General Counsel, 503-620-0222, ext. 361.

CLE Program Finance Information

Section educational conferences or seminars should be conducted pursuant to the Bar Bylaw 15.601 et seq, which requires sections to notify CLE staff of their program dates and topics. It also requires sections to seek co-sponsorship with the OSB CLE Seminars Department before seeking co-sponsorship with other organizations. The CLE Seminars Department acts as an information clearinghouse to members so it is important, even if the event is not co-sponsored with the bar, that they are informed of the event [please call extension 351]. We encourage you to contact the bar prior to your first planning meeting for the brochure "The Section CLE Guide" which covers all major aspects of seminar planning.

For section seminars that are not co-sponsored with the bar, the CLE Seminars Department can provide registration as a stand alone service at a minimum charge of \$350, or \$7 per registration. The CLE Seminars Event Coordinator, at ext. 351, should be contacted early in the planning process and before the registration forms are printed if the bar is to provide the registration services. The type of items that must be included on any registration form processed by the bar are:

- Registrant's name, address, e-mail address, fax number and telephone number
- Bar number

- Registration account code (The Accounting Department can provide you with this number)
- Registration rates and additional fees, such as: section member rate, new lawyer rate, general rate, lunch, dinner, etc.
- Total registration fee line – this total is necessary to process the registration form.
- Payment Option Section – Language explaining payment options: (1) checks should be made payable to the Oregon State Bar; (2) Required credit card information: full credit card number, card expiration date, authorizing signature, card holder name, card holder billing address.
- Cancellation policy.

If a section does not establish a cancellation policy, the CLE Seminars Department standard cancellation policy and fee will be applied. Please refer to the “Section CLE Guide” for the policy and fee.

Monies received for registration should be sent as soon as possible to the bar’s Accounting Department accompanied by the Cash Received Form.

Section Forms

Member Expense Reimbursement Report Form (Available Online)

Use the expense reimbursement report form to reimburse members or speakers for out-of-pocket expenses, including mileage. **Detailed receipts are required** and must be attached. The expense reimbursement form must be signed by the person requesting the reimbursement and must be approved by either the section treasurer or chair. A signed letter from the person requesting the reimbursement may be attached in lieu of a signature. Section approval, by either the treasurer or chair, is required prior to issuance of a check. The section chair's signature is required if the form is to reimburse the Treasurer or their firm.

Mileage rates are based on the IRS allowable rates. The most current expense reimbursement form reflecting the IRS current rate is available on the bar's website.

See sample on page 61.

Section Check Request (Available Online)

Vendors shall be instructed to send invoices to the OSB, Attention: Accounts Payable with the section name specified on the invoice. Accounts payable will attach a check request form to the invoice and forward it to the treasurer for coding and approval. Accounts payable will keep a copy of the invoice for

follow-up if the treasurer does not return it to the bar for payment within a reasonable period of time.

If a request for disbursement is required but no billing is available, or if an invoice is sent directly to a treasurer, the treasurer should complete a section check request form, and forward it to the bar — Attention: Accounts Payable. These may be delivered via e-mail to: accountspayable@osbar.org. Upon receipt of the approved invoice, the bar will pay it according to the vendor's terms.

All disbursements will be mailed directly to the vendor/payee.

See sample on page 63.

Cash Received Form (Available Online)

Section revenue from CLE registrations and other sources, submitted directly to the section treasurer or another designated member should be sent to the bar's accounting department completely accompanied by the Cash Received Form. This form is available in Excel and Word formats. Treasurers must sign this form.

Cash receipts are considered to be either currency or checks. NOTE: Please **do not mail cash** to the bar. Any cash received should be replaced by a check — either personal or from the treasurer's firm; however, the Cash Received Form should indicate from whom the cash was received. All checks should be made payable to the Oregon State Bar.

The form should be completed listing the persons from whom the money is received. It is important to identify the type of activity in the space designated "In Payment Of ____". (e.g., one form for newsletter subscriptions, one for seminar registrations, etc.). In lieu of the Cash Received Form, a listing may be submitted which follows the same format as the section Cash Received Form. The listing must also include a total.

See sample on page 64.

Transfer of Funds Authorization for the MCLE Program Sponsor Fee

The MCLE Transfer form is used to authorize transfer of funds for the MCLE program sponsor fee from the section's expense account to the MCLE revenue account. An e-mail from the section treasurer or Chair, in lieu of the form, will also suffice. The e-mail should include all of the information requested on the form and should be sent to Denise Cline at dcline@osbar.org.

See sample on page 65.

SAMPLE MEMO TO SECTIONS

2009 Budget Memo SAMPLE

Date: September 13, 2009
 To: Section Treasurers
 Cc: Section Chairs & OSB Staff Liaisons (letter only)
 From: Michelle Peterson, Controller
Ext. 305, E-mail: mpeterson@osbar.org, Fax: (503) 598-6905
 Re: **Information for Preparing Section Budgets for 2009**

This information is for the preparation of your section's budget for 2009. Each section is required to complete an annual budget for the coming fiscal year. Completed budget documents are reviewed and approved by the bar's Budget & Finance Committee.

Sections intending to change their membership fee for 2009 must complete their budget by October 15, 2008. This is due to the printing deadline for the 2009 membership fee statement form.

If you have any questions about the budget process or the material enclosed contact either Michelle Peterson at 503-431-6305 or 1-800-452-8260 (ext. 305), or Cathi Pittman (ext. 302).

DEADLINE:

- If **changing** your section dues for 2009: **October 15, 2008.** (*If your section is considering a dues change and has not notified the bar yet, please contact me now.*)
- If **no change** in your section dues for 2009: **December 1, 2008**

WHAT IS ENCLOSED IN THIS PACKET:

- Section Budget Preparation Instructions
- Your section's 2009 budget worksheet – in Excel file form
- Long Range Plans and Target Reserve Form – separate tab in above Excel file

WHAT TO RETURN TO THE BAR

- **The completed 2009 budget worksheet.** (*If you are changing the section dues, please include a brief memo indicating reason(s) for the change.*)
- **Completed 2009 Long Range Plans and Target Reserve Form** in the same file as the budget worksheet.

RETURN COMPLETED BUDGET (Excel file) TO:

PREFERRED> E-mail: mpeterson@osbar.org

Mail: Oregon State Bar
 Attn: Michelle Peterson
 PO BOX 231935
 Tigard, OR 97281-1935

Section Budget Preparation Instructions

Deadline:

- If changing your section dues for 2011:
October 15, 2010
- If no change in your section dues for 2011:
December 1, 2010

Budget Assistance

- Michelle Peterson
Controller, Ext. 305
mpeterson@osbar.org
- Cathi Pittman
Accounting Assistant II, Ext. 302
cpittman@osbar.org

Return Completed Budget (In Excel) To:

E-mail: mpeterson@osbar.org (*preferred*)

or

Mail: Oregon State Bar
Fax: (503) 598-6905
Attn: Michelle Peterson
PO Box 231935
Tigard, OR 97281-1935

Instructions

Your budget worksheet has been provided in an Excel format. Some formulas are provided for your convenience. You may notice that you are not able to put your cursor in certain cells that are protected. This is to prevent accidental destruction of the various formulas.

1. Save the 2011 Budget Worksheet on your hard drive or network before you add new data, as a back-up copy.
2. Enter the Total # of members you are projecting your section will have for 2010 in the "Total # of Members @ 12/31/2010" box. This total is the current # of members supplied to you in the "Current # of Members Box" PLUS any additional new members you anticipate will join the section during the remainder of 2010.
3. Enter your section's dues rate for 2011 in the "Dues Rate for Budget Year 2011" box.

4. Enter the total # of members you are projecting will join your section in 2011 in the "Projected # of Members for 2011" box. The Membership Fees revenue and OSB Support Service Assessment lines will calculate for you.

5. Complete the "Projected Total @ 12/31/2010" column by estimating your section's activity for the remainder of this year for your other revenues and expenses, by taking the Current YTD @ 8/31/2010 column PLUS any additional. The purpose of the 2010 projection calculation is to determine whether your section has a fund balance adequate to operate in 2011. After you enter the projected amounts, the various totals should calculate for you. The Ending Fund Balance projected for 2010 will also calculate for you.

6. Complete the "2011 Budget Amount" column by estimating your section's activity for your other revenues and expenses for 2011. See TIPS section for help with your other revenue and expense accounts.

7. After figuring all anticipated activity in the "2011 Budget Amount" column, the total revenues, total expenses, Net Revenue (Expense) and Fund Balance lines will calculate.

8. Complete the Long Range Plans form, on a separate tab in this same file. This plan should include a brief narrative of your "Section Long-Range Plans" for programs and/or activities that require an accumulation of funds. Any activities or programs for which you will be accumulating funds in the future should be listed here. Also, on this sheet is the section's "Target Reserve." This reserve sum is to be calculated to protect the section from any financial loss or short-falls and allow adequate funding for current section activities. Both portions of this worksheet must be completed and returned along with the budget worksheet.

Tips For Other Revenue & Expense Accounts

- Include new, enhanced, or decreasing projects or activities. It can be very helpful to devote some time at an Executive Committee meeting to help determine the activity level of the section over the next fiscal year.

- To assist you in budgeting CLE & Newsletter expenses, please refer to the Section newsletter costs and CLE Services topics in your 2010 Bar Leader Handbook. Reminder: A policy issue which arises every year, particularly during section conferences and CLE's, regards the use of alcoholic beverages. The bar's policy, which applies to sections, is not to pay for any alcoholic beverages. Thus, if the section plans to provide alcoholic beverages at an event, it must be a no-host event or a host other than the section.
- The expense account titled "OSB Support Service Assessment" is the Bar's service charge to the sections to cover the cost of processing section revenues and expenses and other section services. The assessment is \$6.50 per member for 2011 and is made on a per member basis. If your section has voted to grant judges and their lawyer staff complimentary section memberships for 2011, the OSB Support Service Assessment will be waived on those particular complimentary memberships only. At this time we have no historical data to estimate judiciary participation in this new offer.

Section Budget Worksheet

Workers' Compensation - 830

G/L#	Description	2004 Actuals	2005 Actuals	08/31/06 2006 YTD	2006 Budget	Projected Year End 12/31/06	2007 Budget Amount
830-U002-000	Dues Rate				\$25	\$25	
830-U001-000	Member Count	364	361	359	360		
	OSB Admin Fee per member				4	4	5.25
REVENUES							
830-4025-000	Annual Event		27,305	28,820	2,000		
830-4405-000	Membership Fees	8,900	9,025	8,975	9,000	0	0
830-4565-000	Registrations - Conferences/Seminars	26,106	3,925	2,700	3,000		
830-4999-000	Miscellaneous Income						
	Total Revenue	35,006	39,255	40,495	39,000	0	0
EXPENSES							
830-7040-000	Annual Meeting	7,000	1,056	27,085	25,000		
830-7195-000	Committee - Executive	1,875	1,495	1,529	2,000		
830-7245-000	Conferences / Seminars	3,968	6,008	75	5,000		
830-7270-000	Contributions - Campaign for Quality	1,000			1,000		
830-7715-000	Newsletter	211					
830-7745-000	OSB Support Services Assessme.	1,156	1,444	1,436	1,424	0	0
830-7885-000	Telephone - Conference Calling	19	400	238	500		
830-7999-000	Miscellaneous Expense				500		
	Total Expense	38,420	34,303	30,363	35,424	0	0
	Net Revenue / (Expense)	(3,414)	5,952	10,132	3,576	0	0
830-3100-000	Beginning Fund Balance			11,586		11,586	11,586
	Ending Fund Balance			21,718		11,586	11,586
	(Beginning Fund Bal. + Net Revenue/(Expense))						

Section Long Range Plans Budget Report Section Name _____ Budget Year 2007

General Information:

Sections that require an accumulation of funds are required to complete this form, detailing the programs or activities for which the funds will be used. Please complete this form and submit this with your budget worksheet.

Section I - Describe programs/activities which require an accumulation of funds:

Section II - Enter target reserve balance: \$ _____

Prepared By: _____ **Date:** _____

Sample



Expense Reimbursement Report

Submit to: Accounts Payable, P.O. Box 231935, Tigard OR 97281-1935

Section Members: submit this form to your section **Treasurer for approval**, they will forward it to the bar.

DETAILED Receipts are required (except for meals at per diem rates) - Please attach.

Name: _____ **Sec/Dept:** _____ **Bar #:** _____

Mailing Address:	Detailed description of business expenses or activity for each day below:

Expenses:	Date : / /	Date : / /	Date : / /	Date : / /	Date : / /	Totals
Breakfast						\$ -
Lunch						\$ -
Dinner						\$ -
Lodging						\$ -
Airfare/Car Rental						\$ -
Taxi & Local Fare						\$ -
Parking						\$ -
Misc-Specify below						\$ -
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Mileage Reimbursement			
Date	Travel to/from:	Mileage	Remarks
Total Mileage		0	0.50 /mi \$ -

Accounting Distribution		Totals	
Account #	Amount	Total Expenses	\$ -
		Less Advance	
		Total Reimbursement	\$ -
		or Amount due to OSB	\$ -
Approval Signatures & Date:			
		Section/Dept:	
		Accounting:	
		CFO:	
Signature of requestor (required for payment):		Date:	

Attach necessary receipts/documentation. See policy below for guidelines.

Oregon State Bar Expense Reimbursement Policy

1. General Policy

- a. This policy applies to participation at conferences and meetings or other official Bar business as member of a specified Board, or as an employee of the Oregon State Bar.
- b. Members of the Board of Governors, Board of Bar Examiners, State Professional Responsibility Board, and Disciplinary Board shall be reimbursed for their expenses in accordance with this policy when acting in their official capacities. Expenses of board or committee members or employees shall not be reimbursed when attending meetings or conferences in a non-official capacity of the bar.
- c. Expenses of spouses or guests shall not be reimbursed except for: (1) specifically budgeted conferences and meetings; (2) bar-sponsored functions where their attendance is specifically expected; and (3) as otherwise approved by the Board of Governors.
- d. Requests for expense reimbursement **must be received by the bar not later than 30 days** after the expense is incurred. If an expense reimbursement form is not submitted within 30 days after the meeting, it must include justification as to why it was not timely submitted. If this requirement is not met, reimbursement will not be paid.
- e. **Supporting documentation**, e.g. receipt or ticket, **is required** for air, bus, taxi, train r rental car transportation, parking and lodging. Credit card bills **cannot be accepted** in lieu of receipts. **Documentation must show details of purchase.**

2. Out-of-State Travel

- a. Out-of-state travel for Board members shall be reimbursed for those persons and meetings set forth in the bar's annual budget or as otherwise approved by the Board of Governors.
- b. Employees must obtain approval of the Executive Director prior to travelling out of state.

3. Reimbursable Expenses While on Official Business

- a. Transportation
 - (1) Use of personal automobile shall be reimbursed at the allowable IRS rate.
 - (2) Actual cost of air coach fare.
 - (3) Actual cost for taxi, bus, or other public transportation.
 - (4) Actual cost of car rental at economy car rate when other transportation is not readily available.
 - (5) Actual cost of parking (receipt must be attached or note parking was paid through a meter).
- b. Lodging - Actual cost for a moderately priced double occupancy room, except when the location of the meeting or conference requires other arrangements. Lodging of members or employees at personally-owned residences, vacation homes or timeshare condos are not reimbursable. Fees for pet, fitness center, resort usage and special cleaning are not reimbursable.
- c. Meals
 - (1) reimbursement for **meals without receipts** shall be made at actual cost within the limits of the following schedule:

	In Oregon	Out-of-state
<u>Total per day</u>	<u>\$49.00</u>	<u>\$64.00</u>
Breakfast	\$9.00	\$12.00
Lunch	\$13.00	\$18.00
Dinner	\$24.00	\$31.00
Incidentals	\$3.00	\$3.00
 - (2) In the event that the meals exceed the maximum limits, **DETAILED RECEIPTS** must be submitted with explanation in order to receive reimbursement and must be approved by the Chief Financial Officer or the Executive Director.
 - (3) Meals purchased for members of the bar or other persons in the course of official bar business shall be reimbursed at actual cost with submission of detailed receipts, the names of attendees and a description of the business purpose of the event.
 - (4) Official dinners, meetings or banquets of the Oregon State Bar at which eligible persons and their spouses/guests are specifically expected to attend shall usually be paid for by the Bar and, if not, shall be eligible for reimbursement.
- d. Miscellaneous
 - (1) Telephone, postage, office expense, registration fees, and other legitimate business expense items shall be reimbursed at actual cost with submission of **DETAILED RECEIPTS** and explanation of purpose of expense.
 - (2) Gift and gift card purchases must be accompanied by detailed receipts indicating the business purpose of the gift, and the name of gift recipient(s).
 - (3) Personal expense items shall not be reimbursed by the Oregon State Bar.
- e. Non-Reimbursable Expenses
 - (1) Alcoholic beverages: bar funds (including funds of sections) shall not be used to pay the cost of alcoholic beverages.
 - (2) Lodging: movie rentals will not be reimbursed.
 - (3) Lodging of members at their own residences, vacation homes or timeshare condos are not reimbursable.
 - (4) Fees for pet, fitness center, resort usage and special cleaning are not reimbursable.

Oregon State Bar	<h2 style="margin: 0;">Oregon State Bar</h2> <h3 style="margin: 0;">Section Check Request</h3>
This form requires signatures and attachments so must be printed after completion on-line. Check will be mailed directly to payee, so attach any desired enclosures.	
Name of Section:	
Please issue check as follows:	
<i>Invoice #</i>	<i>Invoice Date:</i>
<i>In favor of</i>	<i>Vendor #</i>
<i>Amount \$</i>	
<i>Address, including city, state & zip</i>	
Payment Information	
<i>Payment Description</i>	
<i>Business Purpose</i>	
<i>Special Instructions to Accounting</i>	
Account codes and Treasurer Approval	
Section Account number(s) for this expense:	\$ Amount
- -	\$
- -	\$
- -	\$
- -	\$
Treasurer's Approval - Required	Chair's Approval - if applicable
Accounting Use Only	
<i>Accounting Approval</i>	<i>CFO Approval</i>
<i>Accounting notes:</i>	
Possible new 1099 - Request W-9 - Y/N	
Section funds shall not be used to pay the cost of alcoholic beverages	

Transfer of Funds Authorization for the MCLE Program Sponsor Fee	
This form is to be used to authorize the transfer of funds from an Oregon State Bar section account for the payment of the MCLE program sponsor fee. A fee is required for each live program and for each video replay (\$40 for # 4 hours, \$75 for > 4 hours).	
Name of Section	
Program Title	
Program Date(s)	
Program Location(s)	
Total Number of Programs/Replays	
Total Program Sponsor Fee	
Section's OSB Account to be Charged	
I hereby authorize the transfer of funds from the section's Oregon State Bar account to the MCLE program sponsor fee account in payment of the program sponsor fee.	
Date	Signature of Section Treasurer

Account to be credited: 21-4550

Public Meetings Law

The Oregon State Bar is subject to the Public Meetings Law by virtue of ORS 9.010⁽¹⁾. The Public Meetings Law gives effect to Oregon's policy of open decision-making by the state's public bodies; in furtherance of that policy, the law requires that meetings at which decisions about the public's business is made are open to the public; that the public has reasonable notice of the time, place, and agenda for the meetings; and that the meetings be accessible to persons wishing to attend.

The Public Meetings Law applies to all meetings of a quorum of the Board of Governors. It also applies to meetings of the Board's standing and other committees for which a quorum is required to make a decision or a recommendation to the Board.

The Public Meetings Law is a public attendance law, not a public participation law. The right of the public to attend does not include the right to participate by giving testimony or comment.

Voting

- All official action must be taken by a public vote.
- The vote of each member must be recorded.
- If written ballots are used, each ballot must identify the member voting and the vote must be announced.

Minutes

Minutes must be kept of all public meetings, either in writing or by sound, video, or digital recording. The minutes must include at least the following:

- The names of members present,
- Motions and other proposals offered, and their disposition,
- The results of all votes and the vote of each member by name,
- The substance of the discussion on any matter (a true reflection of the matters discussed and the views of the participants), and
- A reference to any document discussed at the meeting.

Minutes are public records even before they are approved, although they can be marked as "draft" or otherwise to indicate their status.

Executive Session

An executive, or "closed," session is a public meeting that is closed to certain persons while the public body deliberates on certain matters. Executive sessions are not the same as meetings and proceedings that are exempt from the Public Meetings Law altogether, such as judicial proceedings and meetings of the State Lawyers Assistance Committee. Executive sessions must comply with all applicable provisions of the Public Meetings Law, while exempt proceedings need not.

The Public Meetings Law allows for executive session in a variety of circumstances; those that typically apply to the bar are sessions to:

- Consider the employment of specific candidates for executive director,
- Deliberate with agents designated to negotiate real property transactions for the bar,
- Discuss the contents of any public record that is exempt from disclosure,
- Consult with legal counsel concerning the bar's rights and duties in pending or anticipated litigation, and
- Review and evaluate the performance of the executive director, except that discussion of the executive director's salary may not be held in executive session.

Regardless of the basis for the executive session, the board or other body must return to open session to take any final action or make a final decision.

The Public Meetings Law does not define "final action" or "final decision," but the fact that further action or further decisions may be needed does not make any particular action or decision less final. Two factors are relevant in determining whether an action is final: The nature of the proposed decision, and the purpose of the statutory authorization for executive session. A decision to spend money is rarely appropriate for executive session. When the finality of a decision is less clear, consideration should also be given to the rationale for the executive session and whether a public announcement of the proposed decisions will frustrate the policy behind the executive session or seriously compromise further action that must be taken. When in doubt, prudence suggests making the action or decision in open session.

¹ ORS 192.610 to 192.690

Convening an Executive Session

An executive session may be called during any regularly scheduled, special, or emergency meeting for which due notice has been given. When the body is ready for executive session, the presiding officer must announce the statutory authority for the executive session prior to going into executive session. The announcement should identify any persons other than news media who may remain and, if final action is anticipated, when the open session will resume. If media are present, the presiding officer should indicate any matters to be discussed in executive session that may not be disclosed.

Attendance at Executive Session

The Public Meetings Law expressly permits representatives of the media to attend executive sessions. The rationale is that it offers them background information that will enhance their understanding of the final decisions and their ability to keep the public better informed. However, the public body may require that the media not report specific information discussed during the executive session. Absent such a directive, the media is entitled to report without limitation, which may frustrate the purpose of having the executive session. At the same time, the nondisclosure requirement should be no broader than necessary to serve the body's needs. The media cannot, in any event, be forbidden from reporting the general nature of the discussion or the statutory basis for the executive session.

"Representative of the media" is not defined in the Public Meetings Law but is interpreted by the Attorney General to mean reporters of media that generally report on the activities of the body or matter of the nature under consideration.

Other than representatives of media, executive sessions are generally closed to all but members of the governing body and persons reporting to the body about the subject of the executive session or who are otherwise involved in the matter. The governing body may, however, invite others to attend without losing the executive character of the session.

Effect of Violation

A person who is affected by any decision made in contravention of the Public Meetings Law may seek injunctive or declaratory relief to require compliance with or prevent violations of the law. Improperly taken actions are not void, but if a court finds that the violation resulted from intentional disregard of the law or willful misconduct by a quorum of the body, the court may void the decision if no other equitable relief is available. At the court's discretion, a successful plaintiff may be awarded attorney fees and costs. Those attorney fees and costs will be the personal obligation of any member who is found to have engaged in willful misconduct.

If the violation is also a violation of the Government Standards and Practices Act, civil penalties may also be assessed against individual members of the governing body, unless they acted on the advice of the public body's legal counsel.

Meeting Management Rules of Order

The most productive meetings are those that provide for an open (but controlled) discussion in a relaxed atmosphere. As you preside over meetings, your leadership style will establish the pace and mood. When deciding on important issues, many leaders conduct meetings using Robert's Rules of Order.

Tips on Using Robert's Rules of order

1. Before an issue can be discussed, you must call a motion.
2. Discussion comes after the motion is seconded and before any vote.
3. Motions are amended by inserting, adding, striking out or substituting.
4. A motion can have only two amendments and the second one must apply to the first.
5. The chair should always restate the motion and any amendments.
6. You may sense when discussion is completed and "Are you ready for the question?"
7. A motion postponed indefinitely is dead, or at least until the next meeting.
8. You can limit debate by general consent: "If no one objects, we will limit debate to 5 more minutes." An objection requires a 2/3 vote to limit.
9. A motion to reconsider a matter can only be rescinded by someone who voted on the prevailing side.
10. A motion to recess for a specific amount of time is not debatable and may be useful to cool debate or to caucus to decide the best course.
11. The chair should announce the results of a vote and the effect of the decision. "The ayes have it and the bill will be paid."
12. Debate always is confined to the pending motion, may be started by the person who made the motion, requires recognition of the speaker by the chair, is directed to the chair, gives all a chance to speak before someone else speaks twice, prohibits the motion maker from speaking against the motion.

10 Tips on Conducting Quality Meetings

1. Plan an agenda review meeting between the President and Executive Director
 - administrative vs. policy
 - format of agenda
 - strategic planning – short term
2. Use folder method for future meetings, one per meeting
 - committee feedback
 - tabled items
 - when more information required
 - strategic planning – long term
3. Having an agenda
 - President/Executive Director control access
 - informational vs. action
4. Mail agenda and backup in advance to board members and appropriate committee members
 - two working days in advance
 - anticipate questions and answer them in backup material
5. Start a “members to be heard” item, limited to five minutes, so members have board access, and announce your new policy in publications and at meetings
6. Start and end on time
 - start without a quorum if necessary
 - have time of beginning and end on agenda
7. Balance respect for board members’ time with goal of open discussion
8. Use agenda as focal point of meeting to achieve board actions necessary
9. Be a facilitator, not dictator
 - draw out minority positions by asking questions
 - reflect discussions/viewpoints in minutes
10. Keep detailed minutes
 - with backup material
 - for future guidance, future meetings folders

Effective Meetings

How to Conduct Meetings that Work

Have a reason to meet

When and where the meeting will be held are important considerations. However, the very first question that should be asked is, "Why are we meeting and what do we want to accomplish?" If there are no clear-cut answers to this question, don't hold the meeting.

The dates of some meetings, such as those of standing committees and of the board of directors, may be set by the bylaws. The where of a meeting is usually decided by custom, room availability, or the availability of space at the association headquarters. You may be able to meet at the president's, or other association officer's law office. The time set for the meeting and how long it should run should be given careful consideration. Those held at the end of the day seldom hold the attention of members once normal quitting time has passed. Ten a.m. and 2:00 p.m. are optimum times for meetings. Whatever timetable you choose, stick to it.

Know who participates

The matter of who attends association meetings is seldom left to the leader. Participants are elected or selected, or they may simply volunteer. In working committees, it's best to have a definite limit on membership; the optimum size for getting results is five to 15 members. If there is no limit on committee size and you have more than 15, divide the members into smaller groups for specific tasks.

The agenda

Do not conduct a meeting without a written agenda. Agendas should be typed up and distributed to all participants well in advance to give them time to prepare. The agenda should list the date, place and estimated length of time of the meeting. The names of the participants should be given, together with the subject of the meeting, some background information and the status of the material to be discussed. Most important, the agenda should clearly set forth the goal of the meeting. An agenda will give the meeting structure and keep in on track. Do not allow the participants to stray from the agenda. Set time limits for all of the items on the agenda. You also need to be sure that new committee members are brought up to date on

the committee's activities and plans before the meeting so that valuable time is not spent during the meeting orienting new members.

Seating arrangements

Studies have shown that people react in certain predictable ways in certain physical surroundings. The seating arrangements of your meeting can effect its productivity. Ideally, a round table is best, but this only works for a small group. A wide rectangular or U-shaped arrangement is effective for larger meetings. The leader should be easily seen by all participants.

Start on time

The meeting should always start on time. Don't wait for anyone. It sets a bad example and discourages others from being on time. Take your watch off at the beginning of the meeting and set it in front of you. This shows that you mean to stay on schedule. Briefly state the purpose of the meeting and emphasize the positive aspects of the subject. Each participant should introduce themselves before the discussion begins.

During the meeting

Be sure the group is focused on the same content. You should have a blackboard or flip chart to list the points being discussed. This is also a useful tool in defusing a heated discussion; since listing the points being discussed seems to disassociate the idea from the person proposing it. Before the meeting is adjourned, review the points discussed, conclusions and action items developed and be sure that all participants are in agreement.

After the meeting adjourns

Once the meeting is adjourned, the leader still has work to do. The results of the most successful meeting will slip away if they are not put into concrete form almost immediately. You should set up a standard form for a follow-up memo. It should include the date of the meeting, name of the sender, subject of meeting, participants, conclusions reached and action items. The action items should

include the person(s) assigned responsibility and deadlines.

Adapted from How to Conduct Meetings that Get Results from The Florida Bar's 1990 Bar Leader Handbook and How to Make Your Meetings Work from the State Bar of California's Passport for the New Bar President.

Secrets to Better Meetings

Each meeting is unique. That makes it possible to set up a complete set of procedural rules for meeting leaders to follow. However, there are important ground rules that apply in almost all meetings.

Respect Other People's Time. When the meeting gets to the point that the special expertise or knowledge of key participants is no longer needed, offer these people the opportunity to excuse themselves. When they realize you are sensitive to not wasting their time, they will be more willing to help you out in future meetings.

Improve Communications. If you are leading a meeting, gear your vocabulary to the least sophisticated member of the group. Be on the lookout for abstract or pedantic language from other meeting participants and be ready to "translate" such language into colloquial speech.

Record All Ideas. At creative meetings, it is vital to avoid intolerance of participants' seemingly bad ideas. Ideas that seem silly today may be valuable sometime in the future. Record all ideas at a meeting for evaluation.

End Meetings After Defined Responsibilities and Firm Deadlines Have Been Established. If the meeting's purpose is to come up with an action plan, be sure that everyone clearly understands who is to do what by when.

Conclude With Summary Statements. The meeting leader should briefly summarize the proceedings and accomplishments of the meeting at its conclusion to underscore the focus of the meeting and to make clear what individuals are expected to do to follow-up.

Provide Means to Handle Unfinished Business. If time runs out before all points of the agenda have been dealt with, get agreement from participants on a plan to take up the unfinished business at a later time.

