

D R A F T

SUMMARY

Modifies statutes to allow for nonattorney associate members of the Oregon State Bar to practice law in certain scope of practice.

A BILL FOR AN ACT

Relating to members of the Oregon State Bar; creating new provisions; and amending ORS 9.005, 9.010, 9.080, 9.114, 9.220, 9.250, 9.261, 9.490, 9.515, 9.529, 9.537, 9.542, 9.568, 9.655, 9.657, 9.665, 9.685, 9.688, 9.695, 9.705, 9.710, 9.715, 9.720, 9.725, 9.727, 9.730, 9.735, 9.745, 9.750, 9.755, 9.757, 20.075, 25.010, 40.225, 40.227, 45.135, 45.142, 87.430, 87.435, 87.440, 87.445, 87.450, 87.455, 87.460, 90.100, 90.555 and 90.634.

Be It Enacted by the People of the State of Oregon:

OREGON STATE BAR

SECTION 1. ORS 9.005 is amended to read:

9.005. As used in ORS 9.005 to 9.757, unless the context or subject matter requires otherwise:

(1) “Attorney” [*and “member” mean a*] **means an attorney** member of the **Oregon State Bar**.

(2) “Board” and “board of governors” mean the board of governors of the bar.

(3) “Delegate” means a delegate of the house of delegates of the Oregon State Bar.

1 (4) “Governor” means a member of the board of governors of the bar.

2 (5) “House” and “house of delegates” mean the house of delegates of the
3 Oregon State Bar.

4 **(6) “Member” means a member or associate member of the Oregon**
5 **State Bar.**

6 [(6)] (7) “Oregon State Bar,” “state bar” and “bar” mean the Oregon State
7 Bar created by the State Bar Act set forth in ORS 9.005 to 9.757.

8 [(7)] (8) “Rules of procedure” means the rules of procedure relative to
9 admission, discipline, resignation and reinstatement of members of the bar
10 adopted by the board and approved by the Supreme Court.

11 **SECTION 2.** ORS 9.010 is amended to read:

12 9.010. (1) [*An attorney*] **A member**, admitted to practice in this state, is
13 an officer of the court.

14 (2) The Oregon State Bar is a public corporation and an instrumentality
15 of the Judicial Department of the government of the State of Oregon. The
16 bar is authorized to carry out the provisions of ORS 9.005 to 9.757.

17 (3) The bar is subject to the following statutes applicable to public bodies:

18 (a) ORS 30.210 to 30.250.

19 (b) ORS 30.260 to 30.300.

20 (c) ORS 30.310, 30.312, 30.390 and 30.400.

21 (d) The Oregon Rules of Civil Procedure.

22 (e) ORS 192.311 to 192.478.

23 (f) ORS 192.610 to 192.690.

24 (g) ORS 243.401 to 243.507.

25 (h) ORS 244.010 to 244.040.

26 (i) ORS 297.110 to 297.230.

27 (j) ORS chapters 307, 308 and 311.

28 (k) ORS 731.036 and 737.600.

29 (4) Except as provided in subsection (3) of this section, the bar is not
30 subject to any statute applicable to a state agency, department, board or
31 commission or public body unless the statute expressly provides that it is

1 applicable to the Oregon State Bar.

2 (5) The Oregon State Bar has perpetual succession and a seal, and may
3 sue and be sued. Notwithstanding the provisions of ORS 270.020 and 279.835
4 to 279.855 and ORS chapters 278, 279A, 279B and 279C, the bar may, in its
5 own name, for the purpose of carrying into effect and promoting its objec-
6 tives, enter into contracts and lease, acquire, hold, own, encumber, insure,
7 sell, replace, deal in and with and dispose of real and personal property.

8 (6) No obligation of any kind incurred or created under this section shall
9 be, or be considered, an indebtedness or obligation of the State of Oregon.

10 **SECTION 3.** ORS 9.080 is amended to read:

11 9.080. (1) The state bar shall be governed by the board of governors, ex-
12 cept as provided in ORS 9.136 to 9.155. The state bar has the authority to
13 adopt, alter, amend and repeal bylaws and to adopt new bylaws containing
14 provisions for the regulation and management of the affairs of the state bar
15 not inconsistent with law. The board is charged with the executive functions
16 of the state bar and shall at all times direct its power to serve the public
17 interest by:

18 (a) Regulating the legal profession and improving the quality of legal
19 services;

20 (b) Supporting the judiciary and improving the administration of justice;
21 and

22 (c) Advancing a fair, inclusive and accessible justice system.

23 (2)(a)(A) The board has the authority to require all active members of the
24 state bar engaged in the private practice of law whose principal offices are
25 in Oregon to carry professional liability insurance and is empowered, either
26 by itself or in conjunction with other bar organizations, to do whatever is
27 necessary and convenient to implement this provision, including the author-
28 ity to own, organize and sponsor any insurance organization authorized un-
29 der the laws of the State of Oregon and to establish a [*lawyer's*] professional
30 liability fund. This fund shall pay, on behalf of active members of the state
31 bar engaged in the private practice of law whose principal offices are in

1 Oregon, all sums as may be provided under such plan which any such mem-
2 ber shall become legally obligated to pay as money damages because of any
3 claim made against such member as a result of any act or omission of such
4 member in rendering or failing to render professional services for others in
5 the member's capacity as [*an attorney*] **a member practicing law** or caused
6 by any other person for whose acts or omissions the member is legally re-
7 sponsible.

8 (B) The board has the authority to assess each active member of the state
9 bar engaged in the private practice of law whose principal office is in Oregon
10 for contributions to the professional liability fund and to establish the date
11 by which contributions must be made.

12 (C) The board has the authority to establish definitions of coverage to
13 be provided by the professional liability fund and to retain or employ legal
14 counsel to represent the fund and defend and control the defense against any
15 covered claim made against the member.

16 (D) The board has the authority to offer optional professional liability
17 coverage on an underwritten basis above the minimum required coverage
18 limits provided under the professional liability fund, either through the fund,
19 through a separate fund or through any insurance organization authorized
20 under the laws of the State of Oregon, and may do whatever is necessary and
21 convenient to implement this provision. Any fund so established shall not
22 be subject to the Insurance Code of the State of Oregon.

23 (E) Records of a claim against the professional liability fund are exempt
24 from disclosure under ORS 192.311 to 192.478.

25 (b) For purposes of paragraph (a) of this subsection, [*an attorney*] **a**
26 **member** is not engaged in the private practice of law if the [*attorney*]
27 **member** is a full-time employee of a corporation other than a corporation
28 incorporated under ORS chapter 58, the state, an agency or department
29 thereof, a county, city, special district or any other public or municipal
30 corporation or any instrumentality thereof. However, [*an attorney*] **a mem-**
31 **ber** who practices law outside of the [*attorney's*] **member's** full-time em-

1 ployment is engaged in the private practice of law.

2 (c) For the purposes of paragraph (a) of this subsection, the principal of-
3 fice of [*an attorney*] **a member** is considered to be the location where the
4 [*attorney*] **member** engages in the private practice of law more than 50 per-
5 cent of the time engaged in that practice. In the case of [*an attorney*] **a**
6 **member practicing law** in a branch office outside Oregon and the main
7 office to which the branch office is connected is in Oregon, the principal
8 office of the [*attorney*] **member** is not considered to be in Oregon unless the
9 [*attorney*] **member** engages in the private practice of law in Oregon more
10 than 50 percent of the time engaged in the private practice of law.

11 (3) The board may appoint such committees, officers and employees as it
12 deems necessary or proper and fix and pay their compensation and necessary
13 expenses. At any meeting of the board, two-thirds of the total number of
14 members then in office shall constitute a quorum. It shall promote and en-
15 courage voluntary county or other local bar associations.

16 (4) Except as provided in this subsection, an employee of the state bar
17 shall not be considered an “employee” as the term is defined in the public
18 employees’ retirement laws. However, an employee of the state bar may, at
19 the option of the employee, for the purpose of becoming a member of the
20 Public Employees Retirement System, be considered an “employee” as the
21 term is defined in the public employees’ retirement laws. The option, once
22 exercised by written notification directed to the Public Employees Retire-
23 ment Board, may not be revoked subsequently, except as may otherwise be
24 provided by law. Upon receipt of such notification by the Public Employees
25 Retirement Board, an employee of the state bar who would otherwise, but for
26 the exemption provided in this subsection, be considered an “employee,” as
27 the term is defined in the public employees’ retirement laws, shall be so
28 considered. The state bar and its employees shall be exempt from the pro-
29 visions of the State Personnel Relations Law. No member of the state bar
30 shall be considered an “employee” as the term is defined in the public
31 employees’ retirement laws, the unemployment compensation laws and the

1 State Personnel Relations Law solely by reason of membership in the state
2 bar.

3 **SECTION 4.** ORS 9.114 is amended to read:

4 9.114. The Oregon State Bar shall adopt rules to establish minimum
5 training requirements for all active **attorney** members of the bar relating
6 to the duties of attorneys under ORS 124.060 and 419B.010. Rules adopted
7 under this section are subject to review and approval by the Supreme Court.

8 **SECTION 5.** ORS 9.220 is amended to read:

9 9.220. An applicant for admission as [*attorney*] **a member of the bar** must
10 apply to the Supreme Court and show that the applicant:

11 (1) Is at least 18 years old, which proof may be made by the applicant's
12 affidavit.

13 (2)(a) Is a person of good moral character and fit to practice law.

14 (b) For purposes of this section and ORS 9.025, 9.070, 9.110, 9.210, 9.250
15 and 9.527, the lack of "good moral character" may be established by reference
16 to acts or conduct that reflect moral turpitude or to acts or conduct which
17 would cause a reasonable person to have substantial doubts about the
18 individual's honesty, fairness and respect for the rights of others and for the
19 laws of the state and the nation. The conduct or acts in question should be
20 rationally connected to the applicant's fitness to practice law.

21 (3) Has the requisite learning and ability, which must be shown by the
22 examination of the applicant, by the judges or under their direction. How-
23 ever, no rule shall establish any maximum on the number of times an appli-
24 cant may apply for and take the bar examination whenever presented if the
25 reason for refusing admission to practice law is failure to pass the bar ex-
26 amination.

27 **SECTION 6.** ORS 9.250 is amended to read:

28 9.250. (1) If the Supreme Court finds that an applicant for admission as
29 [*an attorney*] **a member of the bar** is 18 years of age or more, is of good
30 moral character and fit to practice law, and possesses the requisite learning
31 and ability to practice as [*an attorney in all the courts of this state*] **a**

1 **member**, the court shall enter an order that the applicant be admitted to
2 practice as [*an attorney*] **a member**. The order shall specify that admission
3 take effect upon the applicant taking the oath required by subsection (2) of
4 this section.

5 (2) The applicant shall execute a written oath that in the practice of law
6 the applicant will support the Constitution and laws of the United States
7 and of this state, and be of faithful and honest demeanor in office. The ap-
8 plicant is entitled to practice as [*an attorney*] **a member** after the State
9 Court Administrator has received the oath executed under this subsection.

10 **SECTION 7.** ORS 9.261 is amended to read:

11 9.261. (1) [*An attorney*] **A member** may resign from membership in the
12 bar pursuant to rules adopted by the board under ORS 9.542. After accept-
13 ance of the resignation by the Supreme Court, the [*attorney*] **member** shall
14 not be entitled to the rights nor subject to the disabilities or prohibitions
15 incident to membership, except that the [*attorney*] **member** is still subject
16 to the power of the court in respect to matters arising prior to the resigna-
17 tion.

18 (2) [*An attorney*] **A member** who has resigned may be readmitted to
19 practice only in compliance with rules adopted pursuant to ORS 9.542.

20 **SECTION 8.** ORS 9.490 is amended to read:

21 9.490. (1) The board of governors, with the approval of the house of de-
22 legates given at any regular or special meeting, shall formulate rules of
23 professional conduct **for attorneys**, and when such rules are adopted by the
24 Supreme Court, shall have power to enforce the same. Such rules shall be
25 binding upon all **attorney** members of the bar.

26 (2) A court of this state may not order that evidence be suppressed or
27 excluded in any criminal trial, grand jury proceeding or other criminal pro-
28 ceeding, or order that any criminal prosecution be dismissed, solely as a
29 sanction or remedy for violation of a rule of professional conduct adopted
30 by the Supreme Court.

31 **SECTION 9.** ORS 9.515 is amended to read:

1 9.515. (1) Nothing contained in ORS 9.505 shall prevent referral of claims,
2 suits or actions between [*attorneys*] **members of the bar**.

3 (2) The provisions of ORS 9.505 shall not prohibit the referral of claims,
4 suits or actions between [*attorneys*] **members of the bar** or the dividing of
5 fees for legal services with another [*lawyer*] **member** consistent with the
6 rules of professional conduct adopted pursuant to ORS 9.490.

7 **SECTION 10.** ORS 9.529 is amended to read:

8 9.529. Bar proceedings relating to discipline, admission and reinstatement
9 are neither civil nor criminal in nature. They are sui generis and within the
10 inherent power of the Supreme Court to control. The grounds for denying
11 any applicant admission or reinstatement or for the discipline of [*attorneys*]
12 **members** set forth in ORS 9.005 to 9.757 are not intended to limit or alter
13 the inherent power of the Supreme Court to deny any applicant admission
14 or reinstatement to the bar or to discipline a member of the bar.

15 **SECTION 11.** ORS 9.537 is amended to read:

16 9.537. (1) Any person who has made a complaint to the bar concerning the
17 conduct of [*an attorney*] **a member**, or who has given information or testi-
18 mony in or relative to a proposed or pending admission, reinstatement or
19 disciplinary proceeding is absolutely immune from civil liability for any such
20 acts.

21 (2) The Oregon State Bar and its officers, the members of the state pro-
22 fessional responsibility board, the board of bar examiners, the board of gov-
23 ernors and the disciplinary board, bar counsel, investigators, disciplinary
24 monitors, mentors and employees of the bar are absolutely immune from civil
25 liability in the performance of their duties relative to proposed or pending
26 admission, professional licensing requirements, reinstatement or disciplinary
27 proceedings.

28 **SECTION 12.** ORS 9.542 is amended to read:

29 9.542. (1) The board of governors, subject to the approval of the Supreme
30 Court, may adopt rules of procedure relating to the investigation of the
31 conduct of [*attorneys*] **members** and applicants for admission and rein-

1 statement to the bar, and relating to the conduct of admission, reinstatement
2 and disciplinary proceedings.

3 (2) For the purpose of requesting a state or nationwide criminal records
4 check under ORS 181A.195, the board of governors may require the finger-
5 prints of a person who is applying for admission or reinstatement to the bar
6 or for renewal of a license issued by the bar.

7 **SECTION 13.** ORS 9.568 is amended to read:

8 9.568. (1)(a) The board of governors of the Oregon State Bar may create
9 a state lawyers assistance committee for the purpose of implementing a
10 [*lawyers*] **members** assistance program and, pursuant thereto, authorize the
11 state lawyers assistance committee to investigate and resolve complaints or
12 referrals regarding [*lawyers*] **members** whose performance or conduct may
13 impair their ability to practice law or their professional competence.

14 (b) The board may adopt rules for the operation of the state lawyers as-
15 sistance committee.

16 (c) The purpose of the state lawyers assistance committee is the provision
17 of supervision and assistance to those [*lawyers*] **members** whose perform-
18 ance or conduct may impair their ability to practice law or their professional
19 competence.

20 (2)(a) In addition to the state lawyers assistance committee created under
21 subsection (1) of this section, the board may create personal and practice
22 management assistance committees to provide assistance to [*lawyers*] **mem-**
23 **bers** who are suffering from impairment or other circumstances that may
24 adversely affect professional competence or conduct. Personal and practice
25 management assistance committees may also provide advice and training to
26 [*lawyers*] **members** in practice management.

27 (b) The board may adopt rules governing the provision of assistance to
28 [*lawyers*] **members** by personal and practice management assistance com-
29 mittees.

30 (c) The purpose of a personal and practice management assistance com-
31 mittee is the provision of completely confidential assistance, advice and

1 training to [*lawyers*] **members** in a manner that fosters maximum openness
2 in communications between a [*lawyer*] **member** and the committee and that
3 encourages a [*lawyer*] **member** to seek assistance from the committee.

4 (3) Any information provided to or obtained by the state lawyers assist-
5 ance committee or any personal and practice management assistance com-
6 mittee, or provided to or obtained by any agent of those committees, is:

7 (a) Confidential;

8 (b) Exempt from the provisions of ORS 192.311 to 192.478;

9 (c) Not discoverable or admissible in any civil proceeding without the
10 written consent of the [*lawyer*] **member** to whom the information pertains;
11 and

12 (d) Not discoverable or admissible in any disciplinary proceeding except
13 to the extent provided by rules of procedure adopted pursuant to ORS 9.542.

14 (4) The limitations placed on the disclosure and admissibility of informa-
15 tion in this section shall not apply to information relating to a [*lawyer's*]
16 **member's** noncooperation with the state lawyers assistance committee or
17 any agent of the committee, or to information otherwise obtained by the bar
18 from any other source.

19 (5) The board may authorize the state lawyers assistance committee to
20 act as the monitor or supervisor for [*lawyers*] **members** placed on probation
21 or in diversion in connection with a disciplinary investigation or proceeding,
22 or who have been conditionally admitted or reinstated to the practice of law.
23 Any information provided to or obtained by the state lawyers assistance
24 committee when the committee acts as a monitor or supervisor under the
25 provisions of this subsection is not subject to subsection (3) of this section.

26 (6) All meetings of the state lawyers assistance committee and the per-
27 sonal and practice management assistance committees are exempt from the
28 provisions of ORS 192.610 to 192.690.

29 (7) Any person who makes a complaint or referral to the bar as to the
30 competence of [*an attorney*] **a member** or provides information or testimony
31 in connection with the state lawyers assistance committee or any personal

1 and practice management assistance committee is not subject to an action
2 for civil damages as a result thereof.

3 (8) With respect to their acts in connection with the state lawyers as-
4 sistance committee or any personal and practice management assistance
5 committee, the same privileges and immunities from civil and criminal pro-
6 ceedings that apply to prosecuting and judicial officers of the state shall
7 apply to the board, all officers and employees of the bar, and the members
8 of the committees and their agents.

9 (9) For the purposes of this section, agents of the state lawyers assistance
10 committee or a personal and practice management assistance committee in-
11 clude investigators, attorneys, **associate members licensed to practice**
12 **law**, counselors, staff personnel and any other individual or entity acting on
13 behalf of or at the request of the committees.

14 **SECTION 14.** ORS 9.655 is amended to read:

15 9.655. (1) Upon the filing of a claim, verified under oath, by a client
16 claiming a pecuniary loss payable from the client security fund, the board
17 of governors or its designated representative shall determine if the person
18 named in the claim as the [*attorney*] **member** whose dishonest conduct
19 caused the loss was an active member of the Oregon State Bar engaged in
20 the practice of law in Oregon at the time of the transaction out of which the
21 claim arose and whether the transaction arose out of the person's practice
22 of law in Oregon. The board or designated representative shall then deter-
23 mine whether the loss was caused by the person's dishonest conduct and if
24 the person:

25 (a) Has been found guilty of a crime arising out of the dishonest conduct;

26 (b) In the case of a claim of loss of \$5,000 or less, has been disbarred,
27 suspended or reprimanded in disciplinary proceedings or has resigned from
28 the bar due to circumstances arising out of the dishonest conduct; or

29 (c) Is a judgment debtor under the money award portion of a judgment
30 entered in favor of the client in a proceeding arising out of the dishonest
31 conduct, and execution issued on the judgment has been returned uncollected

1 or issuance of execution would be a useless act.

2 (2) At any time after a claim is filed by a client claiming a pecuniary loss
3 payable from the client security fund, the board or the board's representative
4 may compel by subpoena the person named in the claim as the [attorney]
5 **member** whose dishonest conduct caused the loss, or any other person hav-
6 ing knowledge of the matter, to appear for the purpose of giving testimony,
7 and may compel by subpoena the production of records and documents per-
8 tinent to the claim. The subpoena shall have the same force and effect as in
9 a civil action in the circuit court, and may be enforced by order of the cir-
10 cuit court for the county in which the person was served.

11 **SECTION 15.** ORS 9.657 is amended to read:

12 9.657. (1) Any person who has made a claim with the client security fund
13 committee of the bar concerning a loss allegedly caused by the intentional
14 dishonest conduct of [*the person's lawyer*] **a member representing the**
15 **person**, or who has given information to the bar relative to a client security
16 fund claim or award shall be absolutely immune from civil liability for such
17 acts.

18 (2) The Oregon State Bar, its officers, the members of the client security
19 fund committee, the board of governors, bar counsel, investigators and em-
20 ployees of the bar shall be absolutely immune from civil liability in the
21 performance of their duties relative to client security fund claims or awards.

22 **SECTION 16.** ORS 9.665 is amended to read:

23 9.665. (1) Except as provided in this section, reimbursement from the cli-
24 ent security fund is discretionary with the board of governors.

25 (2) The board shall not authorize payment unless the conditions of ORS
26 9.655 (1) have been found to exist. However, the board may, in its sole dis-
27 cretion, waive one or more of the conditions of ORS 9.655 (1) in cases of
28 extreme hardship or special and unusual circumstances. The state bar is
29 subrogated, in the amount that a client's claim is reimbursed from the client
30 security fund, to all rights and remedies of that client against the
31 [attorney] **member** whose dishonest conduct caused the loss, against the es-

1 tate of the [attorney] **member** or against any other person liable for the loss.

2 **SECTION 17.** ORS 9.685 is amended to read:

3 9.685. (1) Subject to the requirements of ORS 9.490, the Supreme Court
4 may establish a trust account overdraft notification program for [attorneys]
5 **members**.

6 (2) The board of governors may adopt regulations for the administration
7 of a trust account overdraft notification program established under this sec-
8 tion. Regulations adopted under this subsection are binding upon all mem-
9 bers of the bar only after those regulations are approved by the Supreme
10 Court.

11 **SECTION 18.** ORS 9.688 is amended to read:

12 9.688. A circuit court has jurisdiction to determine who is entitled to
13 property contained in a lawyer trust account during a probate of a deceased
14 [attorney's] **member's** estate.

15 **SECTION 19.** ORS 9.695 is amended to read:

16 9.695. (1) Notwithstanding ORS 133.535, the files, papers, effects or work
17 premises of a [lawyer] **member** relating to the provision of legal service by
18 the [lawyer] **member** shall not be subject to search or seizure by any law
19 enforcement officer, either by search warrant or otherwise.

20 (2) The provisions of subsection (1) of this section do not apply where
21 there is probable cause to believe that the [lawyer] **member** has committed,
22 is committing or is about to commit a crime.

23 (3) As used in this section, ["lawyer"] "**member**" means a member **or**
24 **associate member** of the Oregon State Bar or a person licensed to practice
25 law in any court of this state or any court of record of the United States
26 or of any state, territory or other jurisdiction of the United States.

27 (4) Evidence or the fruits thereof obtained in violation of this section
28 shall be inadmissible in any criminal or civil action or proceeding, except for
29 an action or suit brought for violation of this section or the rights protected
30 thereby.

31 **SECTION 20.** ORS 9.705 is amended to read:

1 9.705. As used in ORS 9.705 to 9.757:

2 (1) “Affected [*attorney*] **member**” means a member or former member of
3 the Oregon State Bar whose law practice is placed within the jurisdiction
4 of the court under ORS 9.720 or as to whom a petition has been filed to place
5 such law practice within the jurisdiction of the court under ORS 9.715.

6 (2) “Law practice” means a practice conducted by an individual, a part-
7 nership or a professional corporation.

8 **SECTION 21.** ORS 9.710 is amended to read:

9 9.710. The circuit court of the county in which [*an attorney*] **a member**
10 engaged in the practice of law in this state maintains or has maintained a
11 principal office has jurisdiction as provided in ORS 9.705 to 9.757 whenever
12 the [*attorney*] **member** has died, is disbarred or suspended from the active
13 practice of law, is incarcerated or has abandoned the practice and:

14 (1) The [*attorney*] **member** failed to make arrangements for the orderly
15 suspension or termination of the law practice of the [*attorney*] **member**; or

16 (2) A duly appointed personal representative or other person assisting
17 with the suspension or termination of the law practice is unable to ade-
18 quately protect the interests of the [*attorney’s*] **member’s** clients.

19 **SECTION 22.** ORS 9.715 is amended to read:

20 9.715. (1) When the Oregon State Bar or an attorney determines that one
21 of the circumstances listed in ORS 9.710 exists, the bar or the attorney may
22 petition the court ex parte to take immediate jurisdiction over the affected
23 [*attorney’s*] **member’s** law practice as provided in ORS 9.705 to 9.757.

24 (2) When an attorney files a petition under subsection (1) of this section,
25 the attorney shall provide notice to the Oregon State Bar.

26 **SECTION 23.** ORS 9.720 is amended to read:

27 9.720. If the court finds that it has jurisdiction and finds that the as-
28 sumption of such jurisdiction is necessary in order to protect the interest
29 of the clients of the affected [*attorney*] **member** or to protect the public in-
30 terest, the court may, by appropriate order, immediately take jurisdiction
31 over the law practice of the affected [*attorney*] **member** to the extent the

1 court determines is necessary. The exercise of jurisdiction may extend only
2 to the affected [attorney's] **member's** lawyer trust account or may include
3 all legal files, clients' trust funds, clients' property and all books, records,
4 funds and property used in the law practice of the affected [attorney] **mem-**
5 **ber.**

6 **SECTION 24.** ORS 9.725 is amended to read:

7 9.725. (1) If the court assumes jurisdiction under ORS 9.705 to 9.757, it
8 shall appoint the Oregon State Bar or, if the bar declines the appointment,
9 [another] **an** attorney, to act as custodian of the law practice of the affected
10 [attorney] **member.** Immediately upon appointment, the bar shall take pos-
11 session and control of all property over which the court assumed jurisdic-
12 tion. The court may order the bar or the appointed attorney to do one or
13 more of the following:

14 (a) Examine the files and records of the law practice and obtain infor-
15 mation as to any pending matters which may require attention;

16 (b) Notify persons and entities who appear to be clients of the affected
17 [attorney] **member** that the court has assumed jurisdiction and inform such
18 persons that it may be in their best interest to obtain other legal counsel;

19 (c) Apply for extensions of time pending employment of other counsel by
20 the client;

21 (d) File notices, motions and pleadings on behalf of the client where ju-
22 risdictional time limits are involved and other legal counsel has not yet been
23 obtained;

24 (e) Give notice to appropriate persons and entities who may be affected,
25 other than clients, that the court has assumed jurisdiction;

26 (f) Arrange for the surrender or delivery of clients' papers or property;
27 and

28 (g) Do such other acts as the court may direct to carry out the purposes
29 of ORS 9.705 to 9.757.

30 (2) The court has jurisdiction over that portion of the files, records and
31 property of the affected [attorney] **member** for the purposes of ORS 9.705 to

1 9.757 as established in the order, and may make all orders necessary or ap-
 2 propriate to protect the interest of the affected [attorney] **member**, the cli-
 3 ents of the affected [attorney] **member** and the public.

4 (3) Any financial institution holding funds in a lawyer trust account of
 5 the affected [lawyer] **member** shall release the funds to the bar or the ap-
 6 pointed attorney upon presentment of a copy of the order appointing the
 7 custodian. The bar or the appointed attorney shall determine the ownership
 8 of the funds in the lawyer trust account and distribute the funds as directed
 9 by the interested client. Any funds for which ownership cannot be deter-
 10 mined or for whom the owner cannot be located shall be turned over to the
 11 bar or the appointed attorney as provided in ORS 98.302 to 98.436.

12 (4) The court may not charge a filing fee for filing a petition under ORS
 13 9.715.

14 **SECTION 25.** ORS 9.727 is amended to read:

15 9.727. The Oregon State Bar or an attorney appointed as custodian of a
 16 law practice under ORS 9.725 shall serve a copy of an order appointing the
 17 custodian on the affected [attorney] **member** or any person assisting in the
 18 suspension or termination of the affected [attorney's] **member's** practice. The
 19 bar or appointed attorney shall serve the copy of the order by regular mail
 20 to the last-known address of the affected [attorney] **member** in the records
 21 of the bar or to a duly appointed fiduciary at the address provided in an of-
 22 ficial filing. The affected [attorney] **member** or assisting person may, within
 23 10 days of the service, request a hearing to challenge the order. After the
 24 hearing, the court may vacate or modify the custodianship order as the court
 25 finds appropriate.

26 **SECTION 26.** ORS 9.730 is amended to read:

27 9.730. After appointment as custodian of a law practice under ORS 9.725,
 28 the Oregon State Bar may engage the services of the Oregon State Bar Pro-
 29 fessional Liability Fund created under ORS 9.005 to 9.757 or any active
 30 member of the bar to assist in the performance of the bar's duties as custo-
 31 dian. Acts performed by a member of the bar in assisting the custodian do

1 not constitute acceptance of employment by any client of the affected [*at-*
2 *torney*] **member**.

3 **SECTION 27.** ORS 9.735 is amended to read:

4 9.735. The court shall enter a judgment awarding reasonable compensation
5 and expenses to the Oregon State Bar or [*another*] **an** attorney appointed
6 under ORS 9.725 for acting as custodian under ORS 9.705 to 9.757. The
7 judgment shall be against the affected [*attorney*] **member** or the estate of the
8 affected [*attorney*] **member**. The judgment is a lien upon all nontrust funds,
9 office furnishings, supplies, equipment, library and other personal property
10 used in the law practice of the affected [*attorney*] **member** retroactive to the
11 date of filing of the petition for jurisdiction under ORS 9.705 to 9.757. The
12 judgment lien takes priority over all general unsecured creditors,
13 nonpossessory liens and security interests that were unperfected on the date
14 the court assumed jurisdiction, and may be foreclosed as provided in ORS
15 chapter 87.

16 **SECTION 28.** ORS 9.745 is amended to read:

17 9.745. Any applicable statute of limitations or time limit for the filing set
18 by statute or rule of court as it relates to the affected [*attorney's*] **member's**
19 clients shall be suspended automatically by the filing of a petition for juris-
20 diction under ORS 9.705 to 9.757 for a period of 120 days following the date
21 of filing of such petition.

22 **SECTION 29.** ORS 9.750 is amended to read:

23 9.750. Persons examining the files and records of the law practice of an
24 affected [*attorney*] **member** pursuant to ORS 9.705 to 9.757 shall preserve the
25 confidentiality of the information relating to the affected [*attorney's*]
26 **member's** representation of a client and shall make disclosure only to the
27 extent necessary to carry out the purposes of ORS 9.705 to 9.757. Such dis-
28 closure is a disclosure which is reasonably necessary for the accomplishment
29 of the purpose for which the affected [*attorney*] **member** was consulted.
30 Communications between the Oregon State Bar or its designees or [*another*]
31 **an** attorney appointed as custodian of a law practice under ORS 9.725 and

1 a client of the affected [*attorney*] **member** are subject to the attorney-client
2 privilege to the same extent as it would have applied to communications by
3 or to the affected [*attorney*] **member**.

4 **SECTION 30.** ORS 9.755 is amended to read:

5 9.755. Whenever the purposes of ORS 9.705 to 9.757 have been accom-
6 plished with respect to the law practice of an affected [*attorney*] **member** for
7 which the Oregon State Bar or [*another*] **an** attorney has been appointed as
8 custodian under ORS 9.725, the bar or the appointed attorney shall file with
9 the court a final report and accounting of all funds and property coming into
10 the possession or control of the bar or the appointed attorney as custodian
11 and a petition for compensation and expenses of the bar or the appointed
12 attorney for acting as custodian. The bar or the appointed attorney shall
13 mail a copy of the report and accounting and a copy of the petition for
14 compensation and expenses to all persons upon whom service was made
15 pursuant to ORS 9.727. Upon approval by the court, an order shall be entered
16 approving the final report and accounting, fixing the amount of compen-
17 sation and expenses to be allowed to the bar or the appointed attorney, and
18 discharging the bar or the attorney from further duties.

19 **SECTION 31.** ORS 9.757 is amended to read:

20 9.757. (1) Except as provided in subsection (2) of this section or by court
21 order, the Oregon State Bar may dispose of client papers and files that have
22 not been claimed by a client of an affected [*attorney*] **member** within six
23 months after written notice to the client from the bar. The bar must dispose
24 of the papers and files in a manner reasonably calculated to protect the
25 confidentiality of the information contained in the papers and files.

26 (2) The bar may dispose of an unclaimed original will as provided in ORS
27 112.815 and 112.820.

28 (3) The bar shall maintain a log of all retained wills that is accessible to
29 the public.

30 (4) Upon receipt of satisfactory proof of identity, the bar shall release a
31 will belonging to a client to the client or to a duly appointed personal rep-

1 representative or conservator of the client.

2 (5) The bar may retain wills in digitized form, and a digitized copy, cer-
3 tified by the bar as a true copy of the digital document retained by the bar,
4 shall be admissible in evidence to the same extent as the original.

5 **SECTION 32.** ORS 20.075 is amended to read:

6 20.075. (1) A court shall consider the following factors in determining
7 whether to award attorney fees in any case in which an award of attorney
8 fees is authorized by statute and in which the court has discretion to decide
9 whether to award attorney fees:

10 (a) The conduct of the parties in the transactions or occurrences that
11 gave rise to the litigation, including any conduct of a party that was reck-
12 less, willful, malicious, in bad faith or illegal.

13 (b) The objective reasonableness of the claims and defenses asserted by
14 the parties.

15 (c) The extent to which an award of an attorney fee in the case would
16 deter others from asserting good faith claims or defenses in similar cases.

17 (d) The extent to which an award of an attorney fee in the case would
18 deter others from asserting meritless claims and defenses.

19 (e) The objective reasonableness of the parties and the diligence of the
20 parties and their attorneys during the proceedings.

21 (f) The objective reasonableness of the parties and the diligence of the
22 parties in pursuing settlement of the dispute.

23 (g) The amount that the court has awarded as a prevailing party fee under
24 ORS 20.190.

25 (h) Such other factors as the court may consider appropriate under the
26 circumstances of the case.

27 (2) A court shall consider the factors specified in subsection (1) of this
28 section in determining the amount of an award of attorney fees in any case
29 in which an award of attorney fees is authorized or required by statute. In
30 addition, the court shall consider the following factors in determining the
31 amount of an award of attorney fees in those cases:

1 (a) The time and labor required in the proceeding, the novelty and diffi-
2 culty of the questions involved in the proceeding and the skill needed to
3 properly perform the legal services.

4 (b) The likelihood, if apparent to the client, that the acceptance of the
5 particular employment by the attorney would preclude the attorney from
6 taking other cases.

7 (c) The fee customarily charged in the locality for similar legal services.

8 (d) The amount involved in the controversy and the results obtained.

9 (e) The time limitations imposed by the client or the circumstances of the
10 case.

11 (f) The nature and length of the attorney's professional relationship with
12 the client.

13 (g) The experience, reputation and ability of the attorney performing the
14 services.

15 (h) Whether the fee of the attorney is fixed or contingent.

16 (i) Whether the attorney performed the services on a pro bono basis or
17 the award of attorney fees otherwise promotes access to justice.

18 (3) In any appeal from the award or denial of an attorney fee subject to
19 this section, the court reviewing the award may not modify the decision of
20 the court in making or denying an award, or the decision of the court as to
21 the amount of the award, except upon a finding of an abuse of discretion.

22 (4) Nothing in this section authorizes the award of an attorney fee in
23 excess of a reasonable attorney fee.

24 **(5) As used in this section and in any provision of law authorizing**
25 **an award of attorney fees, "attorney" includes an associate member**
26 **of the Oregon State Bar practicing law in the member's approved**
27 **scope of practice.**

28

29 **LAW PRACTITIONER-CLIENT PRIVILEGE**

30

31 **SECTION 33.** ORS 40.225 is amended to read:

1 40.225. (1) As used in this section, unless the context requires otherwise:

2 (a) “Client” means:

3 (A) A person, public officer, corporation, association or other organiza-
4 tion or entity, either public or private, who is rendered professional legal
5 services by a [lawyer] **law practitioner**, or who consults a [lawyer] **law**
6 **practitioner** with a view to obtaining professional legal services from the
7 [lawyer] **law practitioner**.

8 (B) A person, public officer, corporation, association or other organization
9 or entity, either public or private, who consults a [lawyer] **legal** referral
10 service with a view to obtaining professional legal services from a [lawyer]
11 **law practitioner**.

12 (b) “Confidential communication” means a communication not intended
13 to be disclosed to third persons other than those to whom disclosure is in
14 furtherance of the rendition of professional legal services to the client or
15 those reasonably necessary for the transmission of the communication.

16 (c) [“Lawyer”] **“Law practitioner”** means a person authorized, or rea-
17 sonably believed by the client to be authorized, to practice law in any state
18 or nation.

19 (d) “[Lawyer] **Legal** referral service” means an entity that, as a regular
20 part of its business, refers potential clients to [lawyers] **law practitioners**,
21 including but not limited to a public nonprofit entity sponsored or operated
22 by the Oregon State Bar.

23 (e) “Representative of the client” means:

24 (A) A principal, an officer or a director of the client; or

25 (B) A person who has authority to obtain professional legal services, or
26 to act on legal advice rendered, on behalf of the client, or a person who, for
27 the purpose of effectuating legal representation for the client, makes or re-
28 ceives a confidential communication while acting in the person’s scope of
29 employment for the client.

30 (f) “Representative of the [lawyer] **law practitioner**” means one employed
31 to assist the [lawyer] **law practitioner** in the rendition of professional legal

1 services, but does not include a physician making a physical or mental ex-
2 amination under ORCP 44.

3 (2) A client has a privilege to refuse to disclose and to prevent any other
4 person from disclosing confidential communications made for the purpose of
5 facilitating the rendition of professional legal services to the client:

6 (a) Between the client or the client's representative and the client's
7 *[lawyer]* **law practitioner** or a representative of the *[lawyer]* **law practi-**
8 **tioner**;

9 (b) Between the client's *[lawyer]* **law practitioner** and the *[lawyer's]* **law**
10 **practitioner's** representative or the client's *[lawyer]* **legal** referral service;

11 (c) By the client or the client's *[lawyer]* **law practitioner** to a *[lawyer]*
12 **law practitioner** representing another in a matter of common interest;

13 (d) Between representatives of the client or between the client and a
14 representative of the client;

15 (e) Between *[lawyers]* **law practitioners** representing the client; or

16 (f) Between the client or a representative of the client and a *[lawyer]* **le-**
17 **gal** referral service.

18 (3) The privilege created by this section may be claimed by the client, a
19 guardian or conservator of the client, the personal representative of a de-
20 ceased client, or the successor, trustee, or similar representative of a corpo-
21 ration, association, or other organization, whether or not in existence. The
22 person who was the *[lawyer or lawyer]* **law practitioner or legal** referral
23 service or the *[lawyer's]* **law practitioner's** representative at the time of the
24 communication is presumed to have authority to claim the privilege but only
25 on behalf of the client.

26 (4) There is no privilege under this section:

27 (a) If the services of the *[lawyer or lawyer]* **law practitioner or legal**
28 referral service were sought or obtained to enable or aid anyone to commit
29 or plan to commit what the client knew or reasonably should have known
30 to be a crime or fraud;

31 (b) As to a communication relevant to an issue between parties who claim

1 through the same deceased client, regardless of whether the claims are by
2 testate or intestate succession or by inter vivos transaction;

3 (c) As to a communication relevant to an issue of breach of duty by the
4 *[lawyer or lawyer]* **law practitioner or legal** referral service to the client
5 or by the client to the *[lawyer or lawyer]* **law practitioner or legal** referral
6 service;

7 (d) As to a communication relevant to an issue concerning an attested
8 document to which the *[lawyer or lawyer]* **law practitioner or legal** referral
9 service is an attesting witness; or

10 (e) As to a communication relevant to a matter of common interest be-
11 tween two or more clients if the communication was made by any of them
12 to a *[lawyer]* **law practitioner** retained or consulted in common, when of-
13 fered in an action between any of the clients.

14 (5) Notwithstanding ORS 40.280, a privilege is maintained under this
15 section for a communication made to the office of public defense services
16 established under ORS 151.216 for the purpose of seeking preauthorization
17 for or payment of nonroutine fees or expenses under ORS 135.055.

18 (6) Notwithstanding subsection (4)(c) of this section and ORS 40.280, a
19 privilege is maintained under this section for a communication that is made
20 to the office of public defense services established under ORS 151.216 for the
21 purpose of making, or providing information regarding, a complaint against
22 a *[lawyer]* **law practitioner** providing public defense services.

23 (7) Notwithstanding ORS 40.280, a privilege is maintained under this
24 section for a communication ordered to be disclosed under ORS 192.311 to
25 192.478.

26 **SECTION 34.** ORS 40.227 is amended to read:

27 40.227. (1) As used in this section, “client,” “confidential
28 communication,” [*“lawyer” and “representative of the lawyer”*] **“law practi-
29 tioner” and “representative of the law practitioner”** have the meanings
30 given those terms in ORS 40.225.

31 (2) A client has a right to privately communicate with the client’s

1 [lawyer] **law practitioner** and representatives of the [lawyer] **law practi-**
2 **tioner.**

3 (3)(a) Any evidence derived from a confidential communication that is
4 privileged under ORS 40.225, between a client and the client's [lawyer] **law**
5 **practitioner** or a representative of the [lawyer] **law practitioner**, is inad-
6 missible in any proceeding to which the client is a party if the confidential
7 communication was obtained or disclosed without the consent of the client.

8 (b) Paragraph (a) of this subsection does not apply to evidence offered by
9 the client.

10 **SECTION 35.** ORS 45.135 is amended to read:

11 45.135. (1) A deposition in a civil action may not be stenographically re-
12 ported by:

13 (a) A party in the action;

14 (b) A person with a financial interest in the outcome of the action;

15 (c) An attorney for a party in the action;

16 (d) An attorney for a person with a financial interest in the outcome of
17 the action;

18 (e) An employee of a party in the action;

19 (f) An employee of an attorney for a party in the action;

20 (g) An employee of a person with a financial interest in the outcome of
21 the action;

22 (h) An employee of an attorney for a person with a financial interest in
23 the outcome of the action; or

24 (i) A person related, by affinity or consanguinity within the third degree,
25 to a party in the action or to a person with a financial interest in the out-
26 come of the action.

27 (2) Any deposition recorded or reported by a person in violation of this
28 section may not be introduced in evidence or used for any other purpose in
29 a civil action.

30 **(3) As used in this section, "attorney" includes an associate member**
31 **of the Oregon State Bar practicing law in the member's approved**

1 **scope of practice.**

2 **SECTION 36.** ORS 45.142 is amended to read:

3 45.142. (1) Before recording or reporting a deposition, the person recording
4 or reporting the deposition must disclose if the person has a contract to
5 provide reporting services for depositions on a full-time or part-time basis for
6 any of the following persons:

7 (a) A party in the action;

8 (b) A person with a financial interest in the outcome of the action;

9 (c) An attorney for a party in the action **or another law practitioner**
10 **representing a party in the action;** or

11 (d) An attorney for a person with a financial interest in the outcome of
12 the action **or another law practitioner representing a person with a fi-**
13 **ancial interest in the outcome of the action.**

14 (2) If the person recording or reporting a deposition has a contract to
15 provide reporting services for depositions on a full-time or part-time basis for
16 any of the persons specified in subsection (1) of this section, any party to the
17 action may object to the person employed for the purpose of recording or
18 reporting the deposition. Upon objection, the parties shall attempt to agree
19 upon a different person who shall record or report the deposition. If the
20 parties cannot reach agreement, any of the parties may move the court to
21 appoint an independent person who shall record or report the deposition.

22 (3) A party that objects to a person employed for the purpose of recording
23 or reporting a deposition in the manner provided by this section is not sub-
24 ject to any penalty or sanction for making the objection and is not required
25 to pay any fee of the person objected to.

26 (4) This section does not apply to contracts for reporting services for a
27 single deposition, case or incident.

28 (5) This section does not apply to a person who records or reports depo-
29 sitions for a public body, as defined in ORS 30.260, or for a federal agency
30 or any instrumentality of the federal government.

31

POSSESSORY LIEN

SECTION 37. ORS 87.430 is amended to read:

87.430. An attorney **or other member of the Oregon State Bar licensed to practice law** has a lien for compensation whether specially agreed upon or implied, upon all papers, personal property and money of the client in the possession of the attorney **or member** for services rendered to the client. The attorney **or member** may retain the papers, personal property and money until the lien created by this section, and the claim based thereon, is satisfied, and the attorney **or member** may apply the money retained to the satisfaction of the lien and claim.

SECTION 38. ORS 87.435 is amended to read:

87.435. (1) The owner of papers or personal property subject to a lien created by ORS 87.430, or any other interested person, may file with the recording officer of the county in which the attorney [*has the principal office of the attorney*] **or other member of the Oregon State Bar licensed to practice law has the attorney's or member's principal office** a bond executed by a corporation authorized to issue surety bonds in the State of Oregon to the effect that the owner of the papers and personal property against which the lien is claimed shall pay the amount of the claim and all costs which are awarded against the papers and personal property on account of the lien. The bond shall be in an amount not less than 150 percent of the amount claimed under the lien, and must be filed prior to the commencement of a foreclosure proceeding by the attorney **or member**.

(2)(a) In lieu of the surety bond provided for in subsection (1) of this section, a person may deposit with the treasurer of the county in which the attorney [*has the*] **or member has the attorney's or member's** principal office [*of the attorney*] an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, or a sum of money or its equivalent equal in value to 150 percent of the amount claimed under the lien.

(b) When a person deposits money or an irrevocable letter of credit with

1 the treasurer of a county under this subsection, the person shall file with the
2 recording officer of the same county an affidavit stating that the deposit was
3 made.

4 (3) When a bond is filed under subsection (1) of this section or money or
5 an irrevocable letter of credit deposited and an affidavit filed under sub-
6 section (2) of this section, the recording officer shall issue to the owner or
7 other person a certificate stating that the bond, irrevocable letter of credit
8 or money is substituted for the chattel and that the lien on the chattel is
9 discharged.

10 (4) When a bond is filed under subsection (1) of this section, or money
11 or an irrevocable letter of credit is deposited under subsection (2) of this
12 section, the owner or other person filing the bond or depositing the money
13 shall promptly send a copy of the certificate received from the recording of-
14 ficer under subsection (3) of this section to the attorney **or member** by
15 registered or certified mail.

16 (5) If the attorney **or member** establishes the validity of the lien claim
17 by a suit to enforce it under ORS chapter 88, the attorney **or member** is
18 entitled to judgment against the sureties upon the bond, against the irrev-
19 ovable letter of credit issuer or against the deposited money.

20 **SECTION 39.** ORS 87.440 is amended to read:

21 87.440. If an attorney **or other member of the Oregon State Bar li-**
22 **censed to practice law** considers the bond filed with a recording officer or
23 the irrevocable letter of credit deposited with the treasurer of a county in-
24 adequate to protect the claim of the attorney **or member** for lien for some
25 reason other than the amount of the bond or irrevocable letter of credit, the
26 attorney **or member** shall, within 10 days of receipt of the notice of filing,
27 petition the court in which the suit to foreclose the lien may be brought for
28 a determination of the adequacy of the bond or irrevocable letter of credit.
29 The attorney **or member** shall state in detail the reasons for the inadequacy.
30 If the court determines that the bond is inadequate for one or more of the
31 reasons stated by the attorney **or member**, the court shall order such action

1 as shall make the bond or irrevocable letter of credit adequate to protect the
2 claim for lien.

3 **SECTION 40.** ORS 87.445 is amended to read:

4 87.445. An attorney **or other member of the Oregon State Bar licensed**
5 **to practice law** has a lien upon actions, suits and proceedings after the
6 commencement thereof, and judgments, orders and awards entered therein in
7 the client's favor and the proceeds thereof to the extent of fees and com-
8 pensation specially agreed upon with the client, or if there is no agreement,
9 for the reasonable value of the services of the attorney **or member**.

10 **SECTION 41.** ORS 87.450 is amended to read:

11 87.450. (1) When an attorney **or other member of the Oregon State**
12 **Bar licensed to practice law** claims a lien under ORS 87.445, if the judg-
13 ment is for a sum of money only, the attorney **or member** must file a notice
14 of claim of lien with the clerk of the court that entered the judgment within
15 three years after the judgment is entered. The clerk shall enter the notice
16 in the register of the court and in the judgment lien record maintained by
17 the court administrator under ORS 18.075.

18 (2) When an attorney **or member** files a notice of claim of lien under
19 subsection (1) of this section, the attorney **or member** shall send forthwith
20 a copy of the notice to the client by registered or certified mail sent to the
21 client at the last-known address of the client.

22 (3) A lien under ORS 87.445 on a judgment for a sum of money only re-
23 mains a lien on the judgment until the judgment remedies for the judgment
24 expire under ORS 18.180 to 18.190.

25 (4) For purposes of this section, a "judgment for a sum of money only"
26 does not include a judgment or order for the payment of money for the sup-
27 port of any person under ORS 107.095, 107.105, 108.120, 109.155 or 419B.400.

28 **SECTION 42.** ORS 87.455 is amended to read:

29 87.455. (1) When an attorney **or other member of the Oregon State**
30 **Bar licensed to practice law** claims a lien under ORS 87.445, if the judg-
31 ment is for the possession, award or transfer of personal property, the at-

1 torney **or member** must file a notice of claim of lien not later than one year
2 after entry of the judgment and disposition of any appeal of the judgment.
3 The notice shall be filed with the recording officer of the county in which
4 the judgment is rendered, with the recording officer of the county, if known,
5 in which the personal property is located and with the recording officer of
6 the county, if known, in which the attorney's **or member's** client resides.
7 The recording officer of a county shall record the notices filed under this
8 section in a book called "index of liens upon chattels."

9 (2) Except as provided in subsection (3) of this section, a lien under ORS
10 87.445 on a judgment for the possession, award or transfer of personal prop-
11 erty must be foreclosed in the manner provided in ORS chapter 88, not later
12 than one year after the notice of claim of lien is filed under subsection (1)
13 of this section.

14 (3) An attorney **or member** and the client of the attorney **or member**
15 may, by an agreement in writing, extend the period of time within which a
16 lien created by ORS 87.445 must be foreclosed to two years after the notice
17 of claim of lien is filed. An agreement to extend a foreclosure period under
18 this subsection shall contain the time and place of the filing of the notice
19 of claim of lien by the attorney **or member** and shall be filed with the re-
20 cording officer with whom the notice of claim of lien was filed.

21 **SECTION 43.** ORS 87.460 is amended to read:

22 87.460. (1) When an attorney **or other member of the Oregon State**
23 **Bar licensed to practice law** claims a lien under ORS 87.445, if the judg-
24 ment is for the possession, award or conveyance of real property, the attor-
25 ney **or member** must file a notice of claim of lien not later than six months
26 after entry of the judgment and disposition of any appeal of the judgment.
27 The notice shall be filed with the recording officer of the county in which
28 the real property, or any part of it, is situated. The recording officer of a
29 county shall record the notices filed under this section in a book that shall
30 be indexed in the same manner as the record of deeds and mortgages.

31 (2) Except as provided in subsection (3) of this section, a lien under ORS

1 87.445 upon a judgment for the possession, award or conveyance of real
2 property must be foreclosed in the manner provided in ORS chapter 88, not
3 later than one year after the notice of claim of lien is filed under subsection
4 (1) of this section.

5 (3) An attorney **or member** and the client of the attorney **or member**
6 may, by agreement, in writing, extend the period of time within which a lien
7 created by ORS 87.445 must be foreclosed to two years after the notice of
8 claim of lien is filed. An agreement to extend a foreclosure period under this
9 subsection shall contain the time and place of the filing of the notice of
10 claim of lien by the attorney **or member** and shall be filed with the re-
11 cording officer with whom the notice of claim of lien was filed.

12

13

FAMILY LAW

14

15 **SECTION 44.** ORS 25.010 is amended to read:

16 25.010. As used in ORS 25.501 to 25.556 and ORS chapters 25, 107 and 109
17 and any other statutes providing for support payments or support enforce-
18 ment procedures, unless the context requires otherwise:

19 (1) “Administrator” means either the Administrator of the Division of
20 Child Support of the Department of Justice or a district attorney, or the
21 administrator’s or a district attorney’s authorized representative.

22 (2) **“Attorney” includes an associate member of the Oregon State**
23 **Bar practicing law within the member’s approved scope of practice.**

24 [(2)] (3) “Child” has the meaning given that term in ORS 110.503.

25 [(3)] (4) “Child support rights” means the right to establish or enforce an
26 obligation imposed or imposable by law to provide support, including but not
27 limited to medical support as defined in ORS 25.321 and an unsatisfied obli-
28 gation to provide support.

29 [(4)] (5) “Department” means the Department of Justice.

30 [(5)] (6) “Disposable income” means that part of the income of an indi-
31 vidual remaining after the deduction from the income of any amounts re-

1 quired to be withheld by law except laws enforcing spousal or child support
2 and any amounts withheld to pay medical or dental insurance premiums.

3 [(6)] (7) "Employer" means any entity or individual who engages an indi-
4 vidual to perform work or services for which compensation is given in peri-
5 odic payments or otherwise.

6 [(7)] (8) "Income" is any monetary obligation in excess of \$4.99 after the
7 fee described in ORS 25.414 (6) has been deducted that is in the possession
8 of a third party owed to a person and includes but is not limited to:

9 (a) Compensation paid or payable for personal services whether denomi-
10 nated as wages, salary, commission, bonus or otherwise;

11 (b) Periodic payments pursuant to a pension or retirement program;

12 (c) Cash dividends arising from stocks, bonds or mutual funds;

13 (d) Interest payments;

14 (e) Periodic payments from a trust account;

15 (f) Any program or contract to provide substitute wages during times of
16 unemployment or disability;

17 (g) Any payment pursuant to ORS chapter 657; or

18 (h) Amounts payable to independent contractors.

19 [(8)] (9) "Obligee" has the meaning given that term in ORS 110.503.

20 [(9)] (10) "Obligor" has the meaning given that term in ORS 110.503.

21 [(10)] (11) "Order to withhold" means an order or other legal process that
22 requires a withholder to withhold support from the income of an obligor.

23 [(11)] (12) "Public assistance" has the meaning given that term in ORS
24 25.501.

25 [(12)] (13) "Withholder" means any person who disburses income and in-
26 cludes but is not limited to an employer, conservator, trustee or insurer of
27 the obligor.

28

29 **LANDLORD-TENANT LAW**

30

31 **SECTION 45.** ORS 90.100 is amended to read:

1 90.100. As used in this chapter, unless the context otherwise requires:

2 (1) “Accessory building or structure” means any portable, demountable
3 or permanent structure, including but not limited to cabanas, ramadas,
4 storage sheds, garages, awnings, carports, decks, steps, ramps, piers and
5 pilings, that is:

6 (a) Owned and used solely by a tenant of a manufactured dwelling or
7 floating home; or

8 (b) Provided pursuant to a written rental agreement for the sole use of
9 and maintenance by a tenant of a manufactured dwelling or floating home.

10 (2) “Action” includes recoupment, counterclaim, setoff, suit in equity and
11 any other proceeding in which rights are determined, including an action for
12 possession.

13 (3) “Applicant screening charge” means any payment of money required
14 by a landlord of an applicant prior to entering into a rental agreement with
15 that applicant for a residential dwelling unit, the purpose of which is to pay
16 the cost of processing an application for a rental agreement for a residential
17 dwelling unit.

18 (4) **“Attorney” includes an associate member of the Oregon State**
19 **Bar practicing law within the member’s approved scope of practice.**

20 [(4)] (5) “Building and housing codes” includes any law, ordinance or
21 governmental regulation concerning fitness for habitation, or the con-
22 struction, maintenance, operation, occupancy, use or appearance of any
23 premises or dwelling unit.

24 [(5)] (6) “Carbon monoxide alarm” has the meaning given that term in
25 ORS 105.836.

26 [(6)] (7) “Carbon monoxide source” has the meaning given that term in
27 ORS 105.836.

28 [(7)] (8) “Conduct” means the commission of an act or the failure to act.

29 [(8)] (9) “DBH” means the diameter at breast height, which is measured
30 as the width of a standing tree at four and one-half feet above the ground
31 on the uphill side.

1 [(9)] (10) “Dealer” means any person in the business of selling, leasing
2 or distributing new or used manufactured dwellings or floating homes to
3 persons who purchase or lease a manufactured dwelling or floating home for
4 use as a residence.

5 [(10)] (11) “Domestic violence” means:

6 (a) Abuse between family or household members, as those terms are de-
7 fined in ORS 107.705; or

8 (b) Abuse, as defined in ORS 107.705, between partners in a dating re-
9 lationship.

10 [(11)] (12) “Drug and alcohol free housing” means a dwelling unit de-
11 scribed in ORS 90.243.

12 [(12)] (13) “Dwelling unit” means a structure or the part of a structure
13 that is used as a home, residence or sleeping place by one person who
14 maintains a household or by two or more persons who maintain a common
15 household. “Dwelling unit” regarding a person who rents a space for a
16 manufactured dwelling or recreational vehicle or regarding a person who
17 rents moorage space for a floating home as defined in ORS 830.700, but does
18 not rent the home, means the space rented and not the manufactured dwell-
19 ing, recreational vehicle or floating home itself.

20 [(13)] (14) “Essential service” means:

21 (a) For a tenancy not consisting of rental space for a manufactured
22 dwelling, floating home or recreational vehicle owned by the tenant and not
23 otherwise subject to ORS 90.505 to 90.850:

24 (A) Heat, plumbing, hot and cold running water, gas, electricity, light
25 fixtures, locks for exterior doors, latches for windows and any cooking ap-
26 pliance or refrigerator supplied or required to be supplied by the landlord;
27 and

28 (B) Any other service or habitability obligation imposed by the rental
29 agreement or ORS 90.320, the lack or violation of which creates a serious
30 threat to the tenant’s health, safety or property or makes the dwelling unit
31 unfit for occupancy.

1 (b) For a tenancy consisting of rental space for a manufactured dwelling,
2 floating home or recreational vehicle owned by the tenant or that is other-
3 wise subject to ORS 90.505 to 90.850:

4 (A) Sewage disposal, water supply, electrical supply and, if required by
5 applicable law, any drainage system; and

6 (B) Any other service or habitability obligation imposed by the rental
7 agreement or ORS 90.730, the lack or violation of which creates a serious
8 threat to the tenant's health, safety or property or makes the rented space
9 unfit for occupancy.

10 [(14)] (15) "Facility" means a manufactured dwelling park or a marina.

11 [(15)] (16) "Fee" means a nonrefundable payment of money.

12 [(16)] (17) "First class mail" does not include certified or registered mail,
13 or any other form of mail that may delay or hinder actual delivery of mail
14 to the recipient.

15 [(17)] (18) "Fixed term tenancy" means a tenancy that has a fixed term
16 of existence, continuing to a specific ending date and terminating on that
17 date without requiring further notice to effect the termination.

18 [(18)] (19) "Floating home" has the meaning given that term in ORS
19 830.700. "Floating home" includes an accessory building or structure.

20 [(19)] (20) "Good faith" means honesty in fact in the conduct of the
21 transaction concerned.

22 [(20)] (21) "Hazard tree" means a tree that:

23 (a) Is located on a rented space in a manufactured dwelling park;

24 (b) Measures at least eight inches DBH; and

25 (c) Is considered, by an arborist licensed as a landscape construction
26 professional pursuant to ORS 671.560 and certified by the International So-
27 ciety of Arboriculture, to pose an unreasonable risk of causing serious
28 physical harm or damage to individuals or property in the near future.

29 [(21)] (22) "Hotel or motel" means "hotel" as that term is defined in ORS
30 699.005.

31 [(22)] (23) "Informal dispute resolution" includes voluntary consultation

1 between the landlord or landlord’s agent and one or more tenants or volun-
2 tary mediation utilizing the services of a third party, but does not include
3 mandatory mediation or arbitration.

4 [(23)] (24) “Landlord” means the owner, lessor or sublessor of the dwelling
5 unit or the building or premises of which it is a part. “Landlord” includes
6 a person who is authorized by the owner, lessor or sublessor to manage the
7 premises or to enter into a rental agreement.

8 [(24)] (25) “Landlord’s agent” means a person who has oral or written
9 authority, either express or implied, to act for or on behalf of a landlord.

10 [(25)] (26) “Last month’s rent deposit” means a type of security deposit,
11 however designated, the primary function of which is to secure the payment
12 of rent for the last month of the tenancy.

13 [(26)] (27) “Manufactured dwelling” means a residential trailer, a mobile
14 home or a manufactured home as those terms are defined in ORS 446.003 or
15 a prefabricated structure. “Manufactured dwelling” includes an accessory
16 building or structure.

17 [(27)] (28) “Manufactured dwelling park” means a place where four or
18 more manufactured dwellings are located, the primary purpose of which is
19 to rent space or keep space for rent to any person for a charge or fee.

20 [(28)] (29) “Marina” means a moorage of contiguous dwelling units that
21 may be legally transferred as a single unit and are owned by one person
22 where four or more floating homes are secured, the primary purpose of which
23 is to rent space or keep space for rent to any person for a charge or fee.

24 [(29)] (30) “Marina purchase association” means a group of three or more
25 tenants who reside in a marina and have organized for the purpose of even-
26 tual purchase of the marina.

27 [(30)] (31) “Month-to-month tenancy” means a tenancy that automatically
28 renews and continues for successive monthly periods on the same terms and
29 conditions originally agreed to, or as revised by the parties, until terminated
30 by one or both of the parties.

31 [(31)] (32) “Organization” includes a corporation, government, govern-

1 mental subdivision or agency, business trust, estate, trust, partnership or
2 association, two or more persons having a joint or common interest, and any
3 other legal or commercial entity.

4 [(32)] **(33)** “Owner” includes a mortgagee in possession and means one or
5 more persons, jointly or severally, in whom is vested:

6 (a) All or part of the legal title to property; or

7 (b) All or part of the beneficial ownership and a right to present use and
8 enjoyment of the premises.

9 [(33)] **(34)** “Person” includes an individual or organization.

10 [(34)] **(35)** “Prefabricated structure” means a structure that is substan-
11 tially constructed or assembled using closed construction at an off-site lo-
12 cation in compliance with the state building code and that is sited and
13 occupied by the owner in compliance with local codes.

14 [(35)] **(36)** “Premises” means:

15 (a) A dwelling unit and the structure of which it is a part and facilities
16 and appurtenances therein;

17 (b) Grounds, areas and facilities held out for the use of tenants generally
18 or the use of which is promised to the tenant; and

19 (c) A facility for manufactured dwellings or floating homes.

20 [(36)] **(37)** “Prepaid rent” means any payment of money to the landlord for
21 a rent obligation not yet due. In addition, “prepaid rent” means rent paid for
22 a period extending beyond a termination date.

23 [(37)] **(38)** “Recreational vehicle” has the meaning given that term in ORS
24 174.101.

25 [(38)] **(39)** “Rent” means any payment to be made to the landlord under
26 the rental agreement, periodic or otherwise, in exchange for the right of a
27 tenant and any permitted pet to occupy a dwelling unit to the exclusion of
28 others and to use the premises. “Rent” does not include security deposits,
29 fees or utility or service charges as described in ORS 90.315 (4) and 90.562.

30 [(39)] **(40)** “Rental agreement” means all agreements, written or oral, and
31 valid rules and regulations adopted under ORS 90.262 or 90.510 (6) embodying

1 the terms and conditions concerning the use and occupancy of a dwelling
2 unit and premises. “Rental agreement” includes a lease. A rental agreement
3 is either a week-to-week tenancy, month-to-month tenancy or fixed term
4 tenancy.

5 [(40)] (41) “Roomer” means a person occupying a dwelling unit that does
6 not include a toilet and either a bathtub or a shower and a refrigerator,
7 stove and kitchen, all provided by the landlord, and where one or more of
8 these facilities are used in common by occupants in the structure.

9 [(41)] (42) “Screening or admission criteria” means a written statement
10 of any factors a landlord considers in deciding whether to accept or reject
11 an applicant and any qualifications required for acceptance. “Screening or
12 admission criteria” includes, but is not limited to, the rental history, char-
13 acter references, public records, criminal records, credit reports, credit ref-
14 erences and incomes or resources of the applicant.

15 [(42)] (43) “Security deposit” means a refundable payment or deposit of
16 money, however designated, the primary function of which is to secure the
17 performance of a rental agreement or any part of a rental agreement. “Se-
18 curity deposit” does not include a fee.

19 [(43)] (44) “Sexual assault” has the meaning given that term in ORS
20 147.450.

21 [(44)] (45) “Squatter” means a person occupying a dwelling unit who is
22 not so entitled under a rental agreement or who is not authorized by the
23 tenant to occupy that dwelling unit. “Squatter” does not include a tenant
24 who holds over as described in ORS 90.427 (11).

25 [(45)] (46) “Stalking” means the behavior described in ORS 163.732.

26 [(46)] (47) “Statement of policy” means the summary explanation of in-
27 formation and facility policies to be provided to prospective and existing
28 tenants under ORS 90.510.

29 [(47)] (48) “Surrender” means an agreement, express or implied, as de-
30 scribed in ORS 90.148 between a landlord and tenant to terminate a rental
31 agreement that gave the tenant the right to occupy a dwelling unit.

1 [(48)] **(49)** “Tenant”:

2 (a) Except as provided in paragraph (b) of this subsection:

3 (A) Means a person, including a roomer, entitled under a rental agree-
4 ment to occupy a dwelling unit to the exclusion of others, including a
5 dwelling unit owned, operated or controlled by a public housing authority.

6 (B) Means a minor, as defined and provided for in ORS 109.697.

7 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns
8 and occupies as a residence a manufactured dwelling or a floating home in
9 a facility and persons residing with that tenant under the terms of the rental
10 agreement.

11 (c) Does not mean a guest or temporary occupant.

12 [(49)] **(50)** “Transient lodging” means a room or a suite of rooms.

13 [(50)] **(51)** “Transient occupancy” means occupancy in transient lodging
14 that has all of the following characteristics:

15 (a) Occupancy is charged on a daily basis and is not collected more than
16 six days in advance;

17 (b) The lodging operator provides maid and linen service daily or every
18 two days as part of the regularly charged cost of occupancy; and

19 (c) The period of occupancy does not exceed 30 days.

20 [(51)] **(52)** “Vacation occupancy” means occupancy in a dwelling unit, not
21 including transient occupancy in a hotel or motel, that has all of the fol-
22 lowing characteristics:

23 (a) The occupant rents the unit for vacation purposes only, not as a
24 principal residence;

25 (b) The occupant has a principal residence other than at the unit; and

26 (c) The period of authorized occupancy does not exceed 45 days.

27 [(52)] **(53)** “Victim” means:

28 (a) The person against whom an incident related to domestic violence,
29 sexual assault or stalking is perpetrated; or

30 (b) The parent or guardian of a minor household member against whom
31 an incident related to domestic violence, sexual assault or stalking is per-

1 petrated, unless the parent or guardian is the perpetrator.

2 [(53)] (54) “Week-to-week tenancy” means a tenancy that has all of the
3 following characteristics:

4 (a) Occupancy is charged on a weekly basis and is payable no less fre-
5 quently than every seven days;

6 (b) There is a written rental agreement that defines the landlord’s and the
7 tenant’s rights and responsibilities under this chapter; and

8 (c) There are no fees or security deposits, although the landlord may re-
9 quire the payment of an applicant screening charge, as provided in ORS
10 90.295.

11 **SECTION 46.** ORS 90.555 is amended to read:

12 90.555. (1) As used in this section:

13 (a) “Actively markets for sale” means that the facility tenant:

14 (A) Places a for-sale sign on the dwelling or home;

15 (B) Retains a broker, real estate agent, or manufactured structure dealer
16 to assist in the sale; and

17 (C) Advertises the dwelling or home for sale in a newspaper or online.

18 (b) “Facility landlord” means the landlord of the facility.

19 (c) “Facility tenant” means the owner of the manufactured dwelling or
20 floating home, who is the tenant of the facility landlord under the rental
21 agreement.

22 (d) “Rental agreement” means the rental agreement between the facility
23 landlord and facility tenant.

24 (e) “Renter” means a person other than the facility tenant who is lawfully
25 occupying the manufactured dwelling or floating home under a subleasing
26 agreement.

27 (f) “Subleasing agreement” means the written agreement between the fa-
28 cility landlord, facility tenant, and renter concerning the occupancy of the
29 renter and the rights of the parties.

30 (2) A facility tenant may not rent the facility tenant’s manufactured
31 dwelling or floating home to another person for a period exceeding three

1 days unless the facility landlord, facility tenant and renter enter into a
2 written subleasing agreement specifying the rights and obligations of the
3 facility landlord, facility tenant and renter during the renter's occupancy of
4 the dwelling or home. The subleasing agreement shall require the renter to
5 timely pay to the facility landlord the space rent, any separately assessed
6 fees payable under the rental agreement and any separately billed utility or
7 service charge described in ORS 90.560 to 90.584. The subleasing agreement
8 shall also grant the renter the same rights as the facility tenant to cure a
9 violation of the rental agreement for the facility space, to require the facility
10 landlord to comply with ORS 90.730 and to be protected from retaliatory
11 conduct under ORS 90.765. This subsection does not authorize a facility
12 tenant to sublease to a renter in violation of the rental agreement.

13 (3) Notwithstanding ORS 90.100 [(48)] (49), a facility tenant who enters
14 into a subleasing agreement remains the tenant of the facility space and re-
15 tains all rights and obligations under the rental agreement and this chapter.
16 The occupancy by a renter does not constitute abandonment of the dwelling
17 or home by the facility tenant.

18 (4) The rights and obligations of the renter under a subleasing agreement
19 are in addition to the rights and obligations retained by the facility tenant
20 under subsection (3) of this section and any rights or obligations of the fa-
21 cility tenant and renter under ORS 90.100 to 90.465.

22 (5) Unless otherwise provided in the subleasing agreement, and without
23 regard to whether the facility landlord terminates the rental agreement, a
24 facility landlord may terminate a subleasing agreement:

25 (a) Without cause by giving the renter written notice not less than 30
26 days prior to the termination;

27 (b) If a condition described in ORS 90.380 (5)(b) exists for the facility
28 space, by giving the renter the same notice to which the facility tenant is
29 entitled under ORS 90.380 (5)(b); or

30 (c) Subject to the right to cure:

31 (A) For nonpayment of facility space rent under ORS 90.394 or 90.630; or

1 (B) For any conduct by the renter that would be a violation of the rental
2 agreement under ORS 90.396 or 90.398 if committed by the facility tenant.

3 (6) Upon termination of a subleasing agreement by the facility landlord,
4 whether with or without cause, the renter and the facility tenant are excused
5 from continued performance under any subleasing agreement.

6 (7)(a) If, during the term of a subleasing agreement, the facility landlord
7 gives notice to the facility tenant of a rental agreement violation, a law or
8 ordinance violation or the facility's closure, conversion or sale, the landlord
9 shall also promptly give a copy of the notice to the renter. The giving of
10 notice to the renter does not constitute notice to the facility tenant unless
11 the facility tenant has expressly appointed the renter as the facility tenant's
12 agent for purposes of receiving notice.

13 (b) If the facility landlord gives notice to the renter that the landlord is
14 terminating the subleasing agreement, the landlord shall also promptly give
15 a copy of the notice to the facility tenant by written notice.

16 (c) If, during the term of a subleasing agreement, the facility tenant gives
17 notice to the facility landlord of a rental agreement violation, termination
18 of tenancy or sale of the manufactured dwelling or floating home, the facility
19 tenant shall also promptly give a copy of the notice to the renter.

20 (d) If the renter gives notice to the facility landlord of a violation of ORS
21 90.730, the renter shall also promptly give a copy of the notice to the facility
22 tenant.

23 (8) Before entering into a sublease agreement, the facility landlord may
24 screen a renter under ORS 90.303, but may not apply to the renter credit and
25 conduct screening criteria that is more restrictive than the landlord applies
26 to applicants for a tenancy of a dwelling or home that is either owned by
27 the landlord or on consignment with the landlord under ORS 90.680.

28 (9) Notwithstanding subsection (2) of this section, if a facility landlord
29 rents or has a policy of renting manufactured dwellings or floating homes
30 that are listed for sale by the facility landlord, the facility landlord may not
31 prohibit the facility tenant from entering into a subleasing agreement while

1 the facility tenant actively markets for sale the facility tenant's manufac-
2 tured dwelling or floating home.

3 **SECTION 47.** ORS 90.634 is amended to read:

4 90.634. (1) A landlord may not assert a lien under ORS 87.162 for dwelling
5 unit rent against a manufactured dwelling or floating home located in a fa-
6 cility. Notwithstanding ORS 90.100 [(48)] **(49)** and 90.675 and regardless of
7 whether the owner of a manufactured dwelling or floating home occupies the
8 dwelling or home as a residence, a facility landlord that is entitled to unpaid
9 rent and receives possession of the facility space from the sheriff following
10 restitution pursuant to ORS 105.161 may sell or dispose of the dwelling or
11 home as provided in ORS 90.675.

12 (2) If a manufactured dwelling or floating home was occupied immediately
13 prior to abandonment by a person other than the facility tenant, and the
14 name and address of the person are known to the landlord, a landlord selling
15 or disposing of the dwelling or home under subsection (1) of this section
16 shall promptly send the person a copy of the notice sent to the facility tenant
17 under ORS 90.675 (3). Notwithstanding ORS 90.425, the facility landlord may
18 sell or dispose of goods left in the dwelling or home or upon the dwelling
19 unit by the person in the same manner as if the goods were left by the fa-
20 cility tenant. If the name and address of the person are known to the facility
21 landlord, the landlord shall promptly send the person a copy of the written
22 notice sent to the facility tenant under ORS 90.425 (3) and allow the person
23 the time described in the notice to arrange for removal of the goods.

24 **SECTION 48.** **Section 49 of this 2023 Act is added to and made a part**
25 **of ORS 105.105 to 105.168.**

26 **SECTION 49.** **As used in ORS 105.105 to 105.168, "attorney" includes**
27 **an associate member of the Oregon State Bar practicing law in the**
28 **member's approved scope of practice.**

29

30

CAPTIONS

31

1 **SECTION 50. The unit captions used in this 2023 Act are provided**
2 **only for the convenience of the reader and do not become part of the**
3 **statutory law of this state or express any legislative intent in the**
4 **enactment of this 2023 Act.**

5
