

Senate Bill 244

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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**.

Increases Oregon State Bar board of governors from 16 to 18 members. Allows board to establish special terms for positions that are shorter than four years for purpose of staggering terms of members.

Changes definition of person for purposes of laws governing unauthorized practice of law.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Oregon State Bar; creating new provisions; amending ORS 9.025 and 9.162; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 9.025 is amended to read:

6 9.025. (1) The Oregon State Bar shall be governed by a board of governors consisting of [16] **18**
7 members. [Twelve] **Fourteen** of the members shall be active members of the Oregon State Bar, who
8 on appointment, on nomination, on election and during the full term for which the member was ap-
9 pointed or elected, maintain the principal office of law practice in the region of this state in which
10 the active members of the Oregon State Bar eligible to vote in the election at which the member
11 was elected maintain their principal offices. Four of the members shall be appointed by the board
12 of governors from among the public. They shall be residents of this state and shall not be active or
13 inactive members of the Oregon State Bar. No person charged with official duties under the execu-
14 tive and legislative departments of state government, including but not limited to elected officers
15 of state government, may serve on the board of governors. Any other person in the executive or
16 legislative department of state government who is otherwise qualified may serve on the board of
17 governors.

18 (2) For the purpose of eligibility for nomination and to vote in the election of a member of the
19 board of governors who is an elective member, and for appointment to the board of governors, the
20 State of Oregon shall be divided into regions determined by the board. The board shall establish
21 board regions that are based on the number of attorneys who have their principal offices in the re-
22 gion. To the extent that it is reasonably possible, the regions shall be configured by the board so
23 that the representation of board members to attorney population in each region is equal to the
24 representation provided in other regions. At least once every 10 years the board shall review the
25 number of attorneys in the regions and shall alter or add regions as the board determines is ap-
26 propriate in seeking to attain the goal of equal representation.

27 (3) Members of the board of governors may be elected only by the active members of the Oregon
28 State Bar who maintain their principal offices in the regions established by the board. The **regular**

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.

1 term of a member of the board is four years. **The board may establish special terms for positions**
 2 **that are shorter than four years for the purpose of staggering the terms of members of the**
 3 **board. The board must identify positions with special terms before accepting nominating pe-**
 4 **titions for the positions.**

5 (4) No judge of a municipal, state or federal court or any other full-time judicial officer, shall
 6 be eligible for appointment or election to the board of governors.

7 (5) The term of any member of the board of governors shall terminate on the date of the death
 8 or resignation of the member, or if the member **of the board** is required to be a member of the
 9 Oregon State Bar, the term terminates on the date:

10 (a) Of the termination of active membership in the Oregon State Bar [*by the member*] for any
 11 reason;

12 (b) When the member discontinues to maintain the principal office of **law** practice in the region
 13 in which it was maintained at the time of the appointment or election of the member; or

14 (c) When the member assumes office as a judge of a municipal, state or federal court, or fills a
 15 full-time judicial office.

16 (6) No member of the board of governors shall be eligible, during the term of office, for service
 17 pro tempore as a judge of any municipal, state or federal court.

18 **SECTION 2. The amendments to ORS 9.025 by section 1 of this 2009 Act become operative**
 19 **January 1, 2010, except that the provisions for two new members of the board of governors**
 20 **of the Oregon State Bar become operative on the effective date of this 2009 Act for the**
 21 **purposes of nominating and electing the two new members to assume the duties of a member**
 22 **of the board of governors on January 1, 2010.**

23 **SECTION 3.** ORS 9.162 is amended to read:

24 9.162. As used in ORS 9.160 to 9.166 and 9.280, unless the context or subject matter requires
 25 otherwise:

26 (1) "Person" means a human being [*and where appropriate*], **a public body as defined by ORS**
 27 **174.109**, a public or private corporation, an unincorporated association, a partnership, a [*government*
 28 *or a governmental instrumentality*] **limited liability company or any other business entity created**
 29 **under law.**

30 (2) "Restitution" means full, partial or nominal payment of pecuniary damages to a victim.

31 (3) "Victim" means any person who the court determines has suffered pecuniary damages as a
 32 result of any other person's violation of ORS 9.160.

33 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
 34 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 35 **on its passage.**