

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 1
Yeas:	Garrett, Hicks, Nolan, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Olson
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	5/4, 5/17

WHAT THE MEASURE DOES: Suspends person's membership in Oregon State Bar (the Bar) for failure to file annual certification and other disclosures regarding lawyer trust accounts. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Concern regarding appropriateness and efficiency of disciplinary response to certification issues versus an administrative response

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon lawyers must hold client funds in interest-bearing lawyer trust accounts (IOLTAs) and must certify annually to the Bar that they are in compliance with the rules that govern IOLTA accounts, pursuant to Oregon Rule of Professional Conduct 1.15-2(m). If lawyers fail to comply with the annual certification requirement, disciplinary action is triggered.

Senate Bill 380, which comes from the Board of Governors Section of the Bar, makes noncompliance with annual IOLTA certification requirements subject to automatic administrative suspension, instead of triggering a disciplinary process, if the failure is not cured within 60 days of notice.