

SB 166 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 1/23, 1/30

WHAT THE MEASURE DOES:

The measure changes the term for persons permitted to practice law in Oregon from "member" to "licensee." It adds a reference to the rules of the Supreme Court in addition to rules of procedure, in laws about attorney default, admission and reinstatement. It also permits the Oregon State Bar to adopt a quorum requirement by rule.

Fiscal impact: Has minimal fiscal impact.

Revenue impact: No revenue impact.

ISSUES DISCUSSED:

- Modification of quorum requirements.
- Regulatory functions over licensees.
- Judicial decision discussing member and licensee terms.

EFFECT OF AMENDMENT:

-1 Modifies the Board's quorum requirement from two-thirds to three-fifths and removes provisions from the measure that would permit the Board to adopt quorum requirements through bylaws.

BACKGROUND:

The Oregon State Bar (the Bar or OSB) was established by statute as a public corporation and an instrumentality of the Oregon Judicial Department. Bar members vote to elect a 19-member Board of Governors and a 200-member House of Delegates. ORS 9.080 charges the Board with regulating the legal profession in Oregon and improving the quality of legal services, supporting the judiciary and improving the administration of justice, and advancing a fair, inclusive and accessible justice system. The Oregon Supreme Court has inherent authority to adopt rules and take other actions relating to the regulation of the practice of law, including approval authority for any procedures regarding Bar member admission and licensure, and the power to disbar or discipline Bar members.

ORS 9.160 and 9.191 require persons who practice law in Oregon to be an active member of the Oregon State Bar and pay dues, and performs regulatory functions over its licensees. This type of bar may be referred to as a compulsory or integrated bar. Being a member could have different implications than being a licensee, in relation to a person's freedom of association rights.