

## **SB 166 A STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Tisha Pascone, LPRO Analyst

**Meeting Dates:** 4/15, 4/22

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#### **WHAT THE MEASURE DOES:**

The measure changes the term for persons licensed to practice law in Oregon from "member" to "licensee." It adds a reference to the rules of the Supreme Court in addition to rules of procedure, in laws about attorney default, admission and reinstatement. The measure also modifies the Oregon State Bar Board of Governors quorum requirement from two-thirds to three-fifths.

*FISCAL: Has minimal fiscal impact*

*REVENUE: No revenue impact*

*SENATE VOTE: Ayes, 27; Nays, 1*

#### **ISSUES DISCUSSED:**

- Oregon Supreme Court's rules are found in various locations
- Contrast between a unified bar and trade association
- *Crowe v. Oregon State Bar*, 112 F.4th 1218 (9th Cir. 2024)

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

The Oregon State Bar (the Bar or OSB) was established by statute as a public corporation and an instrumentality of the Oregon Judicial Department. Bar members vote to elect a 19-member Board of Governors and a 200-member House of Delegates. ORS 9.080 charges the Board with regulating the legal profession in Oregon and improving the quality of legal services, supporting the judiciary and improving the administration of justice, and advancing a fair, inclusive, and accessible justice system. The Oregon Supreme Court has inherent authority to adopt rules and take other actions relating to the regulation of the practice of law, including approval authority for any procedures regarding Bar member admission and licensure, and the power to disbar or discipline Bar members.

ORS 9.160 and 9.191 require persons who practice law in Oregon to be an active member of the Bar and pay dues, and the OSB performs regulatory functions over its licensees. This type of bar may be referred to as a compulsory, integrated, or unified bar. Being a member could have different implications than being a licensee, in relation to a person's freedom of association rights.