

**Testimony before the Senate Judiciary Committee
in support of SB 166
On behalf of the Oregon State Bar
January 23, 2025**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is Ankur Doshi. I am General Counsel for the Oregon State Bar. The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The OSB serves the public interest by: regulating the legal profession 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.

SB 166

ORS Chapter 9 is the Oregon State Bar Act. That chapter is the enabling statute for the Bar, and contains numerous statutes affecting the practice of law in Oregon.

SB 166 makes three changes to the Bar Act:

Rules of the Supreme Court

The first change is to correct the statute in two locations where it referred to the Bar's Rules of Procedure but did not refer to the Rules of the Supreme Court. The OSB Rules of Procedure are approved by the Oregon Supreme Court, but some rules promulgated by the Court may be found in orders other than the OSB Rules of Procedure. SB 166 updates the statute to consistently refer to "rules of procedure and the rules of the Supreme Court."

Board of Governors Quorum Requirements

The posted version of SB 166 also includes a change to the quorum rule for OSB's 19-member volunteer Board of Governors (BOG) . Most state regulatory bodies require a quorum of a majority of members in order to conduct business. Quorum requirements are also generally housed in Oregon Administrative Rules, rather than in statute.

In the case of the Bar, ORS 9.080 sets a statutory quorum requirement of 2/3 of BOG members. This higher threshold has occasionally caused difficulties for the bar, given that BOG members are volunteers who are not always able to attend all meetings. SB 166 as currently written would update the statute to allow the Board of Governors to set a lower quorum requirement at a meeting attended by a majority of all members. However I would note that the bar is

actively in discussions about amending this section to retain the current 2/3rd requirement. We will share forthcoming amendments with the committee when they become available.

Licensee Terminology

The final update to Chapter 9 in this bill is to change the many uses the word “member” of the Bar to “licensee”. The Oregon State Bar is a “unified bar”. This means that both regulatory functions and membership services are housed within the same organization. In most other cases, professional regulatory bodies issue “licenses” and refer to regulated professionals as “licensees.” In contrast, voluntary trade or professional associations, which do not issue licenses, are more likely to have “members”.

While the bar remains committed to both of these functions, the primary public service role of the organization is to ensure the quality of legal services through our licensure and discipline processes. For this reason, the term “licensee” is more accurate and better communicates to the public the Bar’s primary role as a regulator of the legal profession.

This issue was recently highlighted in the Ninth Circuit Court of Appeals decision in *Crowe v Oregon State Bar*. In that case, the court noted that the Oregon State Bar could lessen the risk that an action taken, or a statement made, by the organization could be mistakenly attributed to an individual legal professional by using the term “licensee” rather than “member”. We agree with the court that making the change clarifies the Bar’s fundamental relationship with legal professionals in Oregon.

Thank you for your consideration of SB 166. I am happy to answer any questions.