

OREGON STATE BAR
Legislative Proposal

SB 491 - DISCIPLINE SYSTEM REVIEW COMMITTEE PROPOSED CHANGES

Submitted by: Oregon State Bar Board of Governors

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1. PROBLEM PRESENTED:

A. and B. In January 2015, the American Bar Association's Standing Committee on Professional Discipline submitted a report on Oregon's discipline process which was adopted by the Board of Governors and which requires statutory changes.

Recommendations in the report included:

- Clarify the function and responsibilities of the Local Professional Responsibility Committees and the State Professional Responsibility Board.
- Vest the appointment of the State Professional Responsibility Board in the Supreme Court.
- Provide statutory immunity for probation and diversion monitors.
- Provide for the creation of a professional adjudicator. (Note: It is unclear if the adjudicator would be appointed by the Supreme Court or by the Oregon State bar, but we are working to clarify this issue.)

C. The New Lawyer Mentoring Program was launched in 2011 by the Oregon State Bar and the Oregon Supreme Court. As the program has developed, a need for statutory immunity for mentors has been identified to support an open dialogue between mentors and new lawyers.

2. SOLUTION:

- A. Modify the Local Professional Responsibility Committee statute and create statutory immunity for volunteer probation and diversion monitors in ORS 9.532 and ORS 9.537.
- B. Create statutory authority for a professional adjudicator in ORS 9.534.
- C. Create a statutory immunity for mentors in ORS 9.537.