

STAFF MEASURE SUMMARY

House Committee On Judiciary

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/23/15

Action: Do Pass.

Meeting Dates: 04/23

Vote:

Yeas: 7 - Barker, Barton, Greenlick, Lininger, Olson, Post, Sprenger

Exc: 2 - Krieger, Williamson

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Requires Oregon State Bar (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 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. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Approximately 2,500 out-of-state attorneys licensed in Oregon
- Request for Board position for out-of-state attorney came from out-of-state members
- Several other states have out-of-state board position or "at large" positions
- Responsibilities of Board of Bar Examiners

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

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 A increases the members of the Board of Governors to 19 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, removes fixed timelines for correction of delinquencies of payment, and clarifies the structure and duties of the Board of Bar Examiners.