

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/17, 3/9

**WHAT THE MEASURE DOES:** Requires Oregon State Bar Board of Governors to include member from region outside state of Oregon who maintains office outside of Oregon but is active member of Bar. Provides Board authority to establish dates by which payment to professional liability insurance must be made, requires written notice of delinquency of payment, and allows reasonable time to cure default. Modifies structure of board of bar examiners. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-2) amendments modify function of Board of Bar Examiners (BBX). Requires Supreme Court to appoint BBX members in accordance with rules of Supreme Court. Requires at least two public members. Specifies BBX is to carry out admission examination of bar applicants in accordance with bar bylaws and Supreme Court rules. Includes investigation of applicants' character and fitness within BBX charge. Specifies admission documents are confidential and that admission process is judicial proceeding for public records disclosure purposes.

**BACKGROUND:** The Oregon State Bar (Bar) was established in 1935 to provide oversight of the practice of law in Oregon. It does this through licensing and disciplining lawyers, regulating the practice of law, and providing information and assistance to lawyers and the public. The Bar oversees over 14,000 active lawyers. Currently, the Board of Governors has 18 members who oversee the activities of the Bar. Fourteen of the Board members are active attorneys in the state who represent different geographical areas. Four members are members of the public. In 1977, the Board created the Professional Liability Fund (PLF), mandatory primary malpractice coverage for all attorneys in private practice in Oregon.

Senate Bill 381 increases the members of the Board of Governors to nineteen members. The new member must be an Oregon licensed attorney who maintains a practice outside of the state. The measure also gives the Board clear authority to establish dates on which PLF contributions must be made and removes fixed timelines for correction of delinquencies of payment.