

SB 491 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Meeting Dates: 4/24, 5/16

WHAT THE MEASURE DOES:

Replaces board of governors with Oregon Supreme Court as appointing authority for state professional responsibility board. Establishes that disciplinary proceedings against bar members be based on Oregon State Bar bylaws and Supreme Court rules. Eliminates local professional responsibility committees. Creates professional adjudicator position(s) for disciplinary board. Provides immunity for disciplinary monitors and mentors. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Use of professional investigators
- Role of state professional responsibility board in determining disciplinary charges

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2011, the Oregon State Bar and the Oregon Supreme Court created the New Lawyer Mentoring Program. Currently, Oregon law provides immunity from civil liability for the Oregon State Bar, its officers, its employees, members of the state professional responsibility board, the board of bar examiners, the disciplinary board, the board of governors, bar counsel, and investigators in relation to their work with admission, reinstatement or disciplinary proceedings. Senate Bill 491 extends this immunity to mentors. It also adds immunity for work related to professional licensing requirements.

In 2015, the American Bar Association's Standing Committee on Professional Discipline submitted a report on the lawyer discipline system in Oregon. That report made several recommendations, including the creation of a professional adjudicator, immunity for probation and diversion monitors, clarifying the roles of the local professional responsibility committees and the state professional responsibility board, and vesting appointment of the state professional responsibility board in the Oregon Supreme Court. SB 491 addresses these recommendations by eliminating local professional responsibility committees and vesting appointment of the state professional responsibility board in the Supreme Court. Further, SB 491 extends immunity from civil liability to disciplinary monitors and allows for inclusion of one or more professional adjudicators on the disciplinary board.