

SB 768 -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/8, 3/30

WHAT THE MEASURE DOES:

Modifies Bar Act. Specifies that bylaws adopted by the board of governors are subject to review and approval by Supreme Court. Allows board to adopt policies that are not inconsistent with bylaws. Allows removal of member of board of governors by two-thirds vote of entire membership of the board. Requires three-fourths of total number of members then in office to constitute a quorum. Modifies immunity provisions for proposed or pending claims or awards against client security fund. Specifies Insurance Code does not apply to professional liability fund. Excludes Bar from requirement that public body record meetings and make recordings available to the public if telephone and video conferencing technology allow. Modifies process for custodial actions involving attorney practices. Allows an attorney, in addition to Bar, to petition the court for immediate jurisdiction over affected attorney's law practice. Requires notice to Bar when attorney so petitions. Gives jurisdiction to circuit court to determine who is entitled to property contained in a lawyer trust account during probate of a deceased attorney's estate. Specifies that a person assisting the public with court processes and selecting and completing forms at the direction of the court is not engaged in the practice of law. Allows electronic voting by house of delegates. Authorizes Supreme Court to adopt rules on admission of individuals with substantial legal education as associate members of Bar without taking Bar exam. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Removes provisions relating to Oregon Supreme Court review of Bar bylaws.

BACKGROUND:

The Oregon State Bar was established in 1935 to license and discipline lawyers, regulate the practice of law, and provide services to bar members and the public. The organization lists over 14,000 individuals admitted to practice law in Oregon. The Bar is governed by laws found in Chapter 9 of the Oregon Revised Statutes and governed by the board of governors.

Senate Bill 768 provides several updates to the statutes governing attorney, the practice of law, and the Bar. The measure includes authority for the Supreme Court to review and approve board of governor bylaws and to adopt rules on admittance of individuals with significant legal education without taking a bar exam. SB 768 also modifies the process for taking custody of an attorney's law practice should the attorney abandon the practice, die, be incarcerated, disbarred or suspended. The measure clarifies that court facilitators working on behalf of the courts are not engaged in the practice of law. SB 768 clarifies how electronic communications apply to Bar meetings and house of delegate actions. Finally, the measure removes the professional liability fund from the Insurance Code.