

# House Bill 2355

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Board of Governors of the Oregon State Bar)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that board of governors of Oregon State Bar may issue investigatory subpoenas at any time after claim is filed by client claiming pecuniary loss payable from client security fund.

## A BILL FOR AN ACT

1  
2 Relating to client security fund; amending ORS 9.655.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 9.655 is amended to read:

5 9.655. (1) Upon the filing of a claim, verified under oath, by a client claiming a pecuniary loss  
6 [*under ORS 9.625*] **payable from the client security fund**, the board of governors or its designated  
7 representative shall determine if the person named in the claim as the attorney whose dishonest  
8 conduct caused the loss was an active member of the Oregon State Bar engaged in the practice of  
9 law in Oregon at the time of the transaction out of which the claim arose and whether the trans-  
10 action arose out of the person's practice of law in Oregon. The board or designated representative  
11 shall then determine **whether the loss was caused by the person's dishonest conduct and** if the  
12 person:

13 (a) Has been found guilty of a crime arising out of the [*claimed*] dishonest conduct [*which caused*  
14 *the loss*];

15 (b) In the case of a claim of loss of \$5,000 or less, has been disbarred, suspended or reprimanded  
16 in disciplinary proceedings or has resigned from the bar due to circumstances arising out of the  
17 [*claimed*] dishonest conduct [*which caused the loss*]; or

18 (c) [*Has been the object of a judgment entered in any proceeding arising out of the claimed dis-*  
19 *honest conduct which caused the loss and, if the object of a judgment for money entered in favor of the*  
20 *claimant, has failed to pay the judgment,*] **Is a judgment debtor under the money award portion**  
21 **of a judgment entered in favor of the client in a proceeding arising out of the dishonest**  
22 **conduct**, and execution issued on the judgment has been returned uncollected or [*that*] issuance of  
23 execution would be a useless act.

24 (2) [*After complying with subsection (1) of this section, if the board or representative requires ad-*  
25 *ditional information to determine the claim,*] **At any time after a claim is filed by a client claiming**  
26 **a pecuniary loss payable from the client security fund**, the board or the **board's** representative  
27 may compel by subpoena the person named in the claim as the attorney whose dishonest conduct  
28 caused the loss, or any other person having knowledge of the matter, to appear for the purpose of  
29 giving testimony, and may compel by subpoena the production of records and documents pertinent  
30 to the claim. The subpoena shall have the same force and effect as in a civil action in the circuit  
31 court, and may be enforced by order of the circuit court for the county in which the person was

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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