

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	2/17, 2/24

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:

- Appropriateness and proportionality of disciplinary response versus administrative response
- Analogy to failure to pay annual dues on time
- Notice and 60 days provided to cure prior to suspension

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 such accounts, pursuant to Oregon Rule of Professional Conduct 1.15-2(m). If lawyers fail to comply with these requirements, 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 an automatic administrative suspension if the failure is not cured within 60 days of notice, instead of triggering a disciplinary process.