

Senate Bill 380

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon State Bar Board of Governors)

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**.

Requires member of Oregon State Bar to annually certify whether member maintains any lawyer trust accounts in Oregon. Provides that person's membership in bar is automatically suspended if person does not provide certification and other disclosures within 60 days after notice of default is mailed.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lawyer trust accounts; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 9.005 to 9.755.**

5 **SECTION 2. (1) An active member of the Oregon State Bar shall certify annually to the**
6 **bar whether the member maintains any lawyer trust accounts in Oregon. If a member**
7 **maintains one or more lawyer trust accounts, the member must disclose the financial insti-**
8 **tution in which each account is held and the account number for each account. The execu-**
9 **tive director of the Oregon State Bar shall prescribe a form and due date for the certification**
10 **and disclosures required by this section.**

11 **(2) If a member does not file the certificate and disclosures required by this section by**
12 **the due date prescribed under subsection (1) of this section, the executive director shall send**
13 **written notice of the default to the member. The notice shall be sent by registered or certi-**
14 **fied mail to the last-known post-office address of the member. If a member does not file the**
15 **certificate and disclosures required by this section within 60 days after the date the notice**
16 **is mailed, the person's membership in the bar is automatically suspended. The executive di-**
17 **rector shall provide the names of all persons suspended under this section to the judges of**
18 **the circuit courts, the Court of Appeals and the Oregon Tax Court.**

19 **(3) A person suspended under this section may be reinstated to membership in the bar**
20 **only if the person pays all required fees and contributions and complies with all rules of**
21 **procedure and rules of the Supreme Court relating to reinstatement.**

22 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
24 **on its passage.**

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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.