

**Testimony before the Senate Judiciary Committee
On behalf of the Oregon State Bar**

February 7, 2017

Dear Chair Prozanski and members of the committee:

My name is Michael Levelle. I'm an attorney with Sussman Shank LLP in Portland, and I'm here today in my capacity as President of the Oregon State Bar. With me is Vanessa Nordyke, an attorney with the Department of Justice and who is appearing today as the OSB President-elect. It is a pleasure to be here today and I welcome the opportunity to talk with you about the Oregon State Bar.

The Oregon State Bar

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the courts with over 15,000 active members. The bar licenses and disciplines lawyers and performs other functions to benefit the public. The bar does not receive any direct financial support in the form of taxpayer dollars from the General Fund, but is funded entirely by membership fees and revenue from various member service programs. The Executive Director of the bar oversees approximately 100 staff members not including the Professional Liability Fund.

Governance

The bar is administered by a 19-member volunteer Board of Governors. Fifteen of the members are lawyers and four are non-lawyers appointed based on their areas of interest and expertise. Attorney board members are elected by the membership from different regions to ensure geographic diversity. The OSB House of Delegates (HOD) serves as the representative assembly of the membership, voting on proposed rules, dues and policies. It helps set policy direction for the bar. Composed of approximately 230 delegates, the HOD meets annually, and may occasionally convene for a special meeting on topics of importance.

Unique Traits

The Oregon bar is unique in a number of ways:

- **Open Disciplinary System** - It is the only bar in the country which allows public access to disciplinary complaint files from the time the complaint is filed with the bar.
- **Mandatory Malpractice Coverage** - It is the only bar in the nation that requires attorneys to have malpractice insurance and that has a self-insuring organization to provide that coverage – the Professional Liability Fund.
- **Public Member Involvement** - The bar encourages public participation in all aspects of its operations. Four of the 19 members of the Board are public members. Public members also

participate throughout the Oregon lawyer discipline system. Non-lawyers sit on the State Professional Responsibility Board, local investigation committees, trial panels and the Unlawful Practice of Law Committee.

- **Lawyers Average Nine Hours a Month Pro Bono** – 41 percent of lawyers spend an average of 9.2 hours per month providing pro-bono legal services. This category of lawyers does not include those working for legal aid organizations or non-profit groups that regularly provide legal services on a free or reduced fee basis. (2012 OSB Economic Survey)
- **Campaign for Equal Justice** - Oregon is one of the few states that has developed a non-profit fundraising campaign to raise money from the legal community for legal services to the poor. Since 1991, CEJ has raised \$23 million for legal aid. This year the goal for the annual campaign is \$1.2 million.

Future of the Legal Profession

In recent years we have seen alternative legal services providers begin to work their way in to the Oregon market, and the Bar embraces the new options this will eventually give legal consumers. This past summer, the Oregon State Bar's Board of Governors, with the support of the Oregon Judicial Branch, approved the creation of the Futures Task Force with the goal of examining how the Bar can best protect the public and support lawyers' professional development in the face of a rapid evolution of the way in which legal services are delivered.

Rather than focusing on short term solutions, the task force intend to report back to the Board of Governors and to the Legislature later this year with any proposed statutory or regulatory changes that may be needed to ensure that Oregonians are receiving the highest quality of legal services possible. While the Bar is not proposing any legislation in this area in 2017 session, we look forward to having this important conversation in the future.

Thank you for your time, and we'd be happy to answer any questions you may have.