

SB 768 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 03/31/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 3/8, 3/31

WHAT THE MEASURE DOES:

Modifies Bar Act. 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:

- Interplay of authority of Supreme Court and board of governors
- Current process for taking custody of law practice
- Use of court navigators to assist individuals with accessing courts
- History of professional liability fund
- Exploration of alternative routes to bar admission

EFFECT OF AMENDMENT:

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

BACKGROUND:

The Oregon State Bar (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 the board of governors.

Senate Bill 768 A provides several updates to the statutes governing attorneys, the practice of law, and the Bar. The measure modifies the process for taking custody of an attorney's law practice should the attorney abandon the practice, die, be incarcerated, disbarred or suspended. SB 768 A also clarifies that court facilitators working on behalf of the courts are not engaged in the practice of law and how electronic communications apply to Bar

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meetings and house of delegate actions. Finally, the measure removes the professional liability fund from the Insurance Code.