

Oregon State Bar
2020 House of Delegates Meeting
Friday, October 30, 2020
9:00 a.m. by video conference

Oregon State Bar

October 9, 2020

Dear Oregon State Bar Member:

I am pleased to invite you to the 2020 OSB House of Delegates meeting, which will begin at **9 a.m. on Friday, October 30**, by video conference.

The preliminary agenda for the HOD meeting includes, among other things, resolutions to increase 2021 license fees, replace fee discounts for active membership based on years in practice with discounts based on income, encourage remote court appearances via video- and teleconferencing for routine court appearances, allow paralegals to support lawyers in court, provide adequate funding for legal aid, require judicial review of agency proceedings to include basis of decisions, and support public defense providers.

All bar members are welcome and encouraged to participate in the discussion and debate of HOD agenda items, but only delegates may vote on resolutions. Delegates will receive instructions for participation and voting by separate email. If you are not a delegate, but would like to participate, please contact Cassandra Dyke, executive assistant, by email at cdyke@osbar.org or by phone at (503) 431-6386 or (800) 452-8260 ext. 386 so we can send you a link to join the meeting. You may also contact Cassandra if you have questions concerning the meeting.

If you are unable to attend, please contact one of your delegates to express your views on the matters to be considered. Delegates are listed on the bar's website at www.osbar.org/docs/leadership/hod/hodroster.pdf.

I look forward to seeing you at the HOD meeting on Friday, October 30, and I thank you in advance for your thoughtful consideration and debate of these items.



Liani JH Reeves
OSB President

OREGON STATE BAR
2020 House of Delegates Meeting
AGENDA
Video Conference
October 30, 2020
Liani Reeves, OSB President

Reports

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| <p>1. Call to Order
<i>Liani Reeves,
OSB President</i></p> <p>2. Adoption of Final Meeting Agenda
<i>Liani Reeves,
OSB President</i></p> <p>3. Report of the President
<i>Liani Reeves,
OSB President</i></p> | <p>4. Report from the Court
<i>Chief Justice Martha Walters,
Oregon Supreme Court</i></p> <p>5. Report of the Board of Governors Budget & Finance Committee and Notice of 2021 Annual Fees
<i>John Grant, Chair
BOG Budget & Finance Committee</i></p> <p>6. Overview of Parliamentary Procedure
<i>Lori L. Brocker,
Parliamentarian</i></p> |
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Resolutions

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| <p>7. Increase 2021 Fees for Active Members Under Two Years and for Active 50-Year Members to the same fee as that for other Active Members; Increase Fees for Inactive, Retired, and Pro Bono 50-Year Members to the same fee as that for Inactive, Retired and Pro Bono Members; Implement a fee reduction for Active Membership based on income
(BOG Resolution No. 1)
<i>David Wade, BOG, Region 2</i></p> <p>8. Increase 2021 Fees for Active Members by \$45 and Inactive and Pro Bono Members by \$25
(BOG Resolution No. 2)
<i>John Grant, BOG, Region 5</i></p> <p>9. Remote Court Appearances Via Video and Tele Conferencing for Routine Court Appearances
(Delegate Resolution No. 1)
<i>Danny Lang, HOD, Region 3</i></p> <p>10. Lawyer Support by Paralegals
(Delegate Resolution No. 3)
<i>Danny Lang, HOD, Region 3</i></p> <p>11. Adequate Funding for Legal Aid</p> | <p>(Delegate Resolution No. 4)
<i>Vanessa Nordyke, HOD, Region 6
Ed Harnden, HOD, Region 5
Ross Williamson, HOD, Region 2</i></p> <p>12. Judicial Review of Agency Proceedings to include Basis of Decision
(Delegate Resolution No. 5)
<i>Danny Lang, HOD, Region 3</i></p> <p>13. Support for Public Defense Providers
(Delegate Resolution No. 6)
<i>Shannon Flowers, HOD, Region 6</i></p> <p>14. In Memoriam
(BOG Resolution No. 3)
<i>Liani Reeves, BOG, Region 5
David Wade, BOG, Region 2
Colin Andries, BOG, Region 5</i></p> <p>15. Veterans Day Remembrance
(BOG Resolution No. 4)
<i>Adrian Brown, BOG, Region 5</i></p> <p><u>Resolution Excluded from Preliminary Agenda</u></p> <p>16. Encourage Security and Bail Reform
(Delegate Resolution No. 2)
<i>Danny Lang, HOD, Region 3</i></p> |
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7. Increase 2021 Fees for Active Members Under Two Years and for Active 50-Year Members to the same fee as that for other Active Members; Increase Fees for Inactive, Retired, and Pro Bono 50-Year Members to the same fee as that for Inactive, Retired and Pro Bono Members; Implement a fee reduction for Active Membership based on income. (Board of Governors Resolution No. 1)

Whereas, the House of Delegates directed at its November 2018 meeting that the Board of Governors review and consider issues of equity in the existing fee structure; and

Whereas, the Board presented the results of its deliberation to the House of Delegates at the 2019 meeting; and

Whereas, the House of Delegates approved at the 2019 meeting the Board taking steps necessary to move from a system of discounts on fees based on years of membership in the bar to a system of discounts based on income and ability to pay, and bring to the House for its final approval at the 2020 HOD meeting any increase in fees based on such a structure pursuant to ORS 9.191; now, therefore, be it

Resolved, that the 2021 Oregon State Bar member fees for Active Members Under Two Years and for Active 50-Year Members be the same fee as that for other Active Members; the member fees for Inactive, Retired, and Pro Bono 50-Year Members be the same fee as that for other Inactive, Retired, and Pro Bono Members; and a reduced fee equivalent to eighty (80) percent of the regular Active Member fees will be established for Active Members With Income Under \$40,000.

Background

At present, there are three tiers of licensing fees for active lawyers in Oregon, each of which is defined by the number of years a lawyer has practiced law. The standard active fee applies to lawyers who have been active in any jurisdiction for more than 2 years, but have been active members of the Oregon State Bar for no more than 49 years. Lawyers with less than two years of membership in any jurisdiction pay a discounted rate. Lawyers who have been members of the Oregon State Bar for 50 years or more pay nothing.

At its 2018 meeting, the HOD asked the Board to evaluate the merits of creating an additional tier of discounted fees for third- and fourth-year bar members, in light of the economic realities faced by many newer lawyers. At the same time, the HOD asked the Board to evaluate equity issues raised by the current fee structure. After the HOD meeting, the Board assigned this review to its Budget and Finance Committee, which met and discussed the matter over approximately nine months.

At the outset, the committee calculated the loss of revenue that would result if a discount were afforded to the approximately 1,250 lawyers in Oregon who are third- and fourth-year bar members. Every \$10 reduction in the fee for these individuals translates to a \$12,500 reduction in annual revenue to the bar. The committee was concerned about the equity of shifting costs

from one subset of members to the others. To avoid an overall licensing fee increase to accommodate this loss of revenue, the committee considered how to recapture that loss through other adjustments to the fee structure.

In discussions of equity, two key issues arose regarding the current tiered structure. First, it was noted that the pool of 50-year members who continue to actively practice law has been growing significantly over the last five years. Moreover, these lawyers often have a higher earning capacity than newer lawyers, carry less debt, and are better able to afford to pay the full license fee. Second, it was noted that employers often pay the annual license fees for their lawyers, which means the discounts provided to newer lawyers may not benefit them directly.

The committee also looked to other mandatory state bars for alternative fee structures. While most follow Oregon's model of offering discounts based on years of practice, the California State Bar provides discounts based on income. California offers a 25% fee reduction for lawyers whose individual annual income is \$40,000 or less, and a 50% reduction for lawyers whose household income is \$20,000 or less.

The committee felt strongly that an income-based structure was more equitable than one based on years of practice. Income-based discounts provide relief to lawyers who may be starting a new practice, who work part-time to accommodate family or caretaking responsibilities, who devote significant time to pro bono service, or who provide discounted rates to clients. By supporting lawyers in those situations, the committee reasoned, a fee reduction would also support the bar's goals of increasing access to justice. The Board agreed.

At the 2019 HOD meeting, the House of Delegates approved the Board of Governors taking the steps necessary to move from a system of fee discounts based on years of membership in the bar to a system of discounts based on income and ability to pay. The HOD also asked the Board to return in 2020 with a follow-up resolution in the event of any increase in fees based on such a structure.

The Board of Governors is recommending a reduced fee for active members with income under \$40,000 equivalent to 80% of the regular active member fees. To sustain this fee discount without negative financial consequence, the board recommends increasing the active fees for new bar members and 50-year members to the same fee as that for other active bar members. In addition, the board recommends increasing the inactive fees for 50-year members to the same fee as that for other inactive bar members. By making these adjustments to the fee structure, the board expects there to be no financial impact that would require an overall fee increase.

Financial Impact

None anticipated.

*Presenter:
David Wade, BOG, Region 2*

8. Increase 2021 Fees for Active Members by \$45 and Inactive, Pro Bono, and Retired Members by \$25. (Board of Governors Resolution No. 2)

Whereas, the OSB Board of Governors is charged by ORS 9.080(1) with the executive functions of the Oregon State Bar, which include assuring there are adequate resources for bar operations; and

Whereas, the annual membership fee is established by the Board of Governors and any increase over the amount established for the prior year must be approved by a majority of delegates voting thereon at the annual meeting of the House of Delegates, pursuant to ORS 9.191(1); and

Whereas, the annual membership fee has not been increased since 2016; and

Whereas, the Board of Governors has determined that an increase is required to maintain the current level of programs and services; now, therefore, be it

Resolved, that the 2021 Oregon State Bar membership be for active, inactive, pro bono and retired members be increased to the following:

	<u>Active</u>	<u>2020</u>	<u>2021</u>	<u>Change</u>
Membership Fee Breakdown	General	\$ 487.00	\$ 532.00	\$ 45.00
	D&I	45.00	45.00	-
	LRAP	10.00	10.00	-
	Total	\$ 542.00	\$ 587.00	\$ 45.00
Set by BOG	CSF	50.00	30.00	(20.00)
	Total Fees	\$ 592.00	\$ 617.00	\$ 25.00
Inactive (General)	Total	\$ 125.00	\$ 150.00	\$ 25.00
Pro Bono (General)	Total	\$ 125.00	\$ 150.00	\$ 25.00
Retired (General)	Total	\$ 125.00	\$ 150.00	\$ 25.00
No change in late payment fees				

Background

The Board of Governors takes seriously its obligation to use the bar's resources wisely, especially since most of the bar's annual revenue comes from mandatory annual membership fees. When the Board came to the HOD in 2015 with its first request for a fee increase in 10 years, the Board forecast that it would be able to maintain existing programming for another five years without a fee increase. In keeping with that forecast, at last year's HOD meeting the Board projected a \$45 fee increase for 2021. That is the proposal before the HOD today.

As for many lawyers, the COVID-19 pandemic has taken a toll on the bar's finances in 2020. A third of the bar's revenue is generated by bar programs and operations. CLE Seminars, Lawyer Referral Services, and OSB Center rental revenue have all dropped in 2020, some dramatically. Even so, the board projects a balanced budget for 2020, largely because of staff reductions, operational reorganization and no travel expenses for three-quarters of the year.

Despite this accomplishment, it is clear to the Board that the current level of programs and services cannot be maintained without an increase in the annual membership fee. Effects of the pandemic will continue to be felt into 2021. Membership growth remains flat and is projected to decline in the coming years. Finally, the Professional Liability Fund Board of Directors decided to cease its annual \$200,000 grant to the bar for the support of BarBooks beginning in 2021.

Offsetting the impact of the fee increase, the Board has reduced the Client Security Fund (CSF) assessment from \$50 to \$30. This reduction reflects the restoration of the CSF's reserves following a period of exceptionally high claims. With the reduction in the CSF assessment, the net effect of the \$45 fee increase will be reduced to \$25.

The following chart shows the total of 2021 fees (including the reduced CSF assessment and the Diversity & Inclusion assessment) with the proposed \$45 membership fee increase:

Membership Category	If paid by February 1, 2021	If paid after February 1, 2021
Active members	\$617.00	\$717.00
Active Pro Bono members	\$150.00	\$200.00
Active Members with <\$40,000 income	\$511.00	\$611.00
Inactive/Retired members	\$150.00	\$200.00

*Presenter:
John Grant, BOG, Region 5*

**9. Remote Court Appearances Via Video and Tele Conferencing for Routine Court Appearances
(House of Delegates Resolution No. 1)**

Whereas, the OSB Sustainability Section favors Conservation of Resources;

Whereas, the OSB Mission 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;

Whereas, the 2020 Orders issued by the Chief Justice encouraged movement into a “remote environment” as an appropriate remedial measure necessary to address the COVID-19 pandemic;

Whereas, advances in audio and video technology have facilitated real-time remote communication;

Whereas, persons cited to personally appear in Oregon Courts are currently required to appear in person, even if ill with communicable diseases;

Whereas, required in-person Court Appearances do not allow optimal “Social Distancing” in the Courthouse elevators, Courthouse corridors, and Courtrooms;

Whereas, there is a need to minimize health risks to our communities, that include Judges, Staff, Litigants, Case Participants, Interpreters, and Members of the Public who come into our Courthouses;

Whereas, remote appearances promote sustainable environmental benefits from reduced consumption of fossil fuels through the avoidance of unnecessary travel via motor vehicles;

Whereas, unnecessary travel to make in-person Court appearance also involves interference with employment obligations of both Civil and Criminal Case participants;

Whereas, the Oregon Judicial Branch realizes cost benefits by the implementation of the most efficient methods of conducting Court appearances by reducing avoidable congestion in Court Parking Facilities, Courthouse Facilities, and Security Checkpoints; now, therefore, be it

Resolved that the House of Delegates encourages the use of technology to effectuate remote Court appearances, via video and tele conferencing, as the normal protocol for Routine Court appearances; with in-person appearances being the protocol when matters to be considered require in-person Court appearances.

Financial Impact

None stated.

Presenter:
Danny Lang, HOD, Region 3

**10. Lawyer Support by Paralegals
(Delegate Resolution No. 2)**

Whereas, a Degree in Paralegal Studies or other equivalent Training is available to provide Standards of Competency;

Whereas, modern Lawyers increase efficiency by reliance upon Paralegal Staff for utilization of Trial Binders, presentation of Trial Exhibits, and coordination of Witnesses for Courtroom appearances;

Whereas, during Courtroom Trials, Motions, and Hearings, the assistance by a supervised Paralegal improves the effectiveness of the Lawyer;

Whereas, supervised delegation to Paralegals of the foregoing Courtroom functions also provides for greater efficiency, lowers the cost of litigation, and results in greater Access to Justice;

Whereas, during Courtroom proceedings Lawyers will benefit from support personally provided by supervised Paralegals; now, therefore, be it

Resolved, that the House of Delegates recommends reforms to allow OSB Member Lawyers to be personally assisted in Oregon Courtrooms by Lawyer-supervised Paralegals seated adjacent to the Counsel Table.

Financial Impact

None stated.

Presenter:
Danny Lang, HOD, Region 3

**11. Support of Adequate Funding for Legal Services to Low-Income Oregonians
(Delegate Resolution No. 4)**

Whereas, providing equal access to justice and high-quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

Whereas, equal access to justice plays an important role in the perception of fairness of the justice system;

Whereas, programs providing civil legal services to low-income Oregonians is a fundamental component of the Bar's effort to provide such access;

Whereas, since 1998, pursuant to ORS 9.572, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight of funds allocated by the State of Oregon for legal aid. This is done in accordance with the Bar's Standards and Guidelines, which incorporate national standards for operating a statewide legal aid program;

Whereas, Oregon's legal aid program do not have sufficient resources to meet the civil legal needs of Oregon's poor;

Whereas, Oregon currently has 2 legal aid lawyers for every 14,000 low-income Oregonians, but the national standards for a minimally adequately funded legal aid program is 2 legal aid lawyers for every 10,000 low-income Oregonians;

Whereas, the health and financial impacts of the COVID-19 pandemic are disparately impacting people from Black, Indigenous, and other people of color (BIPOC) communities, and low-income communities;

Whereas, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system; now, therefore, be it

Resolved, that the Oregon State Bar;

(1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for Oregon's legal aid programs and through support for the Campaign for Equal Justice.

(2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid.

(3) Work with Oregon's legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of new funding.

(4) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by the Oregon legal community, by establishing goals of a 100% participation rate by members of the House of Delegates, 75% of Oregon State Bar Sections contributing, and a 50% contribution rate by all lawyers.

(5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Leadership Banks, meaning that pay the highest IOLTA rates.

(6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery, and access to justice for low-income and vulnerable Oregonians.

(7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.

(8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

Financial Impact

None stated.

Presenters:

*Vanessa Nordyke,
HOD, Region 6
OSB Past President 2018*

*Ed Harnden
HOD, Region 5
OSB Past President 2001*

*Ross Williamson
HOD, Region 2*

12. Judicial Review of Agency Proceeding to include Basis of Decision (Delegate Resolution No. 5)

Whereas, “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.”
Oregon State Bar Bylaw 1.2 – Article 1, Purpose of Bar and Definitions; Section 1.2 Purposes;

Whereas, Chief Justice Martha L. Walters, in her Address to the 2018 House of Delegates, recognized the importance of **Public Trust in Oregon Courts**;

Whereas, Administrative Agency Proceedings in contested cases often implicate Orders that rely upon determinations by Agency Staff, Officials, and Members of Boards, who are often not Members of the Oregon State Bar, and do not always have equivalent Legal Education, Training, and Experience;

Whereas, Civil Procedure Discovery methods are often not readily available during Administrative Agency Proceedings;

Whereas, Administrative Agency Managers and Appointees are not subject to Public Trust scrutiny that is implicated by Judicial Elections;

Whereas, Judicial Review of Administrative Agency Proceedings implicate significant Appellate Legal Fees and Costs that financially restrict Access to Justice for 80% of Oregonians in Civil

Cases; and have an even greater adverse disproportionate impact upon Racial, Ethnic, and Other Minorities;

Whereas, deference to Administrative Agency Determinations, that involve a Rule, Policy, or a Decision, often adversely impact Fundamental Due Process Rights, guaranteed by the Fifth Amendment and the Fourteenth Amendment of the Federal Constitution;

Whereas, the lack of transparency in Appellate Judgments of “affirmance without opinion” [“AWOP”] adversely affects **Public Trust in Oregon Courts** and the Rule of Law;

Whereas, improved **Access to Justice and Public Trust in Oregon Courts** will benefit by issuance of an Appellate Court Opinion [instead of affirmance without Opinion] of an Order in a contested case involving Judicial Review of Administrative Agency Proceedings;

Whereas, an Appellate Court issuance of an Opinion [instead of affirmance without opinion] is needed to satisfy the Remedy Clause of the Oregon Constitution [Article 1, Bill of Rights – Section 10]; now, therefore, be it

Resolved, that the House of Delegates recommends to the Oregon Rules of Appellate Procedure Committee to look at an amendment to their procedure for issuance of an Appellate Court Opinion in a contested case involving Judicial Review of Administrative Agency Proceedings.

Financial Impact

None stated.

Presenter:
Daniel Robert Lang, HOD, Region 3

13. Support for Public Defense Providers (Delegate Resolution No. 6)

Whereas, the Constitutions of both Oregon and the United States require that all people facing a possible deprivation of their physical liberty in court proceedings, such as those accused of criminal offenses, juveniles accused of conduct that would constitute crimes if committed by an adult, and those who are subjects of civil commitment proceedings, have the right to assistance by ethical and competent legal counsel;

Whereas, Oregon statutes guarantee a right to counsel for parents defending against a petition to terminate their parental rights, for parents in juvenile dependency proceedings in which parents may lose custody of their children whenever the nature of the proceedings and due process so require, and for children in juvenile dependency proceedings when requested;

Whereas, those same constitutions and statutes require that the counsel provided the person be paid for by the government, if the person is indigent and cannot afford their own legal counsel;

Whereas, the Sixth Amendment Center published in January 2019 a comprehensive study of Oregon’s indigent defense system and determined that Oregon’s fixed-fee contract system pits appointed counsels’ financial self-interest against the due process rights of their clients and is prohibited by national public defense standards;

Whereas, there is a salary and resource disparity between trial-level legal counsel for the person and legal counsel for the State;

Whereas, trial-level legal counsel for the person are government contractors and legal counsel for the State are government employees funded through direct appropriations;

Whereas, court-appointed appellate counsel and appellate counsel representing the State are both employees of the State yet a significant salary disparity exists between those attorneys;

Whereas, legal counsel for the person has an ethical and professional obligation pursuant to the state and federal constitutions, as well as Oregon Rules of Professional Conduct 1.1 (“A lawyer shall provide competent representation to a client”), 1.3 (“A lawyer shall not neglect a legal matter entrusted to the lawyer”) and 1.7 (“[A] lawyer shall not represent a client if the representation involves a current conflict of interest”) to provide adequate and conflict-free representation;

Whereas, the American Bar Association has acknowledged for over a decade that resource parity, salary parity, and caseload standards are essential to its “Ten Principles of Public Defense”;

Whereas, the House of Delegates has long supported a strong public defense system and increased financial resources for public defense providers; now, therefore, be it

Resolved, that the Oregon State Bar, through its Board of Governors and staff, continue to participate actively with courts, prosecutors, the Oregon Department of Justice, the Legislative Assembly, the Office of Public Defense Services, the Oregon Criminal Defense Lawyers Association, and other public safety and child welfare stakeholders, to obtain equal resources and commensurate compensation for public defense providers, and work toward developing caseload standards that ensure those public defense providers can meet their constitutional and ethical obligations.

Financial Impact

None stated.

Presenters:

Shannon Flowers
HOD, Region 6

Zach Walsh
HOD, Region 5

Michelle Bartov
Union County Bar President

Justin Morton
6th Judicial District Bar President

Matthew D. Lyon
Tillamook County Bar President

14. In Memoriam
(Board of Governors Resolution No. 3)

Resolved, that the OSB House of Delegates and members assembled stand for a moment of silence in honor of the members of the Oregon State Bar who have died since the 2020 House of Delegates Meeting.

Matthew Abts	Michael C. Haines	David M. Logan	Lewis K. Scott
Wayne C. Annala	Susan M. Hammer	Mervyn H. Loya	Donald C. Seymour
Jeffrey A. Babener	Edward J. Harri	Don H. Marmaduke	Thomas M. Sheridan
Amy S. Baker	John R Hassen	Ben Martin	John R. Sidman
E. Richard Bodyfelt	Ronald M. James	P. Scott McCleery	Jeanyse R. Snow
Allen B. Bush	J. Alan Jensen	Paul R. Meyer	Kevin P. Sullivan
Charles E. Corrigan	Dennis C. Karnopp	M. Chapin Milbank	Michael E Swaim
William B. Crow	John M. Keller	Gene A. Noland	W. Wells Talmadge
Nicholas Fish	Shelley Keller	David P. O'Brien	John J. Tyner
Stephen S. Ford	Andrew S. Kierstead	Robert W. Oliver	Ron Versteeg
Joe French	William P. Koontz	Honorable James A. Redden	Donald W. Wicher
Roger C. Germundson	Joseph A. Labadie	Joanne Reisman	Douglas R. Wilkinson
Allen Goldman	Honorable Hans A. Linde	Steven E. Rich	Charles W. Wilson
Randy L. Gori	John R. Loacker	Duane Wm. Schultz	

Presenters:
Liani Reeves, BOG, Region 5
David Wade, BOG, Region 2
Colin Andries, BOG, Region 5

**15. Veterans Day Remembrance
(Board of Governors Resolution No. 4)**

Whereas, military service is vital to the perpetuation of freedom and the rule of law; and

Whereas, thousands of Oregonians have served in the military, and many have given their lives; now, therefore, be it

Resolved, that the Oregon State Bar hereby extends its gratitude to all those who have served and are serving in the military, and further offers the most sincere condolences to the families and loved ones of those who have died serving their country.

*Presenter:
Adrian Brown, BOG, Region 5*

Excluded Resolution

The BOG has excluded the following delegate resolution pursuant to OSB Bylaw 3.4.

**16. Encourage Security/Bail Reform
(Delegate Resolution No. 2)**

Whereas, Pre-Trial incarceration includes all persons entitled to “The Presumption of Innocence”;

Whereas, Pre-Trial incarceration imposes substantial cost impacts to State and Local Agencies;

Whereas, Pre-Trial appearances in Courtrooms has disparate adverse impacts upon Minorities and Low-Income Persons;

Whereas, Pre-Trial incarceration often results in loss of employment due to absence from work;

Whereas, Pre-Trial incarceration increases the risk of loss of employment that implicates additional adverse societal impacts such as loss of affordable housing and increased welfare costs needed for State-paid financial assistance to dependent family members;

Whereas, Pre-Trial incarceration in close quarters foreseeably exposes all such confined persons, jail staff, and Court staff [including persons with High Risk Factors] to serious communicable diseases;

Whereas, advances in technology have made remote Court appearances feasible;

Whereas, electronic ankle bracelet monitoring also provides a less intrusive alternative to incarceration hardships; and,

Whereas, for all the foregoing Humanitarian concerns, Access to Justice concerns and for Financial Hardship concerns; now, therefore, be it

Resolved, that the Oregon State Bar Encourages Legislative action upon Security/Bail Reforms needed to address the foregoing avoidable adverse impacts upon Oregonians.

Financial Impact

None stated.

Presenter:
Daniel Robert Lang, HOD, Region 3