

**Testimony before the Senate Judiciary Committee
In support of SB 491
On behalf of the Oregon State Bar
February 7, 2017**

Chair Prozanski, members of the committee:

My name is Amber Hollister and I am the General Counsel for the Oregon State Bar. I am here today on behalf of the Oregon State Bar Board of Governors in support of SB 491.

The Oregon State Bar (OSB) is governed by the Board of Governors, which determines the general policies of the bar and approves its budget each year. The Board of Governors consists of fifteen lawyers elected from eight regions, four public members appointed by the board, and the non-voting position of Immediate Past-President.

The OSB is responsible for the discipline of Oregon's approximately 15,000 active lawyers. Oregon's attorney discipline system rests on a bedrock of volunteer participation, due process for both complainants and accused lawyers, accessibility to information, and seeking outcomes appropriate in each case, taking into consideration both past precedent and the individual circumstances of the matter at hand.

In June of 2014, at the behest of the Oregon Supreme Court, the American Bar Association's (ABA) Center for Professional Responsibility undertook a review of Oregon's attorney discipline system. A report was submitted by the ABA in 2015. In response to the report, the bar's Board of Governor's created the OSB Disciplinary System Review Committee (DSRC) "to review the ABA recommendations . . . and, in turn, make recommendations regarding their adoption, modification, or rejection."

After reviewing the ABA recommendations, soliciting feedback from the judicial branch, lawyers, stakeholders and citizens; the DSRC; and examining internal processes, the Board of Governors would like to make the following statutory changes through SB 491.

First, the Oregon Supreme Court should have the authority to appoint a state professional responsibility board (SPRB). Currently, the board is created by the Oregon State Bar Board of Governors. Placing the appointment power with the Oregon Supreme Court creates greater independence of the SPRB's from the bar. This will allow the SPRB to focus on its highest and best use, the evaluation of the bar's Discipline Counsel's probable cause recommendations and deciding whether formal charges should be brought.

Second, SB 491 also removes the local professional responsibility committees from the discipline system. As the bar's investigatory function has developed, Disciplinary Counsel has increasingly used professional investigators. While the bar continues to appreciate and utilize volunteers in a variety of

bar functions, working with professional investigators provides greater consistency in our disciplinary process.

Third, SB 491 formalizes statutory immunity for probation and diversion monitors as well as new lawyer mentors in the performance of their duties. Diversion monitors are part of the discipline process and new lawyer mentors are part of the admissions process. Formalizing immunity allows the bar provide assistance and support to new lawyers and lawyers on probation.

Thank you for your time. I would be happy to answer any questions you might have.