



319 SW Washington
Ave. Suite 607
Portland, OR 97204

tel. 503-223-5587
fax 503-223-4101
www.oregontriallawyers.org

Date: April 8, 2013

To: Senate Judiciary Committee

Chair Prozanski and members of the Committee:

The Oregon Trial Lawyers Association (OTLA) would like to convey some concerns with Senate Bill 799. SB 799 would significantly amend ORS 9.380 by eliminating an attorney's right to terminate the attorney-client relationship by filing consent with the court clerk in the appropriate record of the court. SB 799 would prohibit an attorney from ending the attorney-client relationship unless a motion to terminate was allowed by the Court. The bill will burden the judiciary and prejudice an attorney under certain circumstances.

Sometimes a client's conduct may irreparably damage the attorney-client relationship. A client may disregard an attorney's instruction. A client may refuse to follow an attorney's advice or instruction. A client may innocently or intentionally engage in deceptive conduct. A client may fail to communicate with an attorney or disappear entirely. Under any of these circumstances, the attorney may have no choice but to file notice with the clerk to terminate the attorney-client relationship.

SB 799 would require the attorney in any of the above circumstances to obtain a court order to terminate the attorney-client relationship. The court would be required to schedule every motion and set each motion for hearing. The new procedure will increase staffing needs and take time away from other matters. Moreover, an attorney cannot ethically do anything that harm's the client's interest. The withdrawing attorney may be unable to completely disclose all information which justifies withdrawal to the court without disclosing information harmful to the client. OTLA firmly believes that all clients should be properly represented. SB 799 could prejudice both the attorney and the client.

Thank you for consideration of our comments.