OREGON STATE BAR  
Policy and Governance Agenda

Meeting Date: September 22, 2023  
From: Ankur Doshi, General Counsel  
Re: Rules of Procedure and Rules of Licensure

Action Recommended

Recommend the bar submit the Rules of Procedure and the Rules of Licensure for public comment for 45 days.

Background

At the June 2023 PGC meeting, PGC reviewed an initial draft of the Bar Rules of Licensure. The Bar Rules of Licensure would cover those rules that are required for an attorney to maintain their licensure in good standing. Currently, the rules are spread over disparate rule sets, making review and compliance difficult.

The bar’s regulatory team have worked to refine the initial draft presented to the Board. Additional work was conducted on the Bar Rules of Licensure to encompass most aspects of regulatory licensing for practice. Staff within DCO and RCO have helped to substantially revise reinstatement practices for counsel who are administratively suspended for non-payment or non-compliance.

In tandem with the Rules of Licensure, the Adjudicator has been working with the Bar Rules of Procedure to conform with the Bar Rules of Licensure, and to modify disciplinary proceeding rules to better reflect actual practice. Several of the changes to the Bar Rules of Procedure encompass those changes.

Options

1. Submit the Rules of Procedure and Rules of Licensure amendments for public comment for 45 days.
2. Refer to staff for further review.

Discussion

This draft takes the Rules from multiple rule sets and places them into a one rule set. If this rule set is adopted by the Supreme Court, additional amendments will likely need to occur to the Bylaws. These Rules of Licensure will also supersede the MCLE Rules and Regulations.
Allowing for public comment would also allow additional stakeholders to review the rules and submit comments, considerations, and additional input. Staff will likely adjust the rules throughout the public comment process, so revisions will be provided at the Board’s next meeting. Staff are requesting 45 days for public comment to allow for substantial comments, but also allow for the Committee to revisit these rules at its November meeting. The Committee may determine if additional redrafting is required at the November meeting, or if the Committee can recommend the rules for passage by the Board. If the Rules are passed by the Board, the bar would likely request the court to adopt the rules with an implementation date of January 1, 2025.

With this Committee’s last discussion, the objective was to transfer the rules into the Rules of Licensure with minimum changes. However, certain provisions, such as reinstatement required substantial changes to clarify the process for reinstatement to readers. Additionally, several rules needed substantial redrafting, as the rule itself no longer mirrored actual practice.

1. Rule 2.3 contains information about member registration and designation of an email address. It also now contains a rule to protect member and constituent demographic data based on the revised SB 234 as well as a note about seeking protection for addresses through the General Counsel’s Office.

2. Rule 2.5 adds a review process for administrative suspensions by the CEO.

3. Title 4 deals with MCLE compliance. The rules within this Title deal specifically with the requirements of the attorney to obtain their 45 credit-hours of MCLE over three years.

4. Title 5 deals with accreditation of CLE programs. This Title details how programs and sponsors can obtain accreditation for their programs. The combination of Title 4 and Title 5 constitute the majority of the MCLE Rules and Regulations. If the Rules of Licensure is approved by the Supreme Court, the bar will likely request the MCLE Rules and Regulations be sunset as well. Future changes would be conducted by the MCLE Committee in the Rules of Licensure.

5. Title 6 adds the NLMP rules from the MCLE Rules.

6. Title 7 encompasses most of RPC 1.15-2. RPC 1.15-2 contains a number of rules and regulations related to trust accounts that do not belong in the RPCs as they are not conduct rules, but banking regulations. If the court approves this ruleset, an amendment to RPC 1.15-2 would likely be necessary.

7. Title 8 deals with PLF Coverage. It provides the requirement for PLF coverage, and also notes that members may be suspended for failure to pay for coverage.

8. Title 9 codifies a Supreme Court Order issued during Hurricane Katrina.
9. Title 10 now creates two specific non-disciplinary pathways for reinstatement. RL 10.3 establishes administrative reinstatement, which is a quick reinstatement for short periods of administrative suspensions. These usually occur if members forget to pay their fees, and request reinstatement a few days later. RL 10.4, streamlined reinstatement, is a process for transferring status from inactive to active, or if a member has been administratively suspended for greater than six months. All other reinstatements not within RL 10.3 or RL 10.4 are disciplinary in nature, and must go through reinstatement through the BRs.

10. RL 10.6 allows the CEO to convert an administrative reinstatement or a streamlined reinstatement to a Formal Reinstatement under BR 8.1 if warranted.

11. Title 11 regarding resignations submits the reader back to the Bar Rules of Procedure. The entanglement of Form A and Form B resignations would make placing two different rules referring to each other too confusing to the reader.

The Rules of Procedure includes a number of substantive changes as well, focusing around disciplinary proceedings in addition to changes in relation to the Rules of Licensure. A number of the more substantive changes are listed below. A redline is attached for the purposes of comparison.

1. Time periods were adjusted to be more uniform, and generally reflect 14 days unless otherwise noted.
2. BR 1.11 was moved to Rules of Licensure. A substitute provision for service is in place for DCO to utilize BR 1.11 for service.
3. BR 2.4 was substantially rewritten to better reflect the current practice with the Disciplinary Board. DB members are now subject to the DB Code of Conduct instead of the Judicial Code of Conduct.
4. BR 2.5 changed the name from CAO to a generic intake office. CAO requested this change as it may study a change to its name in the future.
5. BR 3.1 changed interlocutory suspensions to interim suspensions. Additional timing adjustments were made, including the time for scheduling trial shortened to 120 days from 270 days. Termination of interim suspension now requires order from adjudicator or the court.
6. BR 4.4 adds rules governing motion practice before the DB.
7. BR 6.2 changes the authority of the DB to provide probation after a hearing.
8. BR 6.4 Ethics School does not require in-person attendance. In practice, Ethics School has allowed for remote attendance since 2020. Reinstatement for ethics school suspension has been moved to this rule.
9. BR 8.1 The Board has been removed from consideration of reinstatements.
10. BR 8.2 Informal suspensions have been removed from Rule and moved to Rules of Licensure

11. BR 8.3 has been adjusted to allow for more discretion for DCO to reinstate in cases after a less than six month disciplinary suspension.

12. BR 8.4 – Removed – Moved to Rules of Licensure

13. BR 8.5 – Removed – Move to 6.4

14. BR 8.6 A provision for conditional reinstatement added

15. BRs 8.8 through 8.11 At the request of the court, staff has changed the process for a contested reinstatement. The denial of reinstatement goes to the DB Clerk instead of the Supreme Court. Currently, the process requires a denial of reinstatement to go to the Supreme Court, which generally returns it back to the Bar to conduct a hearing before reviewing it.


17. BR 10.6 – Allows the Supreme Court to establish a period of time prior to an applicant filing an application for reinstatement.

Attachments

Exhibit 1: Rules of Licensure

Exhibit 2: Rules of Procedure Redline

Exhibit 3: Rules of Procedure – Licensure Changes
Oregon State Bar Rules of Licensure

Title 1 - General Provisions

1.1. Definitions

(a) Accredited CLE Activity: An activity that provides legal or professional education to attorneys or LPs that has been accredited in accordance with these Rules.

(b) “Applicant” means an applicant for reinstatement to the practice of law in Oregon.

(c) “Attorney” means a person who has been admitted to the practice of law in Oregon.

(d) “Bar” or “OSB” means Oregon State Bar created by the Bar Act.

(e) “Bar Act” means ORS Chapter 9.


(g) “Board” means Board of Governors of the Bar.

(h) “Chief Executive Officer” means the chief administrative employee of the Bar or their designee.

(i) “Contested Reinstatement” means a proceeding in which the Bar is objecting to the reinstatement of an attorney or a former attorney or LP or former LP to the practice of law. Contested reinstatements are conducted under the Bar Rules of Procedure.

(j) “General Counsel” means general counsel of the bar or their designee.

(k) “Hour” or “Credit Hour” means sixty minutes of accredited group CLE activity or other CLE activity.

(l) “Licensed Paralegal” or “LP” means a person who has been admitted to practice in Oregon under a Licensed Paralegal license.

(m) “MCLE” means minimum continuing legal education.

(n) “Member” means a member of the bar, including lawyers and LPs.

(o) “New Lawyer Admittee” means a new lawyer member of the bar. A lawyer member is considered a new admittee from the date of their initial admission through the end of their first reporting period.

(p) "Professional Liability Fund" or “PLF” is the Professional Liability Fund, a fund that provides professional liability coverage to members of the Oregon State Bar in the private practice of law.

(q) “Reporting period” means the period during which an active member must satisfy MCLE requirements.

(r) “Rules for Licensing Paralegals” or “RLP” means the Oregon State Bar Rules for Licensing Paralegals.
(s) “Rule of Professional Conduct” means the corresponding Rules of Professional Conduct for attorneys, or the Rules of Professional Conduct for Licensed Paralegals for LPs.

(t) “Sponsor” means an individual or organization providing a CLE activity.

(u) “State Court Administrator” means the person who holds the office created pursuant to ORS 8.110.

(v) “Supreme Court” and “court” mean the Oregon Supreme Court.

(w) “SPRB” means State Professional Responsibility Board appointed by the Supreme Court.

1.2. Authority

These “Rules of Licensure” are adopted by the Board and approved by the Supreme Court pursuant to ORS 9.006 and the inherent authority of the Supreme Court. These Rules of Licensure, unless otherwise noted, apply to all admitted active and inactive members of the Oregon State Bar, regardless of admission application type.

1.3. Amendments

The Rules of Licensure may be amended or repealed, and new rules may be adopted by the Board at any regular meeting or at any special meeting called for that purpose. No amendment, repeal or new rule shall become effective until approved by the Supreme Court.

1.4. Citation of Rules

These Rules of Licensure may be referred to as RLs and cited, for example, as RL 1.1(a).

Title 2 - Licensure Status

2.1. Classification of Members

(a) Active member.
Any member of the Bar admitted to practice law in the State of Oregon who is not an inactive or suspended member. Active members include Active Pro Bono members. Active members may practice law within Oregon pursuant to ORS 9.160.

(b) Active Pro Bono Status.
Active Pro Bono Status members agree to provide pro bono legal services to indigent clients referred by pro bono programs certified by the Bar and report annually to the Oregon State Bar their number of hours of pro bono service.

(c) Inactive member.
A member designated as an inactive member may not practice law within Oregon pursuant to ORS 9.160. Members who are 65 years or older may be designated as retired, but are considered inactive members.

(d) Associate Member.
A member of the Bar who is admitted as an associate member under ORS 9.241(3) as a licensed paralegal with a limited scope of practice.

2.2. Active Pro Bono Status
(a) Eligibility and Fees

Active lawyers who are not suspended may request a transfer to active pro bono status at any time. Requests for transfers must be received by January 31 to be assessed the Active Pro Bono fee for the current year. Active Pro Bono members are assessed a fee that is equivalent to the inactive membership fee. Inactive or retired lawyers may apply for active pro bono status through reinstatement.

(b) Limitations on Practice

Active Pro Bono Status lawyers shall not engage in the practice of law within Oregon except for providing pro bono services specified above or in volunteer service on the State Professional Responsibility Board, the Disciplinary Board or as bar counsel. Professional liability coverage for any practice of law within Oregon must be obtained through the Professional Liability Fund or through the certified pro bono program.

(c) Reporting Requirement

Active Pro Bono lawyers must ensure that the certified program reports their hours or must individually report their hours no later than April 30 of each year.

(d) Transfer from Out-of-State Active Pro Bono Status

Out-of-State Active Pro Bono members admitted through Admissions Rule 17.05 are not eligible to transfer their status to any other status.

2.3. Register of Members

(a) Register of Members

The bar shall keep a register of the enrollment of all members of the bar. The published register of members must include at least the member’s name, bar number, and current status.

(b) Demographic Data

The bar may collect personal information and demographic information from its members and constituents during the registration of members each year and through other means in order to evaluate disparities and impacts in the justice system in Oregon. Any data shall be confidential and not subject to disclosure absent a court order. The bar may utilize such demographic data for its own internal purposes, including evaluating participation in bar groups. The bar may permit the release of this data publicly in an aggregate de-identified form as required to carry out its functions.

(c) Designation of Contact Information

All members shall designate a principal office address and telephone number, or if no business address is available, a post office or residential address and telephone number. A post office address designation must be accompanied by the county and state in which the lawyer is geographically located. Unless no other addresses are available, the bar will not make a member’s home address publicly available on the membership directory. All addresses are subject to disclosure under the Oregon Public Records Law unless a member applies and is granted an exemption from the bar’s general counsel.

(d) Principal Office

“Principal Office” means the location the member holds out to the public as an office where the member engages in the practice of law, whether the member engages in the practice while physically present in that location, or while teleworking via telephone, internet, or other electronic connection from a remote
location.

(e) Designation of Email Address

All members shall designate an e-mail address for receipt of bar regulatory notices and correspondence except members whose status is retired, and members for whom reasonable accommodation is required by applicable law. A member seeking an exemption as a reasonable accommodation must submit a written request to the Chief Executive Officer, whose decision on the request will be final.

(f) Change of Contact Information

All members shall promptly notify the Bar in writing when any change in their contact information occurs. A new designation is not effective until actually received by the Bar.

2.4. Change of Status

(a) An active member of the bar may change to inactive status, retired status, or active pro bono status at any time. Requests for a change to an inactive status, retired status, or active pro bono status must be received by January 31 to be assessed the fee for the new status in the current year.

(b) Members who are inactive, retired, active pro bono, or who have resigned from bar prior to December 1, 2019, must apply for reinstatement pursuant to these rules to reinstate to active or active pro bono status.

2.5. Administrative Suspension

(a) A member may be administratively suspended for failing to comply with the Rules of Licensure.

(b) If a member believes that they have been improperly suspended under the Rules of Licensure, the member may request review of the suspension from the Bar’s CEO. To request review, the member shall submit a written letter that states the decision to be reviewed and the reasons for requesting review. The Chief Executive Officer may vacate a suspension upon review of a member’s request if clear and convincing evidence establishes that that the member complied with the Rules of Licensure.

Title 3 - Fees

3.1. Annual Membership Fees and Assessments

(a) Members will be assessed an annual fee and other assessments as set by the Board of Governors and approved by the House of Delegates as set forth in ORS 9.191.

(b) The payment due date for annual membership fees and assessments is January 31, at 11:59 p.m PT.

(i) If the payment due date falls on a Saturday, a legal holiday or a day that the bar office is closed for any reason, including inclement weather or natural disaster, the due date of such fees and assessments is the next day that the bar office is open for business. As used in this section, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020, which includes Sunday as a legal holiday.

(c) No part of the membership fees will be rebated, refunded or forgiven by reason of death, resignation, suspension, disbarment or change from active to inactive membership after January 31.
(d) A bar member who, by January 31, expresses a clear intent to the Bar to transfer to inactive, retired, or active pro bono status and timely pays the corresponding membership fees, but does not timely submit a request to transfer, may be allowed to complete the transfer without payment of the active membership assessment, if the Chief Executive Officer finds extenuating circumstances exist. The Chief Executive Officer’s decision is final.

(e) **Proration of Fees**

The Board may establish a uniform procedure for proration of membership fees based on admission to practice during the course of the year. New members admitted to the bar will have ninety (90) days from the date of admission to pay their membership fees. If a new member fails to pay the fees within the time allowed, the new member is automatically suspended.

### 3.2 Delinquency and Suspension

(a) The Board will set a late payment penalty to be assessed on any member delinquent in payment of member fees. Any member in default of payment of annual member fees will be given a reasonable opportunity to cure the default as determined by the Board.

(b) The Chief Executive Officer shall send a notice of delinquency to each member in default at the member’s electronic mail address on file with the bar on the date of the notice. The Chief Executive Officer shall send the notice by mail to any member who is not required to have an electronic mail address on file with the Bar.

(c) If a member fails to pay the fees or contributions within the time allowed to cure the default as stated in the notice, the member is administratively suspended automatically.

### 3.3 Fee Exemptions and Waivers

(a) **Hardship Waivers**

(i) The Chief Executive Officer may, each year, exempt or waive payment of annual membership fees in case of proven extreme hardship, which must entail both physical or mental disability, and extreme financial hardship. “Extreme financial hardship” means that the member is unemployed and has no source of income other than governmental or private disability payments. The Chief Executive Officer may exempt or waive payment of annual membership fees and assessments of an active or inactive member.

(ii) Hardship waivers are for a one-year period only, and requests must be resubmitted annually on or before January 31 of the year for which the exemption is requested.

(iii) Members seeking a request for a hardship waiver must provide a physician’s statement or other evidence of disability and documentation regarding income.

(b) **Service Waivers**

(i) The Chief Executive Officer, may, each year, waive or exempt annual membership fees and assessments for members in active military service, the Peace Corps, VISTA or other volunteer programs serving the national interest or the legal profession, and for which the member receives only a subsistence income, stipend or expense reimbursement that is the member’s principal source of income.

(ii) Requests for waivers must be received 15 days before the date that membership fees and assessments are due each year. Waivers will not be granted unless the lawyer’s service
encompasses the majority of a year except in the case of military waivers, which may be granted for less than the majority of a year under special circumstances such as a war of unknown duration.

(c) **Severe Disruption Waivers**

The Chief Executive Officer may take reasonable and necessary actions, including extending deadlines and waiving late fees, if national or statewide events occur that severely disrupt the normal course of business. Prior to taking action, the CEO will make reasonable efforts to consult with the Bar President.

**Title 4 - Minimum Continuing Legal Education**

**4.1. Minimum Continuing Legal Education for Active Members**

(a) Except as provided in Rules 4.2 and 4.3, all active members shall complete a minimum of 45 credit hours of accredited CLE activity every three years as provided in these Rules.

(b) Ethics. At least five of the required hours shall be in programs accredited in ethics.

(c) Abuse Reporting. One hour must be on the subject of a lawyer’s statutory duty to report child abuse and elder abuse (see ORS 9.114).

(d) Mental Health and Substance Use Education. One hour must be in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer’s ability to practice law.

(e) Access to Justice. In alternate reporting periods, at least three of the required hours must be in programs accredited for access to justice.

(f) IOLTA Administration. One hour for LP members must be on the administration of Interest on Lawyer Trust Accounts (IOLTA).

(g) Oregon Rules of Civil Procedure. One hour for LP members must be on the Oregon Rules of Civil Procedure (ORCP).

(h) Scope of License. One hour for LP members must be on the LP’s scope of license as defined in Section 11 of the Rules for Licensing Paralegals (RLPs).

(i) Substantive Law and Practice. 26 hours for LP members must be education specific to the LP’s practice area for which they are licensed. LP’s with licenses to practice in more than one practice area must complete 26 hour of education specific to each practice area for which the LP seeks renewal of licensure.

**4.2. Reinstatements, Resumption of Practice After Retirement and New Admittees**

(a) An active member whose reporting period is established in Rule 4.4(c)(2) and 4.4(c)(3) shall complete 15 credit hours of accredited CLE activity in the first reporting period after reinstatement. Two of the 15 credit hours shall be in ethics and one shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer’s ability to practice law. 12 of the credits for an active LP member must be specific to the LP’s practice area for which they are licensed.

(b) The requirements in Rule 4.1(a) shall apply to new admittees who are active members in a three year initial reporting period pursuant to 4.4(b). New admittees in a shorter initial reporting period shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including a three credit hour OSB-approved introductory course in access to justice, two credit hours in ethics, one credit hour in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer’s ability to practice law, and nine credit hours in practical skills. One
of the ethics credit hours must be devoted to Oregon ethics and professionalism and four of the nine
credits in practical skills must be devoted to Oregon practice and procedure.

(c) New lawyer admittees shall enroll in the NLMP within 28 days of admission, except as otherwise provided
in these rules. New lawyer admittees shall complete the requirements of the NLMP curriculum
established by the BOG, complete a mentoring plan and file a NLMP Completion Certificate, and pay the
accreditation fee in the first three-year reporting period after admission as an active member.

4.3. Out-of-State Compliance.

(a) Reciprocity Jurisdictions. An active member whose principal office for the practice of law is not in the
State of Oregon and who is an active member in a jurisdiction with which Oregon has established MCLE
reciprocity may comply with these rules by filing a compliance report accompanied by evidence that the
member is in compliance with the requirements of the other jurisdiction (generally a certificate of
compliance from the reciprocal jurisdiction) and that they have completed a child and elder abuse
reporting credit required in ORS 9.114. This filing shall include payment of the fee of $25.00 for processing
the comity certificate of MCLE compliance from the reciprocal state.

(b) An active member whose principal office for the practice of law is in the State of Oregon may obtain from
the MCLE Program Manager a comity certification of Oregon MCLE compliance upon payment of the fee
of $25.00.

(c) Other Jurisdictions. An active member whose principal office for the practice of law is not in the State of
Oregon and is not in a jurisdiction with which Oregon has established MCLE reciprocity must file a
compliance report showing that the member has completed at least 45 hours of accredited CLE activities
as required by Rule 4.1. The member shall attach to the compliance report evidence that the member has
met the requirements under Rule 4.1 with courses accredited in any jurisdiction.

4.4. Reporting Period

(a) All active members shall have three-year reporting periods, except as provided in paragraphs (b) and (c).

(b) New Admittees. The first reporting period for a new lawyer admittee shall start on the date of admission
as an active member and shall end on April 30 of the next calendar year. A new lawyer admittee admitted
by comity who has been actively engaged in the authorized fulltime practice of law for no less than 24 of
the 48 months immediately prior to admission in Oregon shall have a three-year initial reporting period
that begins May 1 the year following admission and ends April 30 three years later. All subsequent
reporting periods shall be three years.

(c) Reinstatement Reporting Periods.

(i) A member who transfers to inactive, retired or Active Pro Bono status, is suspended, or has
resigned and who is reinstated before the end of the reporting period in effect at the time of the
status change shall retain the member’s original reporting period and these Rules shall be
applied as though the transfer, suspension, or resignation had not occurred.

(ii) Except as provided in Rule 4.4(c)(i), the first reporting period for a member who is reinstated as
an active member following a transfer to inactive, retired or Active Pro Bono status or a
suspension, disbarment or resignation shall start on the date of reinstatement and shall end on
April 30 of the next calendar year. All subsequent reporting periods shall be three years.
Members under this subsection shall not be required to fulfill the requirement of compliance
during the member’s inactive or retired status, suspension, disbarment or resignation, but no
credits obtained during the member’s inactive or retired status, suspension, disbarment or
resignation shall be carried over into the next reporting period.
(iii) Notwithstanding Rules 4.4(c)(i) and (ii), reinstated members who did not submit a completed compliance report for the reporting period immediately prior to their transfer to inactive, retired or Active Pro Bono status, suspension or resignation will be assigned a new reporting period upon reinstatement. This reporting period shall begin on the date of reinstatement and shall end on April 30 of the next calendar year. All subsequent reporting periods shall be three years.

4.5. Reports.

Every active member shall electronically certify and submit their completed compliance report on or before May 31 of the year the active member’s reporting period ends.

4.6. Recordkeeping.

(a) Every active member shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of twelve months after the end of the member’s reporting period.

(b) The MCLE Program Manager may maintain records of active members’ participation in CLE activities as necessary to verify compliance with the MCLE requirement.

4.7. Application of Credits

(a) Members may credit an unlimited number of Category I hours to their requirements for MCLE compliance. For Category II hours, lawyer members may only credit 20 hours and LP members may only credit 12 hours in a three-year reporting period. For Category III hours, lawyer members may only credit 6 hours and LP members may only credit 3 hours in a three-year reporting period. If a member’s reporting cycle is shorter than three years, the member may only credit half of the number of hours allowed in a three-year reporting cycle for Category II and III activities.

(b) Legal ethics, access to justice, abuse reporting, IOLTA administration, Oregon Rules of Civil Procedure education, LP scope of license education, and mental health and substance use education credits in excess of the minimum required can be applied to the practical skills requirement.

(c) General, practical skills, specialty credits listed in 4.7(a), and family law and landlord-tenant practice area education credits earned by lawyer members will be applied toward the lawyer member’s total minimum credit requirement.

(d) Practical Skills. A practical skills program is one which includes courses designed primarily to instruct new admittees in the methods and means of the practice of law. This includes those courses which involve instruction in the practice of law generally, instruction in the management of a legal practice, and instruction in particular substantive law areas designed for new practitioners. A CLE course on any subject matter can contain as part of the curriculum a portion devoted to practical skills. The sponsor shall designate those portions of any program which it claims is eligible for practical skills credit.

(e) A credit hour cannot be applied to both the practical skills requirement and the ethics requirement.

(f) An active lawyer member may carry forward 15 or fewer unused credit hours from the reporting period during which the credit hours were earned to the next reporting period. An active LP may carry forward 10 or fewer unused credit hours from the reporting period during which the hours were earned to the next reporting period.

4.8. Audits of Bar Members

(a) The bar may audit compliance reports selected because of facial defects or by random selection or other appropriate method.
(b) The bar may request and review records of participation in CLE activities reported by members.

(c) Failure to substantiate participation in CLE activities in accordance with these rules after request by the bar will result in disallowance of credits for the CLE activity, assessment of a late filing fee.

(d) The MCLE Program Manager shall refer members to the Oregon State Bar Disciplinary Counsel for further action for potential ethical violations.

4.9. Suspension for Noncompliance.

(a) Grounds. The following are considered grounds for a finding of noncompliance with the MCLE Requirements:
   (i) Failure to complete the MCLE requirement for the applicable reporting period.
   (ii) Failure to electronically certify and submit a completed compliance report on time.
   (iii) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, following request by the MCLE Program Manager.

(b) Notice. The Chief Executive Officer of the Oregon State Bar shall provide written notice to any member found noncompliant under subsection (a). The notice shall set out a reasonable time to either request review of the noncompliance determination or to cure the noncompliance. The notice shall be sent to the member's electronic mail address on file with the bar or, for any member not required to have an electronic mail address on file with the bar, to that member's mailing address on file with the bar.

(c) Suspension. If the member fails to cure the noncompliance as required, and pay the late fee within the time allowed to cure as stated in the notice, the member is automatically suspended. The member may request review of the suspension if the member believes the suspension is in error.

(d) The Chief Executive Officer shall provide the names of all members suspended under this section to the State Court Administrator for forwarding to the judges of the Supreme Court, and also shall provide the names to each of the judges of the Court of Appeals, circuit and tax courts of the state.

4.10. Cure and Review

(a) Noncompliance for failure to comply with Title 4 can be cured by performance of the following actions no later than the deadline set out in the notice of noncompliance.
   (i) Completing the credit hours necessary to satisfy the MCLE requirement for the applicable reporting period;
   (ii) Electronically certifying and submitting the completed compliance report; and
   (iii) Paying the late filing fee specified.

(b) Noncompliance for failure to comply as described in Rule 4.8(a)(iii) can be cured by providing the MCLE Program Manager with the requested records, together with the late fee, no later than the deadline set forth in the notice of noncompliance.

(c) The bar will assess a late fee of $200 for failing to file a completed compliance report by the filing deadline.

(d) Credit hours applied to a previous reporting period for the purpose of curing noncompliance may be used for only that purpose and may not be used to satisfy the MCLE requirement for any other reporting period.
(e) If the MCLE Program Manager determines that noncompliance has been cured, then the Manager shall notify the affected member that the member has complied with the MCLE Rules and Regulations for the applicable reporting period. Curing noncompliance does not prevent subsequent audit and action under this Title.

(f) If a member believes that there is a factual error in a notice of noncompliance or an automatic suspension, the member may request a review by the Chief Executive Officer of the Oregon State Bar. To request review, the member shall submit a written letter to the MCLE Program Manager that states the decision to be reviewed and sets out the reasons for requesting review. The member also may submit additional materials as part of the request for review, establishing compliance with these Rules. The Chief Executive Officer may vacate a notice of noncompliance or a suspension upon review of a member’s request if clear and convincing evidence establishes that the member complied with the Rules and the requirements. The MCLE Program Manager shall provide the member with the Chief Executive Officer's decision on review.

4.11. Exemptions from MCLE Requirements

(a) A member who is in Inactive, Retired or Active Pro Bono status is exempt from compliance with these Rules.

(b) A member serving as Governor, Secretary of State, Commissioner of the Bureau of Labor and Industries, Treasurer, or Attorney General during all or part of a reporting period must complete the minimum credit requirements in the categories of ethics, access to justice, and abuse reporting during the reporting periods. Such a member is otherwise exempt from any other credit requirements during the reporting period in which the member serves.

4.12. Other Waiver, Exemption, Delayed or Substitute Compliance

Upon written request of a member or sponsor, the MCLE Program Manager may waive, grant exemption from, or permit substitute or delayed compliance with any requirement of these Rules. The request shall state the reason for the waiver or exemption and shall describe a continuing legal education plan tailored to the particular circumstances of the requestor. The MCLE Program Manager may grant a request upon a finding that hardship or other special circumstances makes compliance impossible or inordinately difficult, or the requested waiver, exemption, or substitute or delayed compliance is not inconsistent with the purposes of these Rules.

4.13. Review

(a) A decision, other than a suspension, affecting any active member or sponsor is final unless a request for review is filed with the MCLE Program Manager within 21 days after notice of the decision is issued. The request for review shall be by letter and requires no special form, but it shall state the decision to be reviewed and give the reasons for review. The matter shall be reviewed by the BOG or, if one has been appointed, the MCLE Committee, at its next regular meeting.

(b) An active member or sponsor shall have the right, upon request, to be heard, and any such hearing request shall be made in the initial letter. Notice of the date, time and place of the BOG or MCLE Committee meeting at which the request for review will be considered will be provided to the active member or sponsor 14 days prior to meeting. The hearing shall be informal. On review, the BOG or the MCLE Committee shall have authority to take whatever action consistent with these rules is deemed proper. The MCLE Program Manager shall notify the member or sponsor in writing of the decision on review and the reasons therefor.

(c) Decisions of the MCLE Committee. If a decision of the MCLE Program Manager is initially reviewed by the MCLE Committee, the decision of the MCLE Committee may be reviewed by the BOG on written request of the affected active member or sponsor made within 21 days of the issuance of the MCLE Committee’s
decision. The decision of the BOG shall be final.

Title 5 - CLE Accreditation

5.1. Accreditation

(a) Programs seeking accreditation must be offered by a sponsor having substantial, recent experience in offering continuing legal education or by a sponsor that can demonstrate ability to organize and effectively present continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, and supervision of the activity.

(b) The program seeking accreditation must be primarily intended for presentation to multiple participants, including but not limited to live programs, video and audio presentations (including original programming and replays of accredited programs), satellite broadcasts and on-line programs.

(c) The program must include the use of thorough, high-quality written materials, unless the bar determines that the activity has substantial educational value without written materials.

(d) All sponsors shall permit the MCLE Program Manager or a member of the MCLE Committee to audit the sponsors’ CLE activities without charge for purposes of monitoring compliance with MCLE requirements. Monitoring may include attending CLE activities, conducting surveys of participants, verifying attendance of registrants, and reviewing sponsor advertising activities and communications with members.

(e) In addition to complying with the Rules of this Title, programs seeking accreditation must also follow the standards and guidelines set forth by the Board for CLE accreditation.

5.2. Group Accreditation (Category I)

(a) CLE activities will be considered for accreditation on a case-by-case basis and must satisfy the accreditation standards for the particular type of activity for which accreditation is being requested.

(b) An application for accreditation of a group CLE activity shall be accompanied by payment of the application fee. An additional program application and fee is required for a repeat live presentation of a group CLE activity.

(c) An application for accreditation of a group CLE activity must be electronically submitted no later than 30 days after the original program date for live programs and no later than 30 days after the production date for recorded programs. An application received more than 30 days after the original program date (live programs) or production date (recorded programs) is subject to a late processing fee.

(d) The MCLE Program Manager may revoke the accreditation of an activity at any time if it determines that the accreditation standards were not met for the activity. Notice of revocation shall be sent to the sponsor of the activity.

(e) Accreditation of a CLE activity obtained by a sponsor or an active member shall apply for all active members participating in the activity.

5.3. Credit Hours.

(a) Credit hours shall be assigned in multiples of one-quarter of an hour or fraction thereof.

(b) Only CLE activities that meet the accreditation standards shall be included in computing total CLE credits. Activities such as registration, non-substantive remarks, breaks and business meetings will be excluded from credit calculations.

(c) Programs less than 30 minutes in length will be excluded from credit calculations.
5.4. Fees

The Board will set forth in its standards and regulations any applicable fees and costs to be charged to sponsors seeking accreditation of MCLE Programs.

5.5. Sponsor Advertising.

(a) Only sponsors of accredited group CLE activities may include in their advertising the accredited status of the activity and the credit hours assigned.

(b) Advertisements by sponsors of accredited CLE activities shall not contain any false or misleading information.

(c) Advertisements may list the number of approved credit hours. If approval of accreditation is pending, the advertisement shall so state and may list the number of CLE credit hours for which application has been made.

(d) If a sponsor includes in its advertisement the number of credit hours that a member will receive for attending the program, the sponsor must have previously applied for and received MCLE accreditation for the number of hours being advertised.

5.6. Sponsor Attendance Reporting.

(a) Within 30 days of a bar member’s attendance of a live accredited CLE activity, or screening of a recorded accredited CLE program, the sponsor must either:

(i) post the credits earned by the bar member onto the bar member’s MCLE Transcript via the attendance posting portal on the Oregon State Bar website; or

(ii) electronically submit an attendance report to the MCLE Program Manager via the attendance reporting portal on together with payment of the credit processing fee.

(b) The attendance report must include the

(i) sponsor name,

(ii) program title,

(iii) Event ID number as indicated in the Program Database on the Oregon State Bar website,

(iv) original program date,

(v) first and last name of each Oregon bar member who earned credits from the activity,

(vi) Oregon bar number of each bar member listed,

(vii) the number and types of credits earned by each bar member, and

(viii) date of credit completion for each bar member.

5.7. Independent Study

Members may earn credit through independent screening or viewing of programs originally presented to live group audiences, or through online programs designed for presentation to a wide audience. A lawyer who is licensed in a jurisdiction that allows credit for reading and successfully completing an examination about specific material may use such credits to meet the Oregon requirement. No credit will be allowed for independent reading of material selected by a member except as part of an organized and accredited group program.

5.8. Specialized Credit Activity Content Standards

(a) Ethics. In order to be accredited as an activity in ethics, an activity shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, rules of
professional conduct, or statements of professionalism.

(b) **Child and Elder Abuse Reporting.** In order to be accredited as an activity in child or elder abuse reporting, the program must be devoted to the lawyer’s statutory duty to report child abuse and elder abuse. The program must include discussion of a member’s requirements to report child abuse or elder abuse, and the exceptions to those requirements.

(c) **Mental Health and Substance Use.** In order to be accredited as an activity in mental health and substance use, the program must be devoted to educating members about mental health in relation to legal practice or to the causes, detection, response, treatment or prevention related to substance use related in relation to legal practice.

(d) A fractional portion of an activity may be accredited for ethics and access to justice, if the applicable content of the activity is clearly defined.

### 5.9. Access to Justice Accreditation

(a) In order to be accredited as an activity in access to justice, an activity shall be directly related to the practice of law and designed to educate members to identify and eliminate from the legal profession, from the provision of legal services, and from the practice of law barriers to access to justice arising from biases against persons because of age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

(b) A program is eligible for accreditation as an access to justice activity even if it is limited to a discussion of substantive law, provided the substantive law relates to access to justice issues involving age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

(c) Access to justice programming should be guided by these three principles:

   (i) Promoting accessibility by eliminating systemic barriers that prevent people from understanding and exercising their rights.

   (ii) Ensuring fairness by delivering fair and just outcomes for all parties, including those facing financial and other disadvantages.

   (iii) Addressing systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard.

(d) The presenters of access to justice and introductory access to justice programs should have qualifications in the topic being presented through lived experience; professional experience; or substantial training on the topic.

### 5.10. Licensed Paralegal Specific Activity Content Standards

(a) **IOLTA.** In order to be accredited as IOLTA administration education, programs must be devoted to topics related to the administration of IOLTA accounts, such as understanding the types of lawyer trust accounts, the rules governing lawyer trust accounts in Oregon, how to open and close trust accounts, how to transfer funds into and out of trust accounts, and how to identify and reduce of liability risks arising from mismanagement of trust accounts.

(b) **ORCP.** In order to be accredited as Oregon Rules of Civil Procedure education, programs must be devoted to the ORPCs and include topics such as recent updates to the ORPCs and practical applications of the ORPCs in family law or landlord-tenant related matters.
(c) **Scope of Licensure.** In order to be accredited as Scope of License education, programs must be devoted to the parameters of the scope of license of LPs as defined in Section 11 of the RLPs, including the parameters within which LPs are authorized to practice law, the types of matters in which LPs are permitted to provide legal advice and representation, and the practical identification of mandatory referral scenarios.

(d) **Family Law.** In order to be accredited as family law practice area education, programs must be devoted to substantive and practical education in Oregon family law and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, modifications, and remedial contempt.

(e) **Landlord-Tenant.** In order to be accredited as landlord-tenant law practice area education, programs must be devoted to substantive and practical education in Oregon landlord-tenant law, and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as residential rental agreements, amendments to residential rental agreements, eviction notices, notices of intent to enter rental property, rent increases, violations, security deposit accountings, and evictions.

5.11. **Additional Accredited Activities**

(a) **Attending Classes.**
   (i) Attending a class at an ABA or AALS accredited law school may be accredited as a CLE activity.
   (ii) Attending other classes may also be accredited as a CLE activity, provided the activity satisfies the following criteria:
        (A) The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards;
        (B) The class is a graduate-level course offered by a university; and
        (C) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

(b) **Legislative Service.** General credit hours may be earned for service as a member of the Oregon Legislative Assembly while it is in session.

(c) **Participation in New Lawyer Mentoring Program.** New lawyer admittee NLMP participants and NLMP mentors may earn MCLE credit for participation in the NLMP.

(d) **Other Professionals.** Participation in an educational activity offered primarily to or by other professions or occupations may be accredited as a CLE activity if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards. The MCLE Program Manager may accredit the activity for fewer than the actual activity hours if the MCLE Program Manager determines that the subject matter is not sufficient to justify full accreditation.

(e) **NLMP Service.** Lawyer members who serve as mentors in the NLMP may earn a total of 8.0 CLE credits, including 2.0 ethics credits and 6.0 general credits, upon filing of a NLMP Completion Certificate. If a member serves as a mentor for more than one new lawyer, the member may claim up to 16.0 total credits, including 4.0 ethics credits, during the three-year reporting cycle. If another lawyer assists with the NLMP completion, the mentoring credits must be apportioned between lawyers in a proportionate manner agreed upon by the NLMP mentors.

5.12. **Accrediation Standards for Teaching, Writing, and Bar Service (Category II)**

(a) **Teaching Activities.**
   (i) Teaching credit may be claimed for teaching accredited continuing legal education activities or for courses in ABA or AALS accredited law schools.
   (ii) Credit may be claimed for teaching other courses, provided the activity satisfies the following criteria:
        (A) The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE content standards;
(B) The course is a graduate-level course offered by a university; and

(iii) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

(iv) Credit may not be claimed by an active member whose primary employment is as a full-time or part-time law teacher, but may be claimed by an active member who teaches on a part-time basis in addition to the member’s primary employment.

(v) No credit may be claimed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined by the MCLE Program Manager.

(b) Legal Research and Writing.
(i) Credit for legal research and writing activities, including the preparation of written materials for use in a teaching activity may be claimed provided the activity satisfies the following criteria:
   (A) It deals primarily with one or more of the types of issues for which a Category I activity may be accredited;
   (B) It has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee or a final instruction of the Uniform Civil Jury Instructions Committee or the Uniform Criminal Jury Instructions Committee, personally authored or edited in whole or in substantial part, by the applicant; and
   (C) It is not done in the regular course of the active member’s primary employment.

(ii) The number of credit hours shall be determined by the MCLE Program Manager, based on the contribution of the written materials to the professional competency of the applicant and other attorneys.

(c) Service as a Bar Examiner. Credit may be claimed for service as a bar examiner for Oregon, provided that the service includes personally writing or grading a question for the Oregon bar exam or paralegal licensing exam during the reporting period.

(d) Legal Ethics Service. Credit may be claimed for serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Oregon Judicial Conference Judicial Conduct Committee, State Professional Responsibility Board, and Disciplinary Board or serving as volunteer bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings.

(e) Credit for Committee and Council Service. Credit may be claimed for serving on committees that are responsible for drafting court rules or jury instructions that are designed to aid the judicial system and improve the judicial process. Examples include service on the Oregon State Bar Uniform Civil Jury Instructions Committee, Uniform Criminal Jury Instructions Committee, Oregon Council on Court Procedures, Uniform Trial Court Rules Committee, and the District of Oregon Local Rules Advisory Committee.

(f) Service as a Judge Pro Tempore. Credit may be claimed for volunteer service as a judge pro tempore.

5.13. Accreditation Standards for Other Activities (Category III)

(a) Personal Management Assistance. Credit may be claimed for activities that deal with personal self-improvement, provided the MCLE Program Manager determines the self-improvement relates to professional competence as a lawyer.

(b) Other Volunteer Activities. Credit for volunteer activities for which accreditation is not already available pursuant to this Title may be claimed provided the MCLE Program Manager determines the primary purpose of such activities is the provision of legal services or legal expertise.

(c) Business Development and Marketing Activities. Credit may be claimed for courses devoted to business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practice.

5.14. Unaccredited Activities

The following activities shall not be accredited:

(a) Activities that would be characterized as dealing primarily with personal self-improvement unrelated to
professional competence as a lawyer.

(b) Activities designed primarily to sell services or equipment.

(c) Video or audio presentations of a CLE activity originally conducted more than three years prior to the date viewed or heard by the member seeking credit, unless it can be shown by the member that the activity has current educational value.

(d) Repeat live, video or audio presentations of a CLE activity for which the active member has already obtained MCLE credit.

Title 6 - New Lawyer Mentoring Program

6.1. New Lawyering Mentoring Program.

All lawyers admitted to practice in Oregon after January 1, 2011 must complete the requirements of the New Lawyer Mentoring Program (NLMP) unless exempt. Within 28 days of admission, new lawyer admittees whose principal office for the practice of law is in Oregon must file an NLMP Enrollment Form or certify that they are exempt.

6.2. Administration of New Lawyer Mentoring Program

(a) The bar shall develop the NLMP curriculum and requirements in consultation with the Supreme Court and shall be responsible for its administration.

(b) The bar may establish a fee to be paid by new lawyer admittees participating in the NLMP.

6.3. Mentors

(a) The Supreme Court appoints NLMP mentors as recommended by the bar.

(b) To qualify for appointment, the mentor must be a lawyer member of the bar in good standing with at least five years of experience in the practice of law and have a reputation for competence and ethical and professional conduct.

(c) Attorneys in good standing in another United States jurisdiction who are not bar members but are qualified to represent clients before the Social Security Administration, the Internal Revenue Service, the United States Patent and Trademark Office, or the United States Citizenship and Immigration Services office are eligible to be appointed as mentors, provided they meet the other requirements of these rules.

(d) Attorneys in good standing in another United States jurisdiction who are not bar members are eligible to be appointed as mentors with the recommendation of the NLMP Program Manager, provided they meet the other requirements of these rules.

(e)  

6.4. Removal of NLMP Mentors

(a) An NLMP Mentor against whom charges of misconduct have been approved for filing by the State Professional Responsibility Board or who has been suspended under the BRs for failure to respond to
requests for information or records or to respond to a subpoena shall be removed from participation in
the NLMP until those charges have been resolved by final decision or order.

(b) If an NLMP mentor is suspended from the practice of law as a result of a final decision or order in a
disciplinary proceeding, the member may not resume service as an NLMP mentor until the member is
once again authorized to practice law.

(c) For the purposes of this Title, charges of misconduct include authorization by the SPRB to file a formal
complaint, Disciplinary Counsel’s notification to the court of a criminal conviction, and Disciplinary
Counsel’s notification to the court of an attorney’s discipline in another jurisdiction pursuant to the BRs.

(d) Within 14 days of receipt by OSB of notice of charges against an NLMP mentor, the NLMP Program
Manager shall provide written notice by email to the NLMP mentor and new lawyer admittee that the
NLMP mentor is removed from serving as a mentor.

(e) Within 30 days, or as soon as reasonably practical, of removal of an NLMP mentor, the NLMP Program
Manager shall select a new mentor for the new lawyer admittee and shall issue a notice to the new
lawyer admittee and new NLMP mentor as soon as a new NLMP match is confirmed.

6.5. Matching

(a) The NLMP Program Manager will match new lawyer admittees with NLMP mentors based principally on
geography, and whenever possible, practice area interests. Upon request by the new lawyer admittee and
NLMP mentor, the NLMP Program Manager may consider common membership in specialty or affinity bar
organizations when establishing a match. The NLMP Program Manager will issue a notice to the new
lawyer admittee and NLMP mentor as soon as an NLMP match is confirmed.

(b) The NLMP Program Manager may reassign a match upon request of the new lawyer admittee of NLMP
mentor if the coordinator determines a match is not effective to meet the goals of the program.

(c) The new lawyer admittee is responsible for arranging the initial meeting with the NLMP mentor, and the
meeting must take place within 28 business days of the new lawyer admittee’s receipt of notice of the
match. At the meeting, the new lawyer admittee and NLMP mentor will review the elements of their
mentoring plan, including the following topics:

(i) Introduction to the Legal Community;
(ii) Professionalism, the Oregon Rules of Professional Conduct and Cultural Competence;
(iii) Introduction to Law Office Management;
(iv) Working with Clients;
(v) Career Development through Public Service, OSB programs, and quality of life issues; and
(vi) Practice Area Basic Skills.

6.6. Coordination

(a) The NLMP Program Manager will publish an NLMP Manual consistent with NLMP curriculum developed
by the bar, to provide additional information about developing and implementing an effective mentoring
plan.

(b) The MCLE Committee may review and provide input on the NLMP Manual to the NLMP Program
Manager.

6.7. Deferral and Exemption of NLMP Requirements
(a) A new lawyer admittee who has practiced law in another jurisdiction for two years or more upon admission to the Oregon State Bar is exempt from the NLMP requirements.

(b) A new lawyer admittee whose principal office is outside the State of Oregon is temporarily deferred from the NLMP requirements. A new lawyer admittee whose principal office remains outside the State of Oregon for two years or more is exempt from the NLMP requirements.

(c) A new lawyer admittee who is not engaged in the practice of law; and a new lawyer admittee serving as a judicial clerk are eligible for a temporary deferral from the NLMP requirements. The new lawyer admittee seeking a deferral must submit a written request to the NLMP Program Manager.

(i) A new lawyer admittee who ceases to qualify for a deferral must notify the NLMP Coordinator and enroll in the NLMP within 28 days of the change in circumstance that led to the deferral.

(d) The NLMP Program Manager may approve a deferral for good cause shown. Such a deferral is subject to continued approval of the NLMP Program Manager.

(e) Any new lawyer admittee who earns $65,000 or less annually and whose employer will not pay the NLMP fee is exempt from payment of the NLMP fee.

(f) The MCLE Program Manager may grant any other exemption from the NLMP Requirements with the consent of the NLMP Program Manager, for good cause shown.

6.8. NLMP Completion Certificate.

(a) The new lawyer admittee is responsible for ensuring that all requirements of the NLMP are completed.

(b) Upon successful completion of the NLMP, new lawyer admittees earn 6.0 general/practical skills credits, which may be applied to the MCLE requirements of their first three-year MCLE reporting period.

(c) Upon completion of the NLMP, a new lawyer admittee shall file a NLMP Completion Certificate, executed by the new lawyer admittee for accreditation by the MCLE Program Manager.

(d) Filing of an NLMP Completion Certificate is defined as the electronic submission by the NLMP new lawyer admittee of their NLMP Completion Certificate by adding the certificate to their MCLE transcript through the electronic system provided by the Oregon State Bar via the internet during their first three-year reporting period.

Title 7 - Lawyer Trust Account Requirements

7.1. IOLTA Accounts

(a) A lawyer trust account for client funds that cannot earn interest in excess of the costs of generating such interest ("net interest") shall be referred to as an IOLTA (Interest on Lawyer Trust Accounts) account.

(b) All client funds shall be deposited in the member’s or law firm’s IOLTA account unless a particular client’s
funds can earn net interest.

(c) All interest earned by funds held in the IOLTA account shall be paid to the Oregon Law Foundation as provided in this rule.

7.2. Interest Bearing Trust Accounts

(a) Client funds that can earn net interest shall be deposited in an interest-bearing trust account for the client's benefit and the net interest earned by funds in such an account shall be held in trust as property of the client in the same manner as is provided in Rule of Professional Conduct 1.15 for the principal funds of the client.

(b) The interest-bearing account shall be either:
   (i) a separate account for each particular client or client matter; or
   (ii) a pooled lawyer trust account with subaccounting which will provide for computation of interest earned by each client's funds and the payment thereof, net of any bank service charges, to each client.

7.3. Determining Whether Funds Can Earn Net Interest

In determining whether client funds can or cannot earn net interest, the member or law firm shall consider the following factors:

(i) the amount of the funds to be deposited;
(ii) the expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held;
(iii) the rates of interest at financial institutions where the funds are to be deposited;
(iv) the cost of establishing and administering a separate interest-bearing lawyer trust account for the client’s benefit, including service charges imposed by financial institutions, the cost of the lawyer or law firm’s services, and the cost of preparing any tax-related documents to report or account for income accruing to the client’s benefit;
(v) the capability of financial institutions, the lawyer or the law firm to calculate and pay income to individual clients; and
(vi) any other circumstances that affect the ability of the client’s funds to earn a net return for the client.

7.4. Review of Trust Accounts

(a) Review at Reasonable Intervals

The member or law firm shall review the IOLTA account at reasonable intervals to determine whether the client’s funds may earn net interest, or circumstances have changed that require further action.

(b) Requesting Refunds

If a member or law firm determines that a particular client’s funds in an IOLTA account either did or can earn net interest, the member shall transfer the funds into an account specified in Rule 5.3 of this Title and request a refund for the lesser of either:

(i) any interest earned by the client’s funds and remitted to the Oregon Law Foundation; or
(ii) the interest the client’s funds would have earned had those funds been placed in an interest-bearing account for the benefit of the client at the same bank.

The request shall be made in writing to the Oregon Law Foundation within a reasonable period of time after the interest was remitted to the Foundation and shall be accompanied by written verification from the financial institution of the interest amount.

The Oregon Law Foundation will not refund more than the amount of interest it received from the client’s funds in question. The refund shall be remitted to the financial institution for transmittal to the lawyer or
law firm, after appropriate accounting and reporting.

(c) **Access to Earnings**

No earnings from a lawyer trust account shall be made available to a lawyer or the lawyer’s firm.

**7.5. Financial Institutions**

(a) A lawyer or law firm may maintain a lawyer trust account only at a financial institution within Oregon that:

(i) is authorized by state or federal banking laws to transact banking business in the state where the account is maintained;

(ii) is insured by the Federal Deposit Insurance Corporation or an analogous federal government agency;

(iii) entered into an agreement with the Oregon Law Foundation;

(iv) entered into an overdraft notification agreement with the Oregon State Bar.

**7.6. Oregon Law Foundation Agreement**

(a) The financial institution must have entered into an agreement with the Oregon Law Foundation to

(i) remit to the Oregon Law Foundation, at least quarterly, interest earned by the IOLTA account, computed in accordance with the institution’s standard accounting practices, less reasonable service charges, if any; and

(ii) deliver to the Oregon Law Foundation a report with each remittance showing the name of the lawyer or law firm for whom the remittance is sent, the number of the IOLTA account as assigned by the financial institution, the average daily collected account balance or the balance on which the interest remitted was otherwise computed for each month for which the remittance is made, the rate of interest applied, the period for which the remittance is made, and the amount and description of any service charges deducted during the remittance period. For the purposes of this subsection, “service charges” are limited to the institution’s following customary check and deposit processing charges: monthly maintenance fees, per item check charges, items deposited charges and per deposit charges. Any other fees or transactions costs are not “service charges” for purposes of this subsection and must be paid by the lawyer or law firm.

**7.7. Overdraft Notification Requirements**

(a) The financial institution must have also entered into an overdraft notification agreement with the Oregon State Bar requiring the financial institution to report to the Oregon State Bar Disciplinary Counsel when any properly payable instrument is presented against such account containing insufficient funds, whether or not the instrument is honored.

(b) Overdraft notification agreements with financial institutions shall require that the following information be provided in writing to Disciplinary Counsel within ten banking days of the date the item was returned unpaid:

(i) the identity of the financial institution;

(ii) the identity of the lawyer or law firm;

(iii) the account number; and

(iv) either the amount of the overdraft and the date it was created; or the amount of the returned instrument and the date it was returned.

**7.8. Application of Agreements**

(a) Agreements between financial institutions and the Oregon State Bar or the Oregon Law Foundation shall
apply to all branches of the financial institution.

(b) Such agreements shall not be canceled except upon a thirty-day notice in writing to OSB Disciplinary Counsel in the case of a trust account overdraft notification agreement or to the Oregon Law Foundation in the case of an IOLTA agreement.

(c) Nothing in this rule shall preclude financial institutions which participate in any trust account overdraft notification program from charging lawyers or law firms for the reasonable costs incurred by the financial institutions in participating in such program.

7.9. Certification of Trust Accounts

(a) Members of the bar shall certify each year to the bar whether the member maintains any lawyer trust accounts within Oregon.

(b) The member shall provide to the bar the financial institution of each account, and the account number of each account, on a form provided by the bar.

(c) Certifications for lawyer trust accounts shall be due to the bar on January 31, at 11:59 p.m.

(i) If the date falls on a Saturday, a legal holiday or a day that the bar office is closed for any reason, including inclement weather or natural disaster, the due date of such fees and assessments is the next day that the bar office is open for business. As used in this section, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020, which includes Sunday as a legal holiday.

7.10. Administrative Suspension

(a) If a member does not file certifications and disclosures required under this Title, the chief executive officer shall give the member written notice of default and prescribe a reasonable time to cure.

(b) Notice shall be submitted at the member’s electronic mail address provided to the Bar, or by mail if the member is not required to have an electronic mail address.

(c) If a member fails to file the certification and disclosures required by this section within the time allowed to cure the default as stated in the written notice of default, the member shall automatically be administratively suspended.

Title 8 - Professional Liability Coverage Requirements

8.1. Active Members

Every active member of the Oregon State Bar (“OSB”), and every attorney temporarily admitted to perform legal services under OSB Rule for Admission 13.70, who is engaged in the private practice of law with a principal office in Oregon is required to participate in the mandatory coverage of the PLF unless otherwise exempt.

8.2. Active Members Outside of Oregon

Every active member of the Oregon State Bar and every attorney temporarily admitted to perform legal services under OSB Rule for Admission 13.70 who is engaged in the private practice of law with a principal office outside Oregon is required to obtain malpractice coverage substantially equivalent to the PLF unless otherwise exempt.

8.3. Delinquency and Suspension

(a) The PLF Board of Directors will set a late payment penalty to be assessed on any member delinquent in payment of PLF assessments. member fees. Any member in default of payment of assessments will be given a reasonable opportunity to cure the default as determined by the Board.

(b) The Chief Executive Officer shall send a notice of delinquency to each member in default at the member’s electronic mail address on file with the bar on the date of the notice. The Chief Executive Officer shall send the notice by mail to any member who is not required to have an electronic mail address on file with the Bar.
(c) If a member fails to pay the PLF assessment within the time allowed to cure the default as stated in the notice, the member is administratively suspended automatically.

Title 9 - Temporary Practice Following a Major Disaster

9.1. Declaration of Major Disaster

The Oregon Supreme Court may declare an emergency when a natural or other major disaster substantially disrupts the justice system in Oregon or in another jurisdiction (after the highest court of that jurisdiction has made such a determination), as a result of which:

(i) Oregon residents or displaced persons from another jurisdiction residing in Oregon are in need of legal services that cannot reasonably be provided by Oregon lawyers alone; or
(ii) lawyers licensed in the other jurisdiction are displaced and unable to practice law in the other jurisdiction.

9.2. Temporary Pro Bono Practice

Following the declaration of an emergency under this Rule, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon on a temporary basis to persons in need of legal services as a result of the disaster, on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. This temporary pro bono practice must be performed under the auspices of an established not-for-profit bar association, pro bono program, or legal services program or through organization(s) specifically designated by the Oregon State Bar or the Oregon Supreme Court.

9.3. Temporary Practice by Displaced Lawyers

Following the declaration of emergency under this Title, a lawyer who is authorized to practice law and whose principal office is in an affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon on a temporary basis to any client provided the legal services arise out of or are reasonably related to the lawyer’s practice of law in the other jurisdiction.

(a) Duration of Authority for Temporary Practice

(i) The authority to practice law in Oregon granted by this rule shall end when the Oregon Supreme Court determines that the disruption of the justice system in this or the other jurisdiction has ended.

(ii) Once the Court determines the disruption has ended, lawyers practicing under such authority shall not accept any new clients or matters.

(iii) Notwithstanding the termination of authority, a lawyer then representing a client with a legal matter pending in Oregon is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation.

(iv) The authority to practice law in Oregon granted by this rule shall end sixty [60] days after the Oregon Supreme Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

(b) Court Appearances

The authority granted by this Title does not include appearances in court except:

(i) pursuant to the Uniform Trial Court Rules and, if such authority is granted, the fees for admission shall be waived; or

(ii) if the Oregon Supreme Court, in any determination made under this rule, grants blanket
permission to appear in all or designated courts of Oregon to lawyers providing legal services pursuant to this rule. If such an authorization is included, the pro hac vice admission fees shall be waived.

9.4. Disciplinary Authority and Registration Requirement

(a) Lawyers providing legal services in Oregon pursuant to this rule are subject to the Oregon Supreme Court’s disciplinary authority and the Oregon Rules of Professional Conduct as provided in RPC 8.5.

(b) Lawyers providing legal services in Oregon under this rule shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Clerk of the Oregon Supreme Court and the Oregon State Bar in a form prescribed by the Court.

9.5. A lawyer who provides legal services pursuant to this rule shall not be considered to be engaged in the unlawful practice of law in Oregon.

Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to his rule shall inform clients in Oregon of the jurisdictional limits of their practice authority, including that they are not authorized to practice law in Oregon except as permitted by this Rule, and shall not state or imply to any person that they are otherwise authorized to practice law in Oregon.

Title 10 - Reinstatements

10.1. Applicability of Reinstatements & Obligations of Applicants

(a) Eligibility. An applicant may apply for reinstatement under this Title if they meet one of the following criteria.

(i) The applicant voluntarily transferred their status to inactive, retired, or active pro bono status and currently remains in the voluntary status.

(ii) The applicant has been administratively suspended under the Rules of Licensure for failure to comply with their regulatory requirements and has remained suspended for less than 10 years prior to the date of application for reinstatement.

(iii) The applicant resigned under Form A prior to December 1, 2019 and has remained resigned or administratively suspended for less than 10 years since they were last an active member.

(b) Applicants not eligible for reinstatement under this Title must apply for reinstatement under Title 8 of the Bar Rules of Procedure.

(c) All applicants shall cooperate and comply with requests from the Bar, including responding to a lawful demand for information; the execution of releases necessary to obtain information and records from third parties.

(d) All applicants must report promptly any changes, additions or corrections to information provided in the application.

(e) The Bar will not consider any application for reinstatement, or any issues related to reinstatement, until the applicant submits a complete application and pays all fees required with the application.
10.2. **Required Showings.**

(a) All applicants seeking reinstatement under this Title must submit an application prepared by the Bar. The applicant shall make the required showings and any declaration related to the unauthorized practice of law.

(b) **Burden of Proof.** The applicant has the burden to establish their required showings for reinstatement under this title by clear and convincing evidence.

(c) **Compliance with the Regulatory Obligations after Suspension.** An applicant administratively suspended must show they have complied with their regulatory obligation(s) that caused their suspension, and any other outstanding regulatory obligations.

(d) **Compliance with Regulatory Obligations after Inactive/Retired Status.** An applicant seeking to transfer from inactive/retired status to active status after fewer than six months in inactive/retired status must submit a declaration affirming that they complied with all their regulatory obligations.

(e) **Unauthorized Practice of Law.**

   (i) Each applicant must declare that they did not engage in the practice of law, except where authorized to do so, during the applicant’s non-active status. If an applicant cannot declare that they did not engage in the practice of law except where authorized to do so during the applicant’s non-active status, the applicant shall provide a statement about the conduct. The statement will be referred to Disciplinary Counsel’s Office for investigation. The Bar may reinstate applicant unless there is a reasonable belief that reinstatement may be detrimental to the administration of justice or the public interest.

   (ii) Each applicant shall provide employment and residential history during the entire period of their non-active status.

(f) **Character and Fitness.** Each applicant must show, by clear and convincing evidence, that they have good moral character and general fitness required to practice law in Oregon and that the resumption of the practice of law in Oregon by the applicant will not be detrimental to the administration of justice or the public interest. The Chief Executive Officer may develop policies and procedures for conducting character and fitness investigations. The investigation shall be at the direction of the Chief Executive Officer.

(g) **Learning and Ability.** Each applicant must show, by clear and convincing evidence, that they have the requisite learning and ability to practice law in Oregon. The Bar may consider the length of time since the applicant was an active member of the Bar; whether and when the applicant has practiced law in Oregon; whether the applicant practiced law in any other jurisdiction since they were an active member in Oregon; and whether the applicant has participated in continuing legal education activities.

   (i) Applicants may be required to show the requisite learning and ability by taking the minimum continuing legal education credits:

   (A) Applicants who were active members for at least two years prior to their application for reinstatement; who have resigned, been suspended, or been inactive/retired for two or fewer years prior to their application for reinstatement; and have been engaged in the practice of law full time in another jurisdiction for no less than 24 of the 48 months immediately preceding their application may not be required to complete any continuing legal education;
(B) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than two years, but less than 4 years, will be required to complete a minimum of 15 credits of continuing legal education;

(C) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than four, but less than six years, will be required to complete a minimum of 30 credits of continuing legal education;

(D) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than six, but less than eight years, will be required to complete a minimum of 45 credits of continuing legal education;

(E) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than 8 years, but less than ten years, will be required to complete a minimum of 60 credits of continuing legal education; and

(ii) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than ten years must pursue Formal Reinstatement under the Bar Rules of Procedure Title 8 and must comply with the required showing for such proceedings.

(iii) The bar may request the applicant provide further evidence to show learning and ability if there is an indication that the applicant does not have the requisite learning under this prerequisite of this subsection.

10.3. Administrative Reinstatement

(a) Eligibility. An applicant may apply for administrative reinstatement if the applicant has been administratively suspended for six months or less for failing to comply with their regulatory requirements under the Rules for Licensure.

(b) Fees. In addition to any outstanding financial obligations under this Title, an applicant currently suspended shall pay a $150 fee for each administrative suspension they must cure. An applicant seeking reinstatement from inactive/retired status to active status under this Rule shall pay a $150 fee in addition to any outstanding financial obligations under this Title.

(c) CEO Review. The Chief Executive Officer may reinstate any applicant who has made the required showings under this Rule. Based on their findings, the CEO may recommend the applicant be reinstated, conditionally reinstated, or denied reinstatement. The Chief Executive Officer may defer an application if additional information is required from the applicant until the information is provided by the applicant, or convert an application for reinstatement to a Formal Reinstatement if further review is required.

(d) If the CEO recommends conditional reinstatement, the bar shall notify the Oregon Supreme Court of this decision and copy the applicant. If the CEO recommends denial of the reinstatement, the applicant may contest the decision under the Bar Rules of Procedure for Contested Reinstatements prior to submission to the Oregon Supreme Court.

10.4. Streamlined Reinstatement

(a) Eligibility. An applicant may apply for streamlined reinstatement if they meet one of the following criteria.

(i) The applicant voluntarily transferred their status to inactive, retired, or active pro bono status.
(ii) The applicant has been administratively suspended for failure to comply with their regulatory requirements for more than 6 months but less than 10 years prior to the date of application for reinstatement.

(iii) The applicant resigned under Form A prior to December 1, 2019 and has remained resigned or administratively suspended for less than 10 years since they were last an active member.

(iv) The applicant is currently an inactive/retired member and seeks reinstatement to active pro bono status.

(b) Fees. In addition to any outstanding financial obligations under this Title, the applicant shall pay a fee of $300 when applicant submits their application for Streamlined Reinstatement. The fee shall be waived for applicants seeking reinstatement from inactive/retired status to pro bono status.

(c) CEO Review. The Chief Executive Officer may reinstate any applicant who has made the required showings under this Rule. Based on their findings, the CEO may recommend the applicant be reinstated, conditionally reinstated, or denied reinstatement. The Chief Executive Officer may defer an application if additional information is required from the applicant until the information is provided by the applicant, or convert an application for reinstatement to a Formal Reinstatement if further review is required.

(d) If the CEO recommends conditional reinstatement, the bar shall notify the Oregon Supreme Court of this decision and copy the applicant. If the CEO recommends denial of the reinstatement, the applicant may contest the decision under the Bar Rules of Procedure for Contested Reinstatements prior to submission to the Oregon Supreme Court.

10.5. Financial Obligations

(a) In addition to application and reinstatement fees, applicants seeking reinstatement under this Title shall pay the bar the following at the time the application of reinstatement is filed.

(i) All past due assessments, fees, and penalties owed to the Bar for prior years. If the status from which the member is seeking reinstatement did not require an annual membership fee be paid to the Bar, then the Bar shall collect $100 for each year the member remained in that status.

(ii) Membership fees and assessments for the calendar year in which the application for reinstatement is filed. Any membership fees and assessments (absent late penalties) already paid by the applicant at the start of the calendar year may be deducted.

(iii) Any assessment to the Professional Liability Fund, if applicable.

(iv) All unpaid judgments assessed in a prior disciplinary, contested reinstatement proceeding, judicial hearing, or assignment of claim.

(v) In the event an application for reinstatement is not acted upon until the following year, the applicant shall pay to the Bar, prior to reinstatement, any increase in membership fees or assessments since the date of application. If a decrease in membership fees and assessments has occurred, the Bar shall refund the decrease to the applicant.

(vi) If an application for reinstatement is denied, the Bar shall refund the applicant membership fees and assessments paid for the year the application was filed. Any refund of membership fees and assessments will be prorated if the applicant was temporarily reinstated during the pendency of...
10.6. **Conversion of Reinstatement**

(a) The Bar’s CEO may convert an application for reinstatement under this Title to a Formal Reinstatement under the Bar Rules of Procedure if:

(i) The applicant has been convicted in any jurisdiction of an offense that is a misdemeanor involving moral turpitude or a felony under the laws of this state, or is punishable by death or imprisonment under the laws of the United States;

(ii) The applicant has been suspended for professional misconduct for more than six months or has been disbarred by any court other than the Oregon Supreme Court;

(iii) The applicant engaged in conduct that raises issues of possible violation of the Bar Act, former Code of Professional Responsibility, or the Rules of Professional Conduct;

(iv) The applicant made a material misrepresentation on, or omitted relevant information from, their reinstatement application submitted to the Bar;

(v) During the reinstatement process, it is determined that the applicant does not meet the eligibility requirements for reinstatement under this Title; or

(vi) The applicant fails to make the required showings under this Title.

(b) The Bar’s decision to convert an application for reinstatement is not appealable.

(c) The applicant shall pay the application fee for a converted application for reinstatement at the time the new Reinstatement application is filed, together with any other payments owed. No refund or credit will be provided for fees paid for other reinstatement applications filed by the applicant.

10.7. **Temporary Reinstatement**

The Chief Executive Officer may temporarily reinstate an applicant seeking reinstatement under these Rules pending receipt of all investigatory materials.

**Title 11 - Resignation**

11.1. **Member Resignation.**

Members seeking to resign from the bar must file the appropriate resignation with the bar pursuant to Title 9 of the Bar Rules of Procedure.
Rule 2.6 Investigations
Rule 2.7 Investigations Of Alleged Misconduct Other Than By Inquiry .................. 21
Rule 2.8 Proceedings Not To Stop On Compromise ....................................... 22
Rule 2.9 Requests For Information And Assistance ........................................ 22
Rule 2.10 Diversion ...................................................................................... 22

Title 3 — Special Proceedings .......................................................................... 24
Rule 3.1 Interlocutory Suspension During Pendency Of Disciplinary Proceedings .... 24
Rule 3.2 Mental Incompetency Or Addiction— Involuntary Transfer To Inactive
Membership Status ...................................................................................... 26
Rule 3.3 Allegations Of Criminal Conduct Involving Attorneys ......................... 29
Rule 3.4 Conviction Of Attorneys ................................................................... 29
Rule 3.5 Reciprocal Discipline ......................................................................... 31
Rule 3.6 Discipline By Consent ......................................................................... 32

Title 4 — Prehearing Procedure ......................................................................... 34
Rule 4.1 Formal Complaint ............................................................................... 34
Rule 4.2 Service Of Formal Complaint ............................................................. 35
Rule 4.3 Answer ............................................................................................... 35
Rule 4.4 Pleadings And Amendments ............................................................... 35
Rule 4.5 Discovery ........................................................................................... 36
Rule 4.6 Prehearing Issue Narrowing and Settlement Conference; Order .......... 37
Rule 4.7 Pre-hearing Orders ........................................................................... 38
Rule 4.8 Briefs ................................................................................................. 38
Rule 4.9 Mediation ........................................................................................... 38

Title 5 — Disciplinary Hearing Procedure .......................................................... 39
Rule 5.1 Evidence And Procedure ................................................................... 39
Rule 5.2 Burden Of Proof ............................................................................... 39
Rule 5.3 Location Of Hearing; Subpoenas; Testimony ....................................... 39
Rule 5.4 Hearing Date; Continuances ............................................................... 40
Rule 5.5 Prior Record ....................................................................................... 40
Rule 5.6 Evidence Of Prior Acts Of Misconduct ............................................... 40
Rule 5.7 Consideration Of Sanctions ............................................................... 40
Rule 5.8 Default ............................................................................................... 41
Rule 5.9 Attorney Assistance Evidence ........................................................... 41

Title 6 — Sanctions And Other Remedies ......................................................... 42
Rule 6.1 Sanctions ........................................................................................... 42
Rule 6.2 Probation ........................................................................................... 43
Rule 6.3 Duties Upon Disbarment Or Suspension ........................................... 44
Rule 6.4 Ethics School ...................................................................................... 44
Title 7 — Suspension for Failure to Respond in a Disciplinary Investigation
   Rule 7.1 Suspension for Failure to Respond to a Subpoena.

Title 8 — Reinstatement
   Rule 8.1 Reinstatement — Formal Application Required
   Rule 8.2 Reinstatement — Informal Application Required
   Rule 8.3 Reinstatement — Compliance Affidavit
   Rule 8.4 Reinstatement — Financial or Trust Account Certification Matters
   Rule 8.5 Reinstatement — Noncompliance With Minimum Continuing Legal Education, New Lawyer Mentoring Program or Ethics School Requirements
   Rule 8.6 Other Obligations Upon Application
   Rule 8.7 Board Investigation And Recommendation
   Rule 8.8 Petition To Review Adverse Recommendation
   Rule 8.9 Procedure On Referral By Supreme Court
   Rule 8.10 Answer To Statement Of Objections
   Rule 8.11 Hearing Procedure
   Rule 8.12 Burden Of Proof
   Rule 8.13 Burden Of Producing Evidence
   Rule 8.14 Reinstatement and Transfer—Active Pro Bono

Title 9 — Resignation
   Rule 9.1 Resignation
   Rule 9.2 Acceptance Of Resignation
   Rule 9.3 Duties Upon Resignation
   Rule 9.4 Effect of Form B Resignation
   Rule 9.5 Effect of Form A Resignation after November 30, 2019

Title 10 — Review By Supreme Court
   Rule 10.1 Disciplinary Proceedings
   Rule 10.2 Request for Review
   Rule 10.3 Contested Reinstatement Proceeding
   Rule 10.4 Filing In Supreme Court
   Rule 10.5 Procedure In Supreme Court
   Rule 10.6 Nature Of Review
   Rule 10.7 Costs And Disbursements

Title 11 — Time Requirements
   Rule 11.1 Failure To Meet Time Requirements

Title 12 — Unlawful Practice of Law Committee
   Rule 12.1 Appointment
Rule 12.2 Investigative Authority ................................................................. 59
Rule 12.3 Public Outreach and Education .................................................. 59
Rule 12.4 Enforcement .............................................................................. 60

Title 13 — Forms ..................................................................................... 60
Rule 13.1 Formal Complaint ..................................................................... 60
Rule 13.2 Notice to Answer ....................................................................... 61
Rule 13.3 Answer ....................................................................................... 62
Rule 13.4 [Reserved for expansion] ............................................................ 63
Rule 13.5 Statement Of Objections To Reinstatement................................. 63
Rule 13.6 Form A Resignation ................................................................... 64
Rule 13.7 Form B Resignation ................................................................... 65
Rule 13.8 Request For Review .................................................................. 67
Rule 13.9 Compliance Declaration ............................................................ 67
Rule 13.10 Compliance Declaration ............................................................ 68

Title 1 — General Provisions

Rule 1.1 Definitions.

In these rules, unless the context or subject matter requires otherwise:

(a) “Adjudicator” means the Disciplinary Board statewide adjudicator, one or more of whom is appointed by the Supreme Court to chair all trial panels and any attorney appointed to serve in the Adjudicator’s role in a particular proceeding pursuant to BR 2.4(e)(14) or BR 2.4(f)(2).

(b) “Applicant” means an applicant for reinstatement to the practice of law in Oregon.

(c) “Attorney” means a person who has been admitted to the practice of law in Oregon.

(d) “Bar” means Oregon State Bar created by the Bar Act.

(e) “Bar Act” means ORS Chapter 9.

(f) “Bar Counsel” means counsel appointed by the SPRB or the Board Disciplinary Counsel to represent the Bar.

(g) “BBX” means Board of Bar Examiners appointed by the Supreme Court.

(h) “Board” means Board of Governors of the Bar.

(i) “Chief Executive Officer” means the chief administrative employee of the Bar.

(j) “Client Assistance Intake Office” means a department of designated by the Bar, separate from Disciplinary Counsel that reviews and responds to inquiries from the public about the conduct of attorneys and LPs.

(k) “Complainant” means the person who inquires, questions or raises concerns about the conduct of an attorney or LP through the Client Assistance Intake Office.

(l) “Contested Admission” means a proceeding in which the BBX is objecting to the admission of an applicant to the practice of law after a character review proceeding.
(m) "Contested Reinstatement" means a proceeding in which the Bar is objecting to the reinstatement of an attorney or a former attorney or LP or former LP to the practice of law.

(n) "Disciplinary Board" means the board appointed by the Supreme Court to hear and decide disciplinary and contested reinstatement proceedings pursuant to these rules.

(o) "Disciplinary Board Clerk" means the person or persons designated in General Counsel’s Office of the Bar to receive and maintain records of disciplinary and reinstatement proceedings on behalf of the Disciplinary Board.

(p) "Disciplinary Counsel" means disciplinary counsel retained or employed by, and in the office of, the Bar and shall include such assistants as are from time to time employed by the Bar to assist disciplinary counsel.

(q) "Disciplinary proceeding" means a proceeding in which the Bar is charging an attorney or LP with misconduct in a formal complaint.

(r) "Examiner" means a member of the BBX.

(s) "Formal complaint" means the document that initiates a formal lawyer or LP discipline proceeding alleging misconduct and violations of disciplinary rules or statutory provisions.

(t) "General Counsel" means the General Counsel of the Bar or their designee.

(u) "Grievance" means an instance of alleged misconduct by an attorney or LP that may be investigated by the Intake Office and/or Disciplinary Counsel.

(v) "Inquiry" means a communication received by the Client Assistance Intake Office pertaining to an attorney or LP that may or may not allege professional misconduct.

(w) "Licensed Paralegal" or "LP" means a person who has been admitted to practice in Oregon under a Licensed Paralegal license.

(x) "Misconduct" means any conduct which may or does subject an attorney or LP to discipline under the Bar Act or the rules of professional conduct adopted by the Supreme Court.

(y) "Regulatory Counsel" means regulatory counsel retained or employed by, and in the office of, the Bar and shall include such assistants as are from time to time employed by the Bar to assist regulatory counsel.

(z) "Respondent" means an attorney or LP who is charged with misconduct by the Bar in a formal complaint or who is the subject of proceedings initiated pursuant to BR 3.1, BR 3.2, BR 3.3, BR 3.4, or BR 3.5.

(aa) "Rule of Professional Conduct" means the corresponding Rules of Professional Conduct for attorneys, or the Rules of Professional Conduct for Licensed Paralegals for LPs.

(bb) "State Court Administrator" means the person who holds the office created pursuant to ORS 8.110.

(cc) "Supreme Court" and "court" mean the Oregon Supreme Court.

(dd) "Trial Panel" means a three-member panel of the Disciplinary Board.

(ee) "Unlawful Practice of Law Committee" means the committee appointed by the Supreme Court to carry out the committee’s functions on behalf of the Bar pursuant to ORS 9.164.

(Rule 1.1 amended by Order dated November 10, 1987.)

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Rule 1.2 Authority.

These “Rules of Procedure” are adopted by the Board and approved by the Supreme Court pursuant to ORS 9.005(8) and ORS 9.542, and govern exclusively the proceedings contemplated in these rules except to the extent that specific reference is made herein to other rules or statutes. These rules may be amended or repealed and new rules may be adopted by the Board at any regular meeting or at any special meeting called for that purpose. No amendment, repeal or new rule shall become effective until approved by the Supreme Court.

Rule 1.3 Nature of Proceedings.

Disciplinary and contested reinstatement proceedings are neither civil nor criminal in nature but are sui generis, and are designed as the means to determine whether an attorney or LP should be disciplined for misconduct, or whether an applicant’s conduct should preclude the applicant from being reinstated to membership in the Bar.

Rule 1.4 Jurisdiction; Choice of Law.

(a) Jurisdiction. After Adoption of Rules of Professional Conduct, conduct occurring on or after January 1, 2005, by an attorney or LP is governed by Rule of Professional Conduct 8.5.

(b) Jurisdiction. For conduct occurring on or before December 31, 2004, a attorney admitted to the practice of law in Oregon, and any attorney specially admitted by a court or agency in Oregon for a particular case, is subject to the Bar Act and these rules, regardless of where the attorney’s conduct occurs. An LP is subject to these rules regardless of where the LP’s conduct occurred. The Supreme Court’s jurisdiction over matters involving the practice of law by an attorney shall continue whether or not the attorney or LP retains the authority to practice law in Oregon, and regardless of the residence of the attorney or LP. An attorney may be subject to the disciplinary authority of both Oregon and another jurisdiction in which the attorney is admitted for the same conduct.

(c) Choice of Law. In any exercise of the disciplinary authority of Oregon involving conduct occurring on or before December 31, 2004, the rules of professional conduct to be applied shall be as follows:

(1) For conduct in connection with a proceeding in a court before which an attorney or LP has been admitted to practice, either generally or for purposes of that proceeding, the rules to be applied shall be the rules of the jurisdiction in which the court sits, unless the rules of the court provide otherwise; and

(2) For any other conduct,
(B) If the attorney is licensed to practice in Oregon and another jurisdiction, the rules to be applied shall be the rules of the jurisdiction in which the attorney principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the attorney is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.

(a) Application. The provisions of BR 1.4 apply to conduct occurring on or before December 31, 2004. Conduct occurring on or after January 1, 2005, by an attorney of LP is governed by Rule of Professional Conduct 6.5.

Rule 1.4(c) added by Order dated April 26, 2007.
Rule 1.4(c) amended by Order dated May 3, 2017, effective January 1, 2018.
Rule 1.4(a) through (c) amended by Order dated August 17, 2022, effective July 1, 2023.

Rule 1.5 Effective Date.

(a) These rules apply to all disciplinary and contested reinstatement proceedings initiated by the service of a formal complaint or statement of objections on a respondent or an applicant on or after January 1, 1984.

(b) The provisions of BR 1.5(a) apply except to the extent that in the opinion of the Supreme Court their application in a particular matter or proceeding would not be feasible or would work an injustice. In that event, the former or current rule most consistent with the fair and expeditious resolution of the matter or proceeding under consideration shall be applied.

Rule 1.5(a) amended by Order dated July 22, 1991.
Rule 1.5(a) amended by Order dated June 17, 2003, effective July 1, 2003.
Rule 1.5(a) and (b) amended by Order dated May 3, 2017, effective January 1, 2018.

Rule 1.6 Citation Of Rules.

These Rules of Procedure may be referred to as Bar Rules and cited, for example, as BR 1.1(a).

Rule 1.7 Bar Records.

(a) Property of Bar. The records of the Bar and of its officers, governors, employees and committees, in contested admission, disciplinary and reinstatement proceedings are the property of the Bar.

(b) Public Records Status. Except as exempt or protected by law from disclosure, the records of the Bar relating to contested admission, disciplinary, and reinstatement proceedings are available for public inspection.

Rule 1.8 Service Methods.

(a) Except as provided in Rule 4.2 and Rule 8.9, any pleading or document required under these rules to be served on a respondent, applicant, attorney, or LP shall be

   (1) Sent to the respondent, applicant, attorney, or LP, or his or her attorney if the respondent, applicant, attorney, or LP is represented, by first class mail addressed to the intended recipient at the recipient’s last designated business or residence address on file with the Bar, or

   (2) Sent to the respondent, applicant, attorney, or LP or his or her attorney if the respondent, applicant, or attorney is represented, by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

(b) Any pleading or document required under these rules to be served on the Bar shall be sent by first class mail addressed to Disciplinary Counsel at the Bar’s business address or served by personal or office service as

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OSB Rules of Procedure (Revised 9/1/2023)

provided in ORCP 7 D(2)(a)-(c) or sent by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

(c) A copy of any pleading or document served on Bar Disciplinary Counsel shall also be provided to Bar Counsel, if one has been appointed, by first class mail addressed to his or her last designated business address on file with the Bar or by personal or office service as provided in ORCP 7 D(2)(a)-(c) or sent by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

(d) Service by mail shall be complete on deposit in the mail except as provided in BR 1.12.

(a) The parties may by mutual agreement serve any document other than the formal complaint and answer by email delivery to the email address identified in the Bar’s membership records for the respondent, applicant, or attorney or LP, or his or her attorney if represented.

(Rule 1.8 amended by Order dated June 30, 1987.)
(Rule 1.8(a) amended by Order dated February 23, 1988.)
(Rule 1.8(a), (b) and (c) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 1.8(d) amended by Order April 26, 2007.)
(Rule 1.8(a) amended by Order dated August 12, 2013, effective November 1, 2013.)
(Rule 1.8(c) amended; Rule 1.8(c) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.8(a)(1), (a)(2), (b), and (c) amended by Order dated November 22, 2021.)
(Rule 1.8(a) and (e) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.9 Time.

In computing any period of time prescribed or allowed by these rules, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday or legal holiday. As used in this rule, “legal holiday” means legal holiday as defined in ORS 187.010 (which includes each Sunday) and ORS 187.020.

(Rule 1.9 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 1.10 Filing.

(a) Any pleading or document to be filed with the Disciplinary Board Clerk shall be delivered in person to the Disciplinary Board Clerk, Oregon State Bar, 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, or by mail to the Disciplinary Board Clerk, Oregon State Bar, P. O. Box 231935, Tigard, Oregon 97281-1935 or by email to dbclerk@osbar.org. Any pleading or document to be filed with the Supreme Court shall be delivered to the State Court Administrator, Appellate Courts Records Section, 1163 State Street, Salem, Oregon 97301-2563, consistent with the requirements of the Oregon Rules of Appellate Procedure, including Chapter 16 (filing and service by electronic means). Any pleading or document to be filed with the Adjudicator or a regional chair shall be delivered to the intended recipient at his or her last designated business or residence address on file with the Bar, or by email address on file with the Bar.

(b) Filing by mail is complete on deposit in the mail in the following circumstances: All pleadings or documents, including requests for review, required to be filed within a prescribed time, if mailed on or before the due date by first class mail through the United States Postal Service.

(c) If filing is not done as provided in subsection (b) of this rule, the filing is not timely unless the pleading or document is actually received by the intended recipient within the time fixed for filing.

(d) A copy of any pleading or document filed under these Rules must also be served by the party or attorney delivering it on other parties to the case by first class mail through the United States Postal Service or by email to the address on file with the Bar. All service copies must include a certificate showing the date of filing.

"Parties" for the purposes of this rule shall be the respondent or applicant, or his or her attorney if represented; Disciplinary Counsel; and Bar Counsel, if any.

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(e) Proof of service shall appear on or be affixed to any pleading or document filed. Such proof shall be either an acknowledgement of service by the person served or be in the form of a statement of the date of personal delivery or deposit in the mail or email and the names and addresses of the persons served, certified by the person who has made service.

(Rule 1.10 amended by Order dated June 30, 1987.)
(Rule 1.10(b) amended by Order dated February 23, 1988.)
(Rule 1.10(d) amended by Order dated February 5, 2001.)
(Rule 1.10(a), (b), (d) and (e) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 1.10(a) amended by Order dated April 26, 2007.)
(Rule 1.10(a) amended by Order dated March 20, 2008.)
(Rule 1.10(f) added by Order dated October 19, 2009.)
(Rule 1.10(a), (b), (c), (d) amended; Rule 1.10(f) deleted by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.10(a), (d), and (e) amended by Order dated November 22, 2021.)

Rule 1.11 Designation of Contact Information. Service by Email

(a) All service on attorneys and LPs must designate, on a form approved by the Bar, a current business mailing documents or pleadings to the email address and telephone number, or if no business address is available, a post office or residential address and telephone number. A post office address designation must be accompanied by the county and state in which an attorney or LP has on file with the Bar, unless the lawyer or LP is geographically located.

(b) All attorneys and LPs must designate an email address for receipt of bar notices and correspondence, except (i) attorneys and LPs whose status is retired and (ii) attorneys and LPs for whom reasonable accommodation is required by applicable law.

(c) An attorney or LP seeking has obtained an exemption from the email address requirement in paragraph (b)(ii) must submit a written request to the Chief Executive Officer, whose decision on the request will be final. CFO for having an email address on file.

(d) It is the duty of all attorneys and LPs promptly to notify the Bar in writing of any change in his or her contact information. A new designation is not effective until actually received by the Bar.

(Rule 1.11 amended by Order dated April 18, 1984, effective June 1, 1984. Amended by Order dated June 30, 1987.)
(Rule 1.11(a) and (b) amended by Order dated August 23, 2010, effective January 1, 2011.)
(Rule 1.11(a) amended, (b) and (c) added and former (b) now (d) redesignated by Order dated July 21, 2011.)
(Rule 1.11(a), (b), (c), and (d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.11(a) amended by Order dated January 26, 2021.)
(Rule 1.11 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.12 Service of Bar Pleadings Our Documents on Out-of-State Attorney or LP.

(a) If an attorney or LP has designated to the Bar an address that is not located within the State of Oregon, a formal complaint filed under BR 4.1 or a statement of objections filed under BR 8.9 may be:

(1) personally served upon the attorney or LP; or

(2) served on the attorney or LP by certified mail, return receipt requested, to the attorney’s or LP’s last designated address on file with the Bar, in which case service shall be complete on the date on which the attorney or LP signs a receipt for the mailing.

(b) If service under either BR 1.12(a)(1) or BR 1.12(a)(2) is attempted but cannot be completed, a formal complaint or a statement of objections may be served on the attorney or LP by first class mail to the attorney’s or LP’s last designated address on file with the Bar, in which case service shall be complete seven days after such mailing. Proof of such service by mail shall be by certificate showing the date of deposit in the mail.

Current versions of this document are maintained on the OSB website: www.osbar.org
Rule 1.13 Electronic Signature and Submission.

(a) For purposes of this rule, “Form” means only a form made available by the Bar on its website for electronic submission to the Bar through the Bar’s website and “filer” means the attorney using the Form and self-identified in the completed Form.

As to any Form obtainable or accessible only by means of a login, the use of a filer’s login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required. In lieu of a signature, the document shall include an electronic symbol intended to substitute for the signature, such as a scan of the filer’s handwritten signature or a signature block that includes the typed name of the filer proceeded by an “s” in the space where the signature would otherwise appear. Example of a signature block with “s”:

s/ Jane Q. Attorney or LP
JANE Q. ATTORNEY or LP
OSB #
Email address

(b) When a Form requires a signature under penalty of perjury, in addition to signing and submitting the Form electronically, the filer shall sign a printed version of the Form and retain the signed Form in its original paper form for no less 30 days.

(c) An attorney or LP may submit a Form through the Bar’s website at any time, except when the Bar’s electronic filing system is temporarily unavailable.

(d) Filing a Form pursuant to this rule shall be deemed complete at the time of electronic submission.

Rule 1.14 Declarations May Replace Affidavits.

With the exception of the requirement contained in BR 13.7, Form B Resignation, all Bar Rules of Procedure that require documents or pleadings be supported by a notarized affidavit are amended to allow parties, as an alternative to notarization, to support the documents or pleadings with a declaration that includes the following language:

“I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.”

Title 2 — Structure And Duties

Rule 2.1 Qualifications of Counsel.

(a) Definition of Respondent. Notwithstanding BR 1.1(a), for the purposes of this rule, “respondent” means an attorney or LP who is the subject of an allegation of misconduct that is under investigation by the Bar, or who has been charged with misconduct by the Bar in a formal complaint.
(b) Bar Counsel. Any attorney admitted to practice law at least three years in Oregon may serve as Bar Counsel unless the attorney:

1. currently represents any respondent or applicant;
2. is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;
3. served as a member of the Disciplinary Board at a time when the formal complaint against the respondent was filed.

(c) Counsel for Respondent. Any attorney admitted to practice law in Oregon may represent a respondent unless the attorney:

1. is a current member of the Board or the SPRB;
2. served as a member of the Board or the SPRB at a time when the allegations about which the respondent seeks representation were under investigation by the Bar or were authorized to be charged in a formal complaint;
3. currently is serving as Bar Counsel;
4. is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;
5. served as a member of the Disciplinary Board at a time when the formal complaint against the respondent was filed.

(d) Counsel for Applicant. Any attorney admitted to practice law in Oregon may represent an applicant unless the attorney:

1. is a current member of the Board, the BBX, or the SPRB;
2. served as a member of the Board, the BBX, or the SPRB at a time when the investigation of the reinstatement application was conducted by the Bar;
3. currently is serving as Bar Counsel;
4. is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;
5. served as a member of the Disciplinary Board at a time when the statement of objections against the applicant was filed.

(e) Vicarious Disqualification. The disqualifications contained in BR 2.1(b), (c), and (d) also apply to firm members of the disqualified attorney’s firm.

(f) Exceptions to Vicarious Disqualification.

1. Notwithstanding BR 2.1(b), (c), and (d), an attorney may serve as Bar Counsel or represent a respondent or applicant even though a firm member is currently serving on the Disciplinary Board, provided the firm member recuses himself or herself from participation as a trial panel member or regional chairperson in any matter in which a member of the firm is Bar Counsel or counsel for a respondent or applicant.

2. Subject to the provisions of RPC 1.7, and notwithstanding the provisions of BR 2.1(b), (c), and (d), an attorney may serve as Bar Counsel or represent a respondent or applicant even though a firm member is currently serving as Bar Counsel or representing a respondent or applicant, provided firm members are not opposing counsel in the same proceeding.
(3) Notwithstanding BR 2.1(b), (c), and (d), an attorney in a Board member’s firm may represent a respondent provided the Board member is screened from any form of participation or representation in the matter. To ensure such screening:

(A) The Board member shall prepare and file an affidavit with the Chief Executive Officer attesting that, during the period his or her firm is representing a respondent, the Board member will not participate in any manner in the matter or the representation and will not discuss the matter or representation with any other firm member;

(B) The Board member’s firm shall also prepare and file an affidavit with the Chief Executive Officer attesting that all firm members are aware of the requirement that the Board member be screened from participation or discussion of the matter or representation;

(C) The Board member and firm shall also prepare, at the request of the Chief Executive Officer, a compliance affidavit describing the Board member’s and the firm’s actual compliance with these undertakings;

(D) The affidavits required under subsections (A) and (B) of this rule shall be filed with the Chief Executive Officer no later than fourteen [14] days following the acceptance by a Board member’s firm of a respondent as a client, or the date the Board member becomes a member of the Board.

(g) Investigators. Disciplinary Counsel may, from time to time, appoint a suitable person, or persons, to act as an investigator, or investigators, for the Bar with respect to grievances, allegations, or instances of alleged misconduct by attorneys or LPs, and matters of reinstatement of attorneys or LPs. Such investigator or investigators shall perform such duties in relation thereto as may be required by Disciplinary Counsel.

(Rule 2.1(b) amended by Order dated May 31, 1984, nunc pro tunc May 31, 1984.)
(Rule 2.1 amended by Order dated June 30, 1987.)
(Rule 2.1 amended by Order dated October 1, 1990.)
(Rule 2.1 deleted and new Rule 2.1 added by Order dated October 3, 1997.)
(Rule 2.1(f)(2) amended by Order dated April 26, 2007.)
(Former Rule 2.1(c)(3) and 2.1(c)(4) deleted; former Rule 2.1(c)(5), 2.1(c)(6), and 2.1(c)(7) redesignated Rule 2.1(c)(3), 2.1(c)(4), and 2.1(c)(5); Rule 2.1(d), 2.1(b)(1), 2.1(b)(2), 2.1(b)(3), 2.1(c)(2), 2.1(c)(3), 2.1(c)(4), 2.1(c)(5), 2.1(d)(1), 2.1(d)(2), 2.1(f)(3)(A), 2.1(f)(3)(B), 2.1(f)(3)(C), and 2.1(f)(3)(D) amended; and Rule 2.1(g) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.1(a) and (g) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.2 Disciplinary Counsel.

(a) Appointment. Disciplinary Counsel is retained and employed by the Bar.

(b) Duties.

(1) Disciplinary Counsel shall review and investigate, as appropriate, allegations or instances of alleged misconduct on the part of attorneys or LPs, including grievances referred by the Client Assistance Office or the General Counsel and matters arising out of notifications from financial institutions that an instrument drawn against an attorney’s or LP’s Lawyer Trust Account has been dishonored. In the absence of a grievance or notification through these channels, Disciplinary Counsel may initiate investigation of the conduct of an attorney or LP in the absence of receipt of a grievance referred by the Client Assistance Office based upon reasonable belief that misconduct has occurred, that an attorney or LP is disabled from continuing to practice law, or that an attorney or LP has abandoned a law practice or died leaving no attorney or LP who has undertaken the responsibility of either managing or winding down the law practice.
(2) Disciplinary Counsel has authority to issue and seek the enforcement of subpoenas to compel the attendance of witnesses, including the attorney or LP being investigated, and the production of books, papers, documents, and other records pertaining to the matter under investigation. Subpoenas issued pursuant to this rule may be enforced by application to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(3) For those grievances not dismissed pursuant to BR 2.6(b), Disciplinary Counsel may, in its discretion, offer diversion pursuant to BR 2.10.

(4) Disciplinary Counsel shall provide advice and counsel to the SPRB on the disposition of all grievances neither dismissed pursuant to BR 2.6(b) nor resolved by diversion pursuant to BR 2.10.

(5) Disciplinary Counsel shall seek, as appropriate, relief provided for in BR 3.1, 3.2, 3.3, 3.4, and 3.5.

(6) Disciplinary Counsel shall prosecute formal proceedings as directed by the SPRB, including any review or other proceeding before the Supreme Court.

(7) Disciplinary Counsel shall represent the Bar in all contested reinstatement proceedings.

(8) Disciplinary Counsel shall represent the Bar before the court in all contested admission proceedings.

(Rule 2.2 amended by Order dated October 19, 2009.)  
(Former Rule 2.2 deleted; current Rule 2.2 added by Order dated May 3, 2017, effective January 1, 2018.)  
(Rule 2.2(b)(1) and (b)(2) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.3 State Professional Responsibility Board.

(a) Appointment. Members of the SPRB are nominated by the Board and appointed by the Supreme Court. The SPRB shall be composed of eight resident attorneys and two members of the public who are not attorneys. Two attorney members shall be from Board Region 5 and one attorney member shall be from each of the remaining Board regions located within the state of Oregon. The public members shall be at-large appointees. Members of the SPRB shall be appointed for terms of not more than four years and shall serve not more than four years consecutively. Members are eligible for reappointment to a nonconsecutive term not to exceed four years. Each year the Board shall nominate and the court shall appoint one attorney member of the SPRB as chairperson. In the event the chairperson is unable to carry out any responsibility given to him or her by these rules, the chairperson may designate another attorney member of the SPRB to do so.

(b) Duties of SPRB. The SPRB shall supervise the investigation of grievances, allegations, or instances of alleged misconduct on the part of attorneys and LPs and act on such matters as it may deem appropriate. A grievance from a client or other aggrieved person shall not be a prerequisite to the investigation of alleged misconduct by attorneys or LPs or the institution of disciplinary proceedings against any attorney or LP.

(c) Authority.

(1) The SPRB has the authority to dismiss grievances, allegations, or instances of alleged misconduct against attorneys or LPs; refer matters to Disciplinary Counsel for further investigation; issue admonitions for misconduct; refer attorneys or LPs to the State Lawyers Assistance Committee; direct Disciplinary Counsel to institute disciplinary proceedings against any attorney or LP; or take other action within the discretion granted to the SPRB by these rules.

(2) The SPRB has the authority to adopt rules dealing with the handling of its affairs, subject to the Board’s approval.

(d) Resignation and Replacement. The court may remove, at its discretion, or accept the resignation of, any officer or member of the SPRB and appoint a successor who shall serve the unexpired term of the member.
Rule 2.4 Disciplinary Board.

(a) Composition. The Supreme Court appoints members of the Disciplinary Board. The Disciplinary Board shall consist of the Adjudicator, 7 regional chairpersons, and 4 additional attorney members and 4 public members who are not attorneys or LPs for each Board region located within the state of Oregon, except for:

(1) Region 1 which shall have 9 additional members, Region 5 which shall have 7 additional members, and Region 7 which shall have 2 additional public members;

(2) Region 2 which shall have 2 additional attorney members and 2 public members;

(3) Region 3 which shall have 6 attorney members and 2 public members;

(4) Region 4 which shall have 16 attorney members and 4 public members;

(5) Region 5 which shall have 29 attorney members and 8 public members;

(6) Region 6 which shall have 17 attorney members and 4 public members; and

(7) Region 7 which shall have 6 attorney members and 2 public members.

(b) The regional chairpersons shall be attorneys. Each regional panel shall contain 2 members who are not attorneys, except for Region 1 which shall have appointed to it 3 members who are not attorneys, Region 5 which shall have appointed to it 8 members who are not attorneys, and Region 4 and Region 6 which shall have appointed to it 4 members who are not attorneys. The remaining attorney members of the Disciplinary Board, including the Adjudicator and the regional chairpersons, shall be resident attorneys admitted to practice in Oregon for at least 3 years. Except for the Adjudicator, members of each regional panel shall either maintain their principal office within their respective region or maintain their residence therein. The members of each region shall constitute a regional panel. Trial panels shall consist of the Adjudicator, 1 additional attorney member, and 1 public member, except as provided in BR 2.4(f)(3).

(c) Term.

(1) The Adjudicator shall serve pursuant to appointment of the court. Disciplinary Board members other than the Adjudicator shall serve terms of 3 years and may be reappointed. Regional chairpersons shall serve in that capacity for terms of 1 year, subject to reappointment by the court.

(2) Notwithstanding BR 2.4(a) and 2.4(b)(1), the powers, jurisdiction and authority of Disciplinary Board members other than the Adjudicator shall continue beyond the expiration of their appointment or after their relocation to another region for the time required to complete the cases assigned to them during their term of appointment or prior to their relocation, and until a replacement appointment has been made by the court. The regional chairpersons shall serve until a replacement appointment has been made by the court.
(d) Resignation and Replacement. The court may remove, at its discretion, or accept the resignation of, any member of the Disciplinary Board and appoint a successor. Any person so appointed to serve in a position that has time remaining in the unexpired term shall serve the time remaining in the unexpired term of the member who is replaced.

(e) Conduct

Disqualifications and Suspension of Service.

1. The Disciplinary Board members are subject to the Disciplinary Board Code of Conduct, including the rules for disqualifications contained in the Code of Judicial Conduct as it applies to members of the Disciplinary Board Code of Conduct.

2. The following individuals shall not serve on the Disciplinary Board:

(A) A member of the Board or the SPRB shall not serve on the Disciplinary Board during the member’s term of office. This disqualification also precludes an attorney or public member from serving on the Disciplinary Board while any member of his or her firm is serving on the Board or the SPRB.

(B) No member of the Disciplinary Board shall sit on a trial panel with regard to a subject matter considered by the Board or the SPRB while he or she was a member thereof or with regard to subject matter considered by any member of his or her firm while a member of the Board or the SPRB.

3. A member of the Disciplinary Board against whom charges of misconduct have been approved for filing by the SPRB is suspended from service on the Disciplinary Board until those charges have been resolved by final decision or order. If a Disciplinary Board member is suspended from the practice of law as a result of a final decision or order in a disciplinary proceeding, the member may not resume service on the Disciplinary Board until the member is once again authorized to practice law. For the purposes of this rule, charges of misconduct include authorization by the SPRB to file a formal complaint pursuant to BR 4.1, the determination by the SPRB to admonish an attorney pursuant to BR 2.6(c)(1)(B) or BR 2.6(d)(1)(B) which admonition is thereafter refused by the attorney, Disciplinary Counsel’s notification to the court of a criminal conviction pursuant to BR 3.4(a), and Disciplinary Counsel’s notification to the court of an attorney’s discipline in another jurisdiction pursuant to BR 3.5(a).

(f) Duties of Adjudicator.

1. The Adjudicator shall coordinate and supervise the activities of the Disciplinary Board.

2. Unless disqualified after a challenge for cause pursuant to BR 2.4(g), the Adjudicator shall serve as trial panel chairperson for each trial panel adjudicating a formal proceeding, a contested reinstatement proceeding, or a proceeding brought pursuant to BR 3.5; and shall preside in every proceeding brought pursuant to BR 3.1 or 3.4. Upon the stipulation of the Bar and a respondent or applicant, the Adjudicator shall serve as the sole adjudicator in a disciplinary proceeding, a contested reinstatement proceeding, or a proceeding brought pursuant to BR 3.5 and shall have the same duties and authority under these rules as a three-member trial panel. In the event the Adjudicator is disqualified or otherwise unavailable to serve as trial panel chairperson, the regional chairperson shall appoint another attorney member of the Disciplinary Board to serve on the trial panel, with all the duties and responsibilities as to that proceeding from the date of appointment forward.

3. The Adjudicator shall rule on all motions for default filed pursuant to BR 5.8.

4. The Adjudicator shall determine the timeliness of both peremptory challenges and challenges for cause, including challenges for cause as to the Adjudicator, and, as appropriate, grant or deny peremptory challenges and resolve all challenges for cause to the qualifications of all trial panel members other than the Adjudicator appointed pursuant to BR 2.4(e)(2), BR 2.4(e)(9), and BR 2.4(f).

5. Upon receipt of written notice from the Disciplinary Board Clerk of a Supreme Court referral pursuant to BR 8.8, the Adjudicator shall appoint an attorney member and a public member from an appropriate region to serve on the trial panel with the Adjudicator. The Adjudicator shall give written notice to the court of any attorney’s discipline in another jurisdiction pursuant to BR 3.4(a), and Disciplinary Counsel’s notification to the court of an attorney’s discipline in another jurisdiction pursuant to BR 3.5(a).
Disciplinary Counsel, Bar Counsel, and the applicant of such appointments and a copy of the notice shall be filed with the Disciplinary Board Clerk.

(6) The Adjudicator shall appoint an attorney member of the Disciplinary Board to conduct prehearing conferences as provided in BR 4.6.

(7) The Adjudicator may appoint Disciplinary Board members from any region to conduct prehearing conferences pursuant to BR 4.6, to participate with the Adjudicator in a show cause hearing pursuant to BR 6.2(d), to serve on trial panels to resolve matters submitted to the Disciplinary Board for consideration by the court, or when an insufficient number of members is available within a region for a particular proceeding.

(8) Upon receiving notice from the Disciplinary Board Clerk of a regional chairperson’s appointment of an attorney member and a public member pursuant to BR 2.4(f)(1), and upon determining that either no timely challenge pursuant to BR 2.4(g) was filed or that a timely-filed challenge pursuant to BR 2.4(g) has either been denied or resulted in the appointment of a substitute member or members, the Adjudicator shall promptly establish the date and time of hearing pursuant to BR 5.4 and notify, in writing, the Disciplinary Board Clerk and the parties of the date and place of hearing. The Disciplinary Board Clerk shall provide to the trial panel members a copy of the formal complaint or statement of objections and, if one has been filed, the answer of the respondent or applicant.

(9) The Adjudicator shall rule on all questions of procedure and discovery, including such questions that may arise prior to the filing of a formal complaint, except as specifically provided elsewhere in these rules. The Adjudicator may convene the parties or their counsel before the hearing, to discuss the parties’ respective estimates of time necessary to present evidence, the availability and scheduling of witnesses, the preparation of trial exhibits, and other issues that may facilitate an efficient hearing. The Adjudicator may thereafter issue an order regarding agreements or rulings made at such prehearing meeting.
(10) The Adjudicator shall convene the trial panel hearing, oversee the orderly conduct of the same and timely file with the Disciplinary Board Clerk the written opinion of the trial panel. In all trial panels in which the Adjudicator is a member of the majority, the Adjudicator shall author the trial panel opinion. In the event the Adjudicator is not a member of the majority, the attorney member of the panel shall author and timely file the trial panel opinion.

(11) In matters involving final decisions of the Disciplinary Board under BR 10.1, the Adjudicator shall review statements of costs and disbursements and objections thereto and shall fix the amount of actual and necessary costs and disbursements to be recovered by the prevailing party.

(12) The Adjudicator shall preside in all matters involving the filing of a petition for suspension pursuant to BR 7.1.

(13) Upon appointment by the court, the Adjudicator shall perform the duties of the court set forth in BR 3.2.

(14) In the event of the Adjudicator’s unavailability to perform the functions set forth above, and upon written request made by General Counsel, the regional chairperson shall exercise the duties and responsibilities of the Adjudicator during the Adjudicator’s unavailability. The regional chairperson’s authority under this subsection shall cease upon order of the Adjudicator or the court. Unavailability for the purposes of this rule means the Adjudicator has taken a planned leave of more than fourteen (14) days, or is unavailable because of death or then existing physical or mental illness or infirmity.

(15) Notwithstanding requirements for in-person proceedings contained in BR 3.1, 3.2, 3.4, 3.5, 5.3, and 8.8, the Adjudicator may order that any disciplinary hearings or proceedings take place by videoconference, or such other means that allow for remote participation of all parties, if the Adjudicator determines remote participation is necessary to comply with local, state, or national public health orders or recommendations. Such hearings or proceedings may also take place by remote participation by agreement of the parties with the approval of the Adjudicator.

### Duties of Regional Chairperson.

(1) Upon receipt of written notice from Disciplinary Counsel pursuant to BR 4.1(f) or written notice from the Adjudicator pursuant to BR 3.5(g) or 5.8(a), the regional chairperson shall appoint an attorney member and a public member to serve with the Adjudicator on the trial panel from the members of the regional panel. The regional chairperson shall give written notice to Disciplinary Counsel, Bar Counsel, and the respondent of such appointments, and a copy of the notice shall be filed with the Disciplinary Board Clerk, The regional chairperson shall appoint a replacement member, giving written notice of such appointment as is given of initial appointments.

(2) The regional chairperson shall rule on all timely challenges for cause to the Adjudicator or to any attorney appointed to the role of Adjudicator pursuant to this paragraph brought pursuant to BR 2.4(g). In the event the Adjudicator is disqualified for cause or is otherwise unavailable to chair a trial panel, the regional chairperson shall appoint an attorney member from within the region to serve in place of the Adjudicator who has all the duties and responsibilities of the Adjudicator in that proceeding. In the event no attorney member from within the region is available to serve in place of the Adjudicator, the regional chairperson shall notify the Disciplinary Board Clerk, who will ask another regional chairperson to appoint an attorney member pursuant to the authority granted the Adjudicator in BR 2.4(e)(9). The attorney member so appointed shall have all the duties and responsibilities of the Adjudicator in that proceeding.

(3) The regional chairperson may serve on trial panels during his or her term of office.

(4) Upon written request from the General Counsel pursuant to BR 2.4(e)(14), the regional chairperson shall exercise the duties and responsibilities of the Adjudicator until such authority is
terminated by order of the Adjudicator or the court.
Disciplinary

The ruling on any challenge for cause must be in writing. The written ruling shall identify specific findings of fact unless requested by the Adjudicator.

The opposing party and the challenged panel member may file a response to the challenge within 10 days of receipt of the challenge from the Disciplinary Board Clerk. No further written submissions are allowed unless requested by the Adjudicator or the regional chair.

The ruling on any challenge for cause must be in writing. The written ruling shall identify specific findings of fact and conclusions of law if the challenge is allowed. The written ruling on a challenge shall be made by filing with the Disciplinary Board Clerk, who shall send copies of the ruling to all parties. The Bar and respondent or applicant may waive a disqualification of a member in the same manner as in the case of a judge under the Code of Judicial Conduct.

Duties of Trial Panel.

(1) Trial. The trial panel to which a disciplinary or contested reinstatement proceeding has been referred has a duty to promptly try the issues.

(2) (A) Opinions. The trial panel shall issue a written opinion identifying the concurring members of the trial panel. A dissenting member shall be identified and may file a dissenting opinion attached to the majority opinion. The majority opinion shall include specific findings of fact, conclusions of law, and a disposition. In any matter in which the Adjudicator is not a member of the majority, the other attorney member shall author the trial panel opinion. The author of any opinion shall file the original opinion with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies to the parties. The opinion shall be filed within 28 days after the conclusion of the hearing, the settlement of the transcript if required under BR 5.3(e), or the filing of briefs if requested by the Adjudicator pursuant to BR 4.8, whichever is later.

(B) Extensions of Time to File Opinions. If the trial panel requires additional time to issue its opinion, the Adjudicator may so notify the parties, indicating the anticipated date by which an opinion shall be issued, not to exceed 90 days after the date originally due. If no opinion has been issued within 90 days after the date originally due, either party may file a motion with the Disciplinary Board, seeking issuance of an opinion. Upon the filing of such a motion, the Adjudicator shall enter an order establishing a date by which the opinion shall be issued, not to exceed 120 days after the date it was originally due. If no opinion has been issued by 120 days after the date originally due, either party may petition the court to enter an order compelling the Disciplinary Board to issue an opinion by a date certain.

(3) Record. The trial panel shall keep a record of all proceedings before it, including a transcript of the proceedings and exhibits offered and received, and shall promptly file the record with the Disciplinary Board Clerk, after the hearing concludes.
(4) Notice. The Disciplinary Board Clerk shall promptly notify the parties of receipt of the trial panel opinion.

Publications.

(1) Disciplinary Counsel shall cause to be prepared, on a periodic basis, a reporter service containing the full text of all Disciplinary Board decisions not reviewed by the court.

(2) Disciplinary Counsel shall have printed in the Bar Bulletin, on a periodic basis, summaries of the court’s disciplinary proceeding, contested admission, and contested reinstatement decisions, and summaries of all Disciplinary Board decisions not reviewed by the court.
Rule 2.5 Intake and Review of Inquiries and Complaints by Client Assistance/Intake Office.

(a) Client Assistance/Intake Office. The Bar shall maintain a Client Assistance/Intake Office, separate from that of Disciplinary Counsel. The Client Assistance/Intake Office shall, to the extent possible and resources permitting, receive, review, and respond to all inquiries forwarded to it by the public concerning the conduct of attorneys and LPs, and may refer inquirers to other resources. The Client Assistance Office will consider inquiries submitted in person, by telephone or by e-mail, but may require the complainant to submit the matter in writing before taking any action. The Client Assistance Office will determine the manner and extent of review required for the appropriate disposition of any inquiry, and may refer inquiries to other resources as it deems appropriate.

(b) Disposition by Client Assistance/Intake Office.

(1) If the Client Assistance/Intake Office determines that, even if true, an inquiry does not allege misconduct, it shall dismiss the inquiry with written notice to the complainant and to the attorney or LP named in the inquiry.

(2) If the Client Assistance/Intake Office determines, after reviewing the inquiry and any other information deemed relevant, that there is sufficient evidence to support a reasonable belief that misconduct may have occurred, the inquiry shall be referred to Disciplinary Counsel as a grievance. Otherwise, the inquiry shall be dismissed with written notice to the complainant and the attorney or LP.
(3) The Client Assistance Intake Office may, at the request of the complainant as it deems appropriate, contact the involved attorney or LP and attempt to assist the parties in resolving the complainant’s concerns, but the upon receipt of an inquiry. The provision of such assistance does not preclude a referral of a grievance to Disciplinary Counsel of any matter brought to the attention of the Client Assistance Office.

(c) Review by General Counsel. Any inquiry dismissed by the Client Assistance Office may be reviewed by General Counsel upon written request of the complainant. General Counsel may request additional information from the complainant or the attorney or LP and, after review, shall either affirm the Client Assistance Office dismissal or refer the inquiry to Disciplinary Counsel as a grievance. General Counsel may affirm the dismissal by adopting the reasoning of the Client Assistance Intake Office without additional discussion. The decision of General Counsel is final.

Rule 2.6 Investigations

(a) Review of Grievance by Disciplinary Counsel.

(1) For grievances referred to Disciplinary Counsel by the Client Assistance Intake Office pursuant to BR 2.5(a)(2), Disciplinary Counsel shall, within fourteen (14) days after receipt of the grievance, mail a copy of the grievance to the attorney or LP, if the Client Assistance Intake Office has not already done so, and notify the attorney or LP that he or she must respond to the grievance in writing to Disciplinary Counsel within 21 days of the date Disciplinary Counsel requests such a response. Disciplinary Counsel may grant an extension of time to respond for good cause shown upon the written request of the attorney or LP. An attorney or LP need not respond to the grievance if he or she provided a response to the Client Assistance Office and is notified by Disciplinary Counsel that further information from the attorney or LP is not necessary.

(2) If the attorney or LP fails to respond to Disciplinary Counsel or to provide records requested by Disciplinary Counsel within the time allowed, Disciplinary Counsel may file a petition with the Disciplinary Board to suspend the attorney or LP from the practice of law, pursuant to the procedure set forth in BR 7.1. Notwithstanding the filing of a petition under this rule, Disciplinary Counsel may investigate the grievance.

(3) Disciplinary Counsel may, if appropriate, offer to enter into a diversion agreement with the attorney or LP pursuant to BR 2.10. If Disciplinary Counsel chooses not to offer a diversion agreement to the attorney or LP pursuant to BR 2.10 and does not dismiss the grievance pursuant to BR 2.6(b), Disciplinary Counsel shall refer the grievance to the SPRB at a scheduled meeting.

(b) Dismissal of Grievance by Disciplinary Counsel. If, after considering a grievance, the response of the attorney or LP, and any additional information deemed relevant, Disciplinary Counsel determines that probable cause does not exist to believe misconduct has occurred, Disciplinary Counsel shall dismiss the grievance. Disciplinary Counsel shall notify the complainant and the attorney or LP of the dismissal in writing. A complainant may contest in writing the action taken by Disciplinary Counsel in dismissing his or her grievance, in which case Disciplinary Counsel shall submit a report on the grievance to the SPRB at a scheduled meeting. The SPRB shall thereafter take such action as it deems appropriate.
(c) Review of Grievance by SPRB.
OSB Rules of Procedure [Revised 9/1/2023]

(1) The SPRB shall evaluate a grievance based on the report of Disciplinary Counsel to determine whether probable cause exists to believe misconduct has occurred. The SPRB shall either dismiss the grievance, admonish the attorney or LP, direct Disciplinary Counsel to file a formal complaint by the Bar against the attorney or LP, or take action within the discretion granted to the SPRB by these rules.

(A) If the SPRB determines that probable cause does not exist to believe misconduct has occurred, the SPRB shall dismiss the grievance and Disciplinary Counsel shall notify the complainant and the attorney or LP of the dismissal in writing.

(B) If the SPRB determines that the attorney or LP should be admonished, Disciplinary Counsel shall so notify the attorney or LP within fourteen (14) days of the SPRB’s meeting. If an attorney or LP refuses to accept the admonition within the time specified by Disciplinary Counsel, Disciplinary Counsel shall file a formal complaint against the attorney or LP on behalf of the bar. Disciplinary Counsel shall notify the complainant in writing of the admonition of the attorney or LP.

(C) If the SPRB determines that the complaint should be investigated further, Disciplinary Counsel shall conduct the investigation and notify the complainant and the attorney or LP in writing of such action.

(d) Reconsideration; Discretion to Rescind.

(1) An SPRB decision to dismiss a grievance or allegation of misconduct against an attorney or LP shall not preclude reconsideration or further proceedings on such grievance or allegation, if evidence that is not available or submitted at the time of such dismissal justifies, in the judgment of not less than a majority of SPRB, such reconsideration or further proceedings.

(2) The SPRB may rescind a decision to file a formal complaint against an attorney or LP only when, to the satisfaction of a majority of the entire SPRB, good cause exists. Good cause is:

(A) new evidence that would have clearly affected the SPRB’s decision to file a formal complaint; or

(B) legal authority, not known to the SPRB at the time of its last consideration of the matter, that establishes that the SPRB’s decision to file a formal complaint was incorrect.

(e) Approval of Filing of Formal Complaint.

(1) If the SPRB determines that a formal complaint should be filed against an attorney or LP, or if an attorney or LP rejects an admonition offered by the SPRB, Disciplinary Counsel may appoint Bar Counsel. Disciplinary Counsel shall notify the attorney or LP and the complainant in writing of such action.

(2) Notwithstanding an SPRB determination that probable cause exists to believe misconduct has occurred, the SPRB shall have the discretion to direct that the Bar take no further action on a grievance or allegation of misconduct if one or more of the following circumstances exist:

(A) the attorney or LP is no longer an active member of the Bar or is not engaged in the practice of law, and is required under BR 8.1 to demonstrate good moral character and general fitness to practice law before resuming active membership status or the practice of law in Oregon;

(B) other disciplinary proceedings are pending that are likely to result in the attorney’s or LP’s disbarment;

(C) other disciplinary charges are authorized or pending and the anticipated sanction, should the Bar prevail on those charges, is not likely to be affected by a finding of misconduct in the new matter or on an additional charge; or

(D) formal disciplinary proceedings are impractical in light of the circumstances or the likely outcome of the proceedings.
An exercise of discretion under this rule to take no further action on a grievance or allegation of misconduct shall not preclude further SPRB consideration or proceedings on such grievance or allegation in the future.

(3) Notwithstanding an SPRB determination that probable cause exists to believe misconduct has occurred, the SPRB shall have the discretion to dismiss a grievance or allegation of misconduct if the SPRB, considering the facts and circumstances as a whole, determines that dismissal would further the interests of justice and would not be harmful to the interests of clients or the public. Factors the SPRB may take into account in exercising that discretion include, but are not limited to:

(A) the attorney’s or LP’s mental state;
(B) whether the misconduct is an isolated event or part of a pattern of misconduct;
(C) the potential or actual injury caused by the attorney’s or LP’s misconduct;
(D) whether the attorney or LP fully cooperated in the investigation of the misconduct; and
(E) whether the attorney or LP previously was admonished or disciplined for misconduct.

Misconduct that adversely reflects on the attorney’s or LP’s honesty, trustworthiness, or fitness to practice law shall not be subject to dismissal under this rule.

Rule 2.6

Investigation of Inquiries Involving Disciplinary Counsel, General Counsel, or other Bar agents. Inquiries that allege misconduct concerning Disciplinary Counsel or General Counsel of the Bar, or agents thereof; or that Bar Counsel has engaged in misconduct while acting on the Bar’s behalf, shall be referred to the chairperson of the SPRB within seven days of their receipt by the Bar.

(1) If the SPRB chairperson determines that probable cause does not exist to believe misconduct has occurred, the SPRB chairperson shall dismiss the inquiry and notify the parties of the dismissal in writing. A complainant may contest the dismissal in writing, in which case the matter shall be submitted to the SPRB at a scheduled meeting. The SPRB shall thereafter take such action as it deems appropriate.

(2) If the SPRB chairperson determines the inquiry should be investigated, the SPRB chairperson may appoint an investigator of its or his or her choice to investigate the matter and to report on the matter directly to the SPRB. The same procedure shall, as far as practicable, apply to the investigation of such grievances as apply to members of the Bar generally.

Rule 2.7

Investigations Of Alleged Misconduct Other Than By Inquiry.

Allegations or instances of alleged misconduct that are brought to or come to the attention of the Bar other than through the receipt of a written inquiry shall be evaluated using the procedure specified in BR 2.6 except as that rule may be inapplicable due to the lack of a written grievance or a complainant with whom to communicate.

Current versions of this document are maintained on the OSB website: www.osbar.org
(Rule amended and renumbered by Order dated July 9, 2003, effective August 1, 2003.)
Rule 2.8 Proceedings Not Toto Stop On Compromise.

Neither unwillingness nor neglect of the complainant to pursue a grievance or to participate as a witness, nor settlement, compromise or restitution of any civil claim, shall, in and of itself, justify any failure to undertake or complete the investigation or the formal resolution of a disciplinary or contested reinstatement matter or proceeding.

(Rule 2.7 amended by Order dated May 3, 2017, effective January 1, 2018.)

(Rule renumbered by Order dated July 9, 2003, effective August 1, 2003.)

(Rule 2.8 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 2.9 Requests For Information And Assistance.

The Bar may request a complainant or applicant to supply and disclose to the investigating authorities of the Bar all documentary and other evidence in his or her possession, and the names and addresses of witnesses relating to his or her inquiry, and may otherwise request the complainant to assist such investigating authorities in obtaining evidence in support of the facts surrounding his or her inquiry.

(Rule renumbered by Order dated July 9, 2003, effective August 1, 2003.)

(Rule 2.9 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 2.10 Diversion.

(a) Diversion Offered by Disciplinary Counsel. As an alternative to seeking authority from the SPRB to offer an attorney or LP an admonition or to file a formal complaint, Disciplinary Counsel may offer to the attorney or LP to divert a grievance on the condition that the attorney or LP enter into a diversion agreement in which the attorney or LP agrees to participate in a remedial program as set forth in the agreement. An attorney or LP does not have a right to have a grievance diverted under this rule.

(b) Diversion Eligibility. Disciplinary Counsel may consider diversion of a grievance if:

(1) The misconduct does not involve the misappropriation of funds or property; fraud, dishonesty, deceit or misrepresentation; or the commission of a misdemeanor involving moral turpitude or a felony under Oregon law;

(2) The misconduct appears to be the result of inadequate law office management, chemical dependency, a physical or mental health condition, negligence, or a lack of training, education or other similar circumstance; and

(3) There appears to be a reasonable likelihood that the successful completion of a remedial program will prevent the recurrence of conduct by the attorney or LP similar to that under consideration for diversion.

(c) Offer of Diversion.

(1) If, after investigation, Disciplinary Counsel determines that an attorney or LP may have committed misconduct and that the matter is appropriate for diversion under this rule, Disciplinary Counsel may offer a diversion agreement to the attorney or LP. The attorney or LP has 30 days from the date diversion is offered to accept and enter into the diversion agreement. Disciplinary Counsel may grant an extension of time to the attorney or LP for good cause shown.

(2) An attorney or LP may decline to enter into a diversion agreement, in which case Disciplinary Counsel shall refer the grievance to the SPRB for review pursuant to Rule 2.6.

(d) Diversion Agreement.
(1) A diversion agreement shall require the attorney or LP to participate in a specified remedial program to address the apparent cause of the misconduct. Such a remedial program may include, but is not limited to: appointment of a diversion supervisor; assistance or training in law office management; chemical dependency treatment; counseling or peer support meetings; oversight by an experienced practicing attorney; voluntary limitation of areas of practice for the period of the diversion agreement; restitution; or a prescribed course of continuing legal education. The attorney or LP shall pay the costs of a remedial program.

(2) A diversion agreement shall require the attorney or LP to stipulate to a set of facts concerning the complaint or allegation of misconduct being diverted and to agree that, in the event the attorney or LP fails to comply with the terms of the diversion agreement, the stipulated facts shall be deemed true in any subsequent disciplinary proceeding.

(3) A diversion agreement may be amended at any time by agreement between Disciplinary Counsel and the attorney or LP. Disciplinary Counsel is not obligated to amend a diversion agreement to incorporate additional complaints or allegations of misconduct made against the attorney or LP subsequent to the date of the original agreement.

(4) The term of a diversion agreement shall be no more than 24 months following the date of the last amendment to the agreement.

(5) In a diversion agreement, the attorney or LP shall agree that a diversion supervisor, treatment provider or any other person to whom the attorney or LP has been referred pursuant to the remedial program specified in the agreement shall report to Disciplinary Counsel any failure by the attorney or LP to comply with the terms of the agreement.

(6) If a diversion agreement is entered into between Disciplinary Counsel and the attorney or LP, Disciplinary Counsel shall so notify the complainant in writing.

(e) Compliance and Disposition.

(1) If it appears to Disciplinary Counsel that an attorney or LP has failed to comply with the terms of a diversion agreement and Disciplinary Counsel determines that the allegation of noncompliance, if true, warrants the termination of the diversion agreement, Disciplinary Counsel shall provide the attorney or LP an opportunity to be heard, through written submission, concerning the alleged noncompliance. Thereafter, Disciplinary Counsel shall determine whether to terminate the diversion agreement and, if so, shall refer the matter to the SPRB for review pursuant to BR 2.6.

(2) If an attorney or LP fulfills the terms of a diversion agreement, Disciplinary Counsel thereafter shall dismiss the grievance with written notice to the complainant and the attorney or LP. The dismissal of a grievance after diversion shall not be considered a prior disciplinary offense in any subsequent proceeding against the attorney or LP.

(f) Public Records Status. The Bar shall treat records relating to a grievance diverted under this rule, a diversion agreement, or a remedial program as official records of the Bar, subject to the Oregon Public Records Law and also subject to any applicable exemption.

(Rule 2.10 added by Order dated July 9, 2003, effective August 1, 2003.)
(Rule 2.10(b), 2.10(c)(1), 2.10(d)(1), 2.10(d)(2), 2.10(d)(3), 2.10(d)(6), 2.10(e)(1), 2.10(e)(2), and 2.10(f) amended by Order dated October 19, 2009.)
(Rule 2.10(a), 2.10(b), 2.10(c)(1), 2.10(c)(2), 2.10(d)(1), 2.10(d)(2), 2.10(d)(3), 2.10(d)(6), 2.10(e)(1), 2.10(e)(2), and 2.10(f) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.10(a) and (d) amended by Order dated August 17, 2022, effective July 1, 2023.)
Title 3 — Special Proceedings

Rule 3.1 Interlocutory/Interim Suspension During Pendency of Disciplinary Proceedings.

(a) Petition for interlocutory/interim Suspension. At any time after Disciplinary Counsel has determined probable cause exists that an attorney or LP has engaged in misconduct, has evidence sufficient to establish a probable violation of one or more rules of professional conduct or the Bar Act, and reasonably believes that clients or others will suffer immediate and irreparable harm by the continued practice of law by the attorney or LP, Disciplinary Counsel shall petition the Adjudicator for an order for interlocutory/interim suspension of the attorney’s or LP’s license to practice law pending the outcome of the disciplinary proceeding.

(b) Contents of Petition; Notice to Answer; Service. A petition for the suspension of an attorney or LP under this rule shall set forth the acts and violations of the rules of professional conduct or statutes submitted by the Bar, together with an explanation of why interlocutory/interim suspension is warranted under BR 3.1(a). If a formal complaint has been filed against the attorney or LP, a copy shall be attached. The petition may be supported by documents or affidavits. The notice to answer shall provide that an answer to the petition must be filed with the Disciplinary Board Clerk within fourteen (14) days of service and that, absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought can be obtained. Disciplinary Counsel shall file the petition with the Disciplinary Board Clerk and shall serve a copy, along with the notice of answer, on the attorney or LP pursuant to BR 1.8.

(c) Answer by Attorney or LP. The attorney or LP shall file an answer to the Bar’s petition with the Disciplinary Board Clerk within fourteen (14) days of service. The attorney or LP shall mail a copy of the answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(d) Default; Entry of Order. The failure of the attorney or LP to answer the Bar’s petition within the time provided in BR 3.1(c) constitutes a waiver of the attorney’s or LP’s right to contest the Bar’s petition, and all factual allegations contained in the petition shall be deemed true. Not earlier than fourteen (14) days after service of the petition and in the absence of an answer filed by the attorney or LP named in the petition, the Adjudicator shall review the sufficiency of the petition. If the petition establishes a probable violation of one or more rules of professional conduct or the Bar Act, and a reasonable belief that clients or others will suffer immediate or irreparable harm by the continued practice of law by the attorney or LP, the Adjudicator shall enter an appropriate interlocutory/interim order suspending the attorney’s or LP’s license to practice law until further order of the Adjudicator or the Supreme Court. The Disciplinary Board Clerk shall send copies of the order to the parties.

(e) Answer filed; Setting hearing on interlocutory/interim suspension. Upon the timely filing of the attorney’s or LP’s answer pursuant to BR 3.1(c), the Adjudicator shall hold a hearing on the Bar’s petition not less than 30 days nor more than 60 days after the date the answer is filed. The Disciplinary Board Clerk shall promptly notify Disciplinary Counsel and the attorney or LP named in the petition of the date, time, and location of the hearing. The hearing shall take place consistently with BR 5.3(a), (b), (c), and (d). At the hearing, the Bar must prove by clear and convincing evidence that one or more rules of professional conduct or provision of the Bar Act has been violated by the attorney or LP named in the petition and that clients or others will suffer immediate or irreparable harm by the continued practice of law by the attorney or LP. Proof that clients or others will suffer immediate or irreparable harm by the continued practice of law by the attorney or LP may include, but is not limited to, establishing within the preceding 12-month period:

1. theft or knowing conversion of funds held by the attorney or LP in any fiduciary capacity, including but not limited to funds that should have been maintained in a lawyer or LP trust account;

2. three or more instances of failure to appear in court on behalf of a client notwithstanding having notice of the setting; or

3. abandoning a practice with no provision of new location or contact information to three (3) or more clients.

Current versions of this document are maintained on the OSB website: www.osbar.org
If the attorney or LP, having been notified of the date, time, and location of the hearing, fails to appear, the Adjudicator may enter an order finding the attorney or LP in default, deeming the allegations contained in the petition to be true, proceed on the basis of that default consistent with BR 3.1(d), and enter an appropriate order. The Disciplinary Board Clerk shall send copies of the order to the parties.

(f) Order of Adjudicator; Suspension; Restrictions on Trust Account; Notice to Clients; Custodian; Other Orders. The Adjudicator, upon the record pursuant to BR 3.1(d) or after the hearing provided in 3.1(e), shall enter an appropriate order. If the Adjudicator grants the Bar’s petition and interlocutorily suspends or LP’s license to practice law, the order of suspension shall state an effective date. The suspension shall remain in effect until further order of the Adjudicator or the court. The Adjudicator may enter such other orders as appropriate to protect the interests of the suspended attorney or LP, the suspended attorney’s or LP’s clients, and the public, including, but not limited to:

(1) an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney’s or LP’s trust account or accounts except in accordance with restrictions set forth in the Adjudicator’s order.

(2) an order directing the attorney or LP to notify current clients and any affected courts of the attorney’s or LP’s suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.

(3) an order appointing another attorney or LP as custodian to take possession of and inventory the files of the suspended attorney or LP and take such further action as necessary to protect the interests of the suspended attorney’s or LP’s clients. Any attorney or LP so appointed by the court shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator.

The Disciplinary Board Clerk shall send copies of the order to the parties.

(g) Costs and Expenses. The Adjudicator may direct that the costs and expenses associated with any proceeding under this rule be allowed to the prevailing party. The procedure for the recovery of such costs shall be governed by BR 10.7 as practicable.

(h) Duties of Attorney or LP. An attorney or LP suspended from practice under this rule shall comply with the requirements of BR 6.3(a) and (b). An attorney or LP whose suspension under this rule exceeds 6 months must comply with BR 8.1 to be reinstated. An attorney or LP whose suspension under this rule is 6 months or less must comply with BR 8.2 in order to be reinstated.

(i) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.1.

(j) Accelerated Proceedings Following Interlocutory/Interim Suspension. When an attorney or LP has been interlocutorily or interim suspended by order entered pursuant to BR 3.1(f), the related formal complaint filed by the Bar shall thereafter proceed and be determined as an accelerated case, without unnecessary delay. If no formal complaint has been filed against the attorney subject to suspension under this Rule, notwithstanding the provisions of this Rule, the interim suspension shall expire 45 days after date of entry. The Suspension; Restrictions on Trust Account; Notice to Clients; Custodian; Other Orders. The Adjudicator, upon the record pursuant to BR 3.1(d) or after the hearing provided in 3.1(e), shall enter an appropriate order. If the Adjudicator grants the Bar’s petition and interlocutorily suspends an attorney’s or LP’s license to practice law, the order of suspension shall state an effective date. The suspension shall remain in effect until further order of the Adjudicator or the court. The Adjudicator may enter such other orders as appropriate to protect the interests of the suspended attorney or LP, the suspended attorney’s or LP’s clients, and the public, including, but not limited to:

(1) an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney’s or LP’s trust account or accounts except in accordance with restrictions set forth in the Adjudicator’s order.

(2) an order directing the attorney or LP to notify current clients and any affected courts of the attorney’s or LP’s suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.

(3) an order appointing another attorney or LP as custodian to take possession of and inventory the files of the suspended attorney or LP and take such further action as necessary to protect the interests of the suspended attorney’s or LP’s clients. Any attorney or LP so appointed by the court shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator.

The Disciplinary Board Clerk shall send copies of the order to the parties.

(g) Costs and Expenses. The Adjudicator may direct that the costs and expenses associated with any proceeding under this rule be allowed to the prevailing party. The procedure for the recovery of such costs shall be governed by BR 10.7 as practicable.

(h) Duties of Attorney or LP. An attorney or LP suspended from practice under this rule shall comply with the requirements of BR 6.3(a) and (b). An attorney or LP whose suspension under this rule exceeds 6 months must comply with BR 8.1 to be reinstated. An attorney or LP whose suspension under this rule is 6 months or less must comply with BR 8.2 in order to be reinstated.

(i) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.1.

(j) Accelerated Proceedings Following Interlocutory/Interim Suspension. When an attorney or LP has been interlocutorily or interim suspended by order entered pursuant to BR 3.1(f), the related formal complaint filed by the Bar shall thereafter proceed and be determined as an accelerated case, without unnecessary delay. If no formal complaint has been filed against the attorney subject to suspension under this Rule, notwithstanding the provisions of this Rule, the interim suspension shall expire 45 days after date of entry. If a formal complaint against the attorney or LP for one or more acts described in the petition as a basis for seeking the interlocutory petition is not approved by stipulation of the Bar or an attorney or LP, and approved by the Adjudicator, the further order contemplated by BR 3.1(f) shall be entered not later than 270 days following the entry of the order of interlocutory suspension, subject to continuance for an additional period not to exceed 90 days upon motion filed by of the filing of the Bar served upon the attorney’s answer to the attorney or LP, and granted by the Adjudicator. Current versions of this document are maintained on the OSB website: www.osbar.org
(k) Supreme Court Review. No later than fourteen [14] days after the entry of an order pursuant to BR 3.1(f), Disciplinary Counsel or the attorney or LP who is the subject of an order entered pursuant to BR 3.1(f) may request the Supreme Court to review the Adjudicator’s order, including conducting a de novo review on the record, on an expedited basis. Unless otherwise ordered by the court, an __interlocutory__ order of suspension, if entered, shall remain in effect until the court issues its decision.

(i) Termination of Interlocutory Suspension. In the event the further order of the court contemplated by BR 3.1(f) is not entered within the time provided by BR 3.1(j), the order of interlocutory suspension shall automatically terminate without prejudice to any pending or further disciplinary proceeding against the attorney or LP.

(i) Termination of Interim Suspension. An order for interim suspension will only terminate upon further order of the Adjudicator or the Supreme Court, or upon the final disposition of the Bar’s charges in the formal complaint as determined by the Disciplinary Board or the Supreme Court, if the Bar or the attorney appeals the Disciplinary Board’s decision as provided in BR 10.2. For purposes of this rule, “final disposition” means the date upon which the time to appeal the Disciplinary Board’s decision has expired, or, in the case of an appeal, the effective date of the Supreme Court’s decision.

(Rule 3.1(h) amended by letter dated December 10, 1987.)
(Rule 3.1 amended by Order dated February 23, 1988.)
(Rule 3.1(f) amended by Order dated March 13, 1989, effective April 1, 1989, corrected June 1, 1989.)
(Rule 3.1(g) and (j) amended by Order dated May 15, 1995.)
(Rule 3.1(g)(3) added and 3.1(h)–3.1(j) amended by Order dated October 19, 2009.)
(Fomer Rule 3.1(e)(2), 3.1(f), 3.1(g) and 3.1(g)(2) deleted; former Rule 3.1(c), 3.1(e), 3.1(g)(2), 3.1(g)(2), 3.1(h), 3.1(i), and 3.1(j) redesignated 3.1(e), 3.1(f), 3.1(f)(1), 3.1(f)(3), 3.1(g), 3.1(j), and 3.1(l); Rule 3.1(c), 3.1(d), 3.1(e)(3), 3.1(e)(3), and 3.1(l); Rule 3.1(c), 3.1(d), 3.1(e)(1), 3.1(e)(2), 3.1(e)(3), 3.1(f)(2), 3.1(h), 3.1(l), and 3.1(k) added; and Rule 3.1(a), 3.1(b), 3.1(e), 3.1(f), 3.1(f)(1), 3.1(f)(3), 3.1(g), 3.1(i), and 3.1(l) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.1(e) through (j) and (k) through (l) added and (e) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.2 Mental Incompetency or Addict

Involuntary Transfer to Inactive Membership Status.

(a) Summary Transfer to Inactive Status.

(1) The Supreme Court may summarily order, upon ex parte application by the Bar, that an attorney or LP be placed on inactive membership status until reinstated by the court if the attorney or LP has been adjudged by a court of competent jurisdiction to be mentally ill or incapacitated.

(2) A copy of the order shall be personally served on the attorney or LP in the same manner as provided by the Oregon Rules of Civil Procedure for service of summons and mailed to his or her guardian, conservator and attorney of record in any guardianship or conservatorship proceeding.

(b) Petition by Bar.

(1) The Bar may petition the court to determine whether an attorney or LP is disabled from continuing to practice law due to:

(A) a personality disorder; or

(B) mental infirmity or illness; or

(C) diminished capacity; or

(D) addiction to drugs, narcotics or intoxicants.

The Bar’s petition shall be mailed to the attorney or LP and to his or her guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding.
(2)

(A) On the filing of such a petition, the court may take or direct such action as it deems necessary or proper to determine whether an attorney or LP is disabled. Such action may include, but is not limited to, examination of such attorney or LP by the qualified experts as the court shall designate.

(B) A copy of an order requiring an attorney or LP to appear, for examination or otherwise, shall be mailed by the State Court Administrator to the attorney or LP and to his or her guardian, conservator and attorney of record in any guardianship or conservatorship proceeding and to Disciplinary Counsel.
(C) In the event of a failure by the attorney or LP to appear at the appointed time and place for examination, the court may place the attorney or LP on inactive membership status until further order of the court.

(D) If, upon consideration of the reports of the designated experts or otherwise, the court finds that probable cause exists that the attorney or LP is disabled under the criteria set forth in BR 3.2(b)(1) from continuing to practice law, the court may order the attorney or LP to appear before the court or its designee to show cause why the attorney or LP should not be placed by the court on inactive membership status until reinstated by the court. The State Court Administrator shall mail such a show cause order to the attorney or LP and his or her guardian, conservator and attorney of record in any guardianship or conservatorship proceeding and to Disciplinary Counsel.

(E) After any show cause hearing as the court deems appropriate, if the court finds that the attorney or LP is disabled from continuing to practice law, the court may order the attorney or LP placed on inactive membership status. The State Court Administrator shall mail a copy of an order placing the attorney or LP on inactive membership status to the attorney or LP and his or her guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding, and to Disciplinary Counsel.

(3) Any disciplinary investigation or proceeding pending against an attorney or LP placed by the court on inactive membership status under this rule shall be suspended and held in abeyance until further order of the court.

(c) Disability During Disciplinary Proceedings.

(1) The court may order that an attorney or LP placed on inactive membership status until reinstated by the court if, during the course of a disciplinary investigation or disciplinary proceeding, the attorney or LP files a petition with the court, with notice to Disciplinary Counsel, alleging that he or she are disabled from understanding the nature of the proceeding against him or her, assisting and cooperating with his or her attorney, or from participating in his or her defense due to:

   (A) a personality disorder; or
   (B) mental infirmity or illness; or
   (C) diminished capacity; or
   (D) addiction to drugs, narcotics or intoxicants.

(2) The court shall take or direct such action as it deems necessary or proper as provided in BR 3.2(b) to determine if the attorney or LP is disabled.

(3) The State Court Administrator shall mail a copy of the court’s order to Disciplinary Counsel, Bar Counsel, and the attorney or LP and his or her guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding, and the attorney of record in the Bar’s disciplinary proceeding.

(4) Any disciplinary investigation or proceeding against an attorney or LP who the court places on inactive membership status under this rule shall be suspended and held in abeyance until further order by the court.

(5) If the court determines that the attorney or LP is not disabled under the criteria set forth in BR 3.2(c)(1), it may take such action as it deems necessary or proper, including the issuance of an order that any disciplinary investigation or proceeding against the attorney or LP that is pending or held in abeyance be continued or resumed.
(d) Appointment of Attorney. In any proceeding under this rule, the court may, on such notice as the court shall direct, appoint an attorney or attorneys to represent the attorney or LP if he or she is they are without representation.

(e) Custodians. In any proceeding under this rule, the court may, on such notice as the court shall direct, appoint an attorney or attorneys to inventory the files of the attorney or LP and to take such action as seems necessary to protect the interests of his or her clients. Any attorney so appointed by the court shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the court.

(f) Costs and Expenses. The court may direct that the costs and expenses associated with any proceeding under this rule be paid by the attorney or LP, or his or her estate, including compensation fixed by the court to be paid to any attorney or medical expert appointed under this rule. The court may order such hearings as it deems necessary or proper to determine the costs and expenses to be paid under this rule.

(g) Waiver of Privilege.

(1) Under this rule, an attorney’s or LP’s claim of disability in a disciplinary investigation or disciplinary proceeding, or the filing of an application for reinstatement as an active member by an attorney or LP placed on inactive membership status under this rule for disability, shall be deemed a waiver of any privilege existing between the attorney or LP and any doctor or hospital treating him or her during the period of the alleged disability.

(2) The attorney or LP shall, in his or her application for reinstatement, disclose the name of every doctor or hospital by whom he or she has been treated during his or her disability or since his or her placement on inactive membership status and shall furnish written consent to divulge all such information and all such doctor and hospital records as the Bar or the court may request.

(h) Application of Other Rules.

(1) The Rules of Procedure that apply to the resolution of a formal complaint or statement of objections do not apply to transfers from active to inactive membership status under BR 3.2. The placement of an attorney or LP on inactive membership status under BR 3.2 does not preclude the Bar from filing a formal complaint against the attorney or LP. An attorney or LP placed on inactive membership status under BR 3.2 must comply with the applicable provisions of Title 8 of these rules to obtain reinstatement to active membership status.

(2)

(A) An attorney or LP transferred to inactive status under this rule shall not practice law after the effective date of the transfer. This rule shall not preclude the attorney or LP from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(B) An attorney or LP transferred to inactive status under this rule shall immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(C) Notwithstanding BR 3.2(b)(3) and BR 3.2(c)(4), Disciplinary Counsel may petition the court to hold an attorney or LP transferred to inactive status under this rule in contempt for failing to comply with the provisions of BR 3.2(h)(2)(i) and (ii). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

(i) At the direction of the court, the duties of the court set forth in this rule may be fulfilled by the Adjudicator.
In such instances the duties of the State Court Administrator shall be performed by the Disciplinary Board Clerk.

(Rule 3.2(h) amended by Order dated March 14, 1989, effective April 1, 1989, corrected June 1, 1989.)


(Rule 3.2(a)(1) amended and Rule 3.2(h)(2)(C)(i) added by Order dated May 22, 2019, effective September 1, 2019.)

(Rule 3.2(a) through (h) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.3 Allegations of Criminal Conduct Involving Attorneys and LPs.

(a) If the SPRB directs the filing of a formal complaint that alleges acts involving the possible commission of a crime that do not appear to have been the subject of a criminal prosecution, Disciplinary Counsel shall report the possible crime to the appropriate investigatory authority.

(b) On the filing of an accusatory instrument against an attorney or LP for the commission of a misdemeanor that may involve moral turpitude or of a felony, Disciplinary Counsel shall determine whether a disciplinary investigation should be initiated against such attorney or LP.

(Rule 3.3 amended by Order dated March 31, 1989.)

(Rule 3.3(a) and 3.3(b) amended by Order dated May 3, 2017, effective January 1, 2018.)

(Title for Rule 3.3 and 3.3(b) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.4 Conviction of Attorneys or LPs.

(a) Petition for interlocutory interim suspension; Notice to Answer. Upon learning that an attorney or LP has been convicted in any jurisdiction of an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States and determining that immediate and irreparable harm to the attorney’s or LP’s clients or the public is likely to result if a suspension of the attorney’s or LP’s license to practice law is not ordered, Disciplinary Counsel shall petition the Disciplinary Board to interlocutorily suspend the attorney’s or LP’s license to practice law on an interim basis. The petition shall describe the conviction and explain the basis upon Disciplinary Counsel believes that immediate and irreparable harm to the attorney’s or LP’s clients or the public is likely to result if a suspension is not ordered. The petition shall include a copy of the documents that show the conviction and may be supported by documents or affidavits. A “conviction” for purposes of this rule shall be considered to have occurred upon entry of a plea of guilty or no contest or upon entry of a finding or verdict of guilty. The notice to answer shall provide that an answer to the petition must be filed with the Disciplinary Board Clerk within fourteen (14) days of service and that, absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought can be obtained. Disciplinary Counsel shall file the petition with the Disciplinary Board Clerk and shall serve a copy, along with the notice to answer, on the attorney or LP pursuant to BR 1.8.

(b) Answer by Attorney or LP. The attorney or LP shall file an answer to the Bar’s petition with the Disciplinary Board Clerk within fourteen (14) days of service. The attorney or LP shall mail a copy of the answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(c) Default; Entry of Order. The failure of the attorney or LP to answer the Bar’s petition within the time provided in BR 3.4(b) constitutes a waiver of the attorney’s or LP’s right to contest the Bar’s petition, and all factual allegations contained in the petition shall be deemed true. Not earlier than fourteen (14) days after service of the petition and in the absence of an answer filed by the attorney or LP named in the petition, the Adjudicator shall review the sufficiency of the petition. If the petition establishes the attorney’s or LP’s
conviction of a category of offense described in BR 3.4(a) and a reasonable belief that clients or others will suffer immediate or irreparable harm by the attorney’s or LP’s continued practice of law, the Adjudicator shall enter an appropriate **interlocutory interim** order suspending the attorney’s or LP’s license to practice law until further order of the Adjudicator or the Supreme Court. The Disciplinary Board Clerk shall send copies of the order to the parties.

(d) Answer filed; Setting hearing on **interlocutory interim** suspension. Upon the timely filing of the attorney’s or LP’s answer pursuant to BR 3.4(b), the Adjudicator shall hold a hearing on the Bar’s petition not less than 30 days nor more than 60 days after the date the answer is filed. The Disciplinary Board Clerk shall promptly notify Disciplinary Counsel and the attorney or LP of the date, time, and location of the hearing. The hearing shall take place consistently with BR 5.3(a), (b), (c), and (d). At the hearing, the Bar must prove by clear and convincing evidence that the attorney or LP has been convicted of a category of offense described in BR 3.4(a) and that clients or others will suffer immediate or irreparable harm by the attorney’s continued practice of law. Proof that clients or others will suffer immediate or irreparable harm by the attorney’s or LP’s continued practice of law may include, but is not limited to, establishing that a period of incarceration was imposed on the attorney or LP as a result of the conviction. If the attorney or LP, having been notified of the date, time, and location of the hearing, fails to appear, the Adjudicator may enter an order finding the attorney or LP in default, deeming the allegations contained in the petition to be true, proceed on the basis of that default consistent with BR 3.4(c), and enter an appropriate order.

(e) Order of Adjudicator; Suspension; Restrictions on Trust Account; Notice to Clients; Custodian; Other Orders. The Adjudicator, upon the record pursuant to BR 3.4(c) or after the hearing provided in BR 3.4(d), shall enter an appropriate order. If the Adjudicator grants the Bar’s petition and **interlocutory interim** suspends the attorney’s license to practice law, the order of suspension shall state an effective date. The suspension shall remain in effect until further order of the Adjudicator or the court. The Adjudicator may enter such other orders as appropriate to protect the interests of the suspended attorney, the suspended attorney’s clients, and the public, including, but not limited to:

1. an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney’s trust account or accounts except in accordance with restrictions set forth in the Adjudicator’s order.
2. an order directing the attorney to notify current clients and any affected courts of the attorney’s suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.
3. an order appointing an attorney as custodian to take possession of and inventory the files of the suspended attorney and take such further action as necessary to protect the interests of the suspended attorney’s clients. Any attorney so appointed by the Adjudicator shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator.

The Disciplinary Board Clerk shall send copies of the order to the parties.

(f) Costs and Expenses. The Adjudicator may direct that the costs and expenses associated with any proceeding under this rule be allowed to the prevailing party. The procedure for the recovery of such costs shall be governed by BR 10.7 as practicable.

(g) Duties of Attorney or LP. An attorney or LP suspended from practice under this rule shall comply with the requirements of BR 6.3(a), (b), and (c). An attorney or LP whose suspension under this rule exceeds 6 months must comply with BR 8.1 to be reinstated. An attorney or LP whose suspension under this rule is 6 months or less must comply with BR 8.2 to be reinstated.

(h) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.4.

(i) Supreme Court Review. No later than fourteen (14) days of the entry of an order pursuant to BR 3.4(e),
Disciplinary Counsel or the attorney or LP who is the subject of an order entered pursuant to BR 3.4(e) may request the Supreme Court to review the Adjudicator’s order, including conducting a de novo review on the record, on an expedited basis. Unless otherwise ordered by the court, an interlocutory interim order of suspension, if entered, shall remain in effect until the court issues its decision.

(j) Independent Charges. Whether or not an interlocutory interim suspension is sought pursuant to BR 3.4(a), the SPRB may direct Disciplinary Counsel to file a formal complaint against the attorney or LP based upon the fact of the attorney’s or LP’s conviction or the underlying conduct.

(k) Relief From Suspension. If an attorney’s or LP’s conviction is reversed on appeal, and such reversal is not subject to further appeal or review, or the attorney or LP has been granted a new trial and the order granting a new trial has become final, any suspension or discipline previously ordered based solely on the conviction shall be vacated upon the Disciplinary Board’s receipt of the judgment of reversal or order granting the attorney or LP a new trial. Reversal of the attorney’s or LP’s conviction on appeal or the granting of a new trial does not require the termination of any disciplinary proceeding based upon the same facts which gave rise to the conviction.

(Rule 3.4(d) amended by Order dated March 12, 1989, effective April 1, 1989.)
(Rule 3.4(e) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 3.4(e) amended by Order dated October 19, 2009.)
(Former Rule 3.4(d), 3.4(e), 3.4(g), and 3.4(k) deleted; former Rule 3.4(f) and 3.4(i) redesignated as 3.4(j) and 3.4(k); Rule 3.4(d), 3.4(e), 3.4(f), 3.4(g), 3.4(h), and 3.4(i) added; Rule 3.4(a), 3.4(b), 3.4(c), 3.4(j), and 3.4(k) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.4(a) through (e), (g), and (i) through (k) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.5 Reciprocal Discipline.

(a) Petition; Notice to Answer. Upon learning that an attorney or LP has been disciplined for misconduct in another jurisdiction not predicated upon a prior discipline of the attorney or LP pursuant to these rules, Disciplinary Counsel shall file with the Disciplinary Board Clerk a petition seeking reciprocal discipline of the attorney or LP. The petition shall include a copy of the judgment, order, or determination of discipline in the other jurisdiction; may be supported by other documents or affidavits; and shall contain a recommendation as to the imposition of discipline in Oregon, based on the discipline in the jurisdiction whose action is reported, and such other information as the Bar deems appropriate. A plea of no contest, a stipulation for discipline, or a resignation while formal charges are pending is considered a judgment or order of discipline for the purposes of this rule. If the Bar seeks imposition of a sanction greater than that imposed in the other jurisdiction, it shall state with specificity the sanction sought and provide applicable legal authority to support its position. The notice to answer shall provide that an answer to the petition must be filed with the Disciplinary Board Clerk within 21 days of service and that, absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought can be obtained. Disciplinary Counsel shall file the petition with the Disciplinary Board Clerk and shall serve a copy, along with the notice to answer, on the attorney or LP pursuant to BR 1.8.

(b) Order of Judgment; Sufficient Evidence of Misconduct; Rebuttable Presumption. A copy of the judgment, order, or determination of discipline shall be sufficient evidence for the purposes of this rule that the attorney or LP committed the misconduct on which the other jurisdiction’s discipline was based. There is a rebuttable presumption that the sanction to be imposed shall be equivalent, to the extent reasonably practicable, to the sanction imposed in the other jurisdiction.

(c) Answer of Attorney or LP. The attorney or LP has 21 days from service to file with the Disciplinary Board an answer addressing whether:

(1) The procedure in the jurisdiction which disciplined the attorney or LP was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
OSB Rules of Procedure (Revised 9/1/2023)

(2) The conduct for which the attorney or LP was disciplined in the other jurisdiction is conduct that should subject the attorney or LP to discipline in Oregon; and

(3) The imposition of a sanction equivalent to the sanction imposed in the other jurisdiction would result in grave injustice or be offensive to public policy.

The attorney or LP shall mail a copy of his or her answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(d) Default; Hearing. If no answer is timely filed, the Adjudicator may proceed to the entry of an appropriate judgment based upon review of the record. If an answer is timely filed that asserts a defense pursuant to BR 3.5(c)(1), (2), or (3), the Adjudicator, in his or her discretion, based upon a review of the petition, answer, and any supporting documents filed by either the Bar or the attorney or LP, may either determine on the basis of the record whether the attorney or LP should be disciplined in Oregon for misconduct in another jurisdiction and if so, in what manner, or may determine that testimony will be taken solely on the issues set forth in the answer pertaining to BR 3.5(c)(1), (2), and (3). The Adjudicator shall enter an appropriate order. The Disciplinary Board Clerk shall send copies of the order to the parties. The Adjudicator’s decision shall be subject to review by the Supreme Court, as authorized in Title 10 of these rules. On review by the court, the sanction imposed in the other jurisdiction may be a factor for consideration but does not operate as a rebuttable presumption.

(e) Burden of Proof. The attorney or LP has the burden of proving in any hearing held pursuant to BR 3.5(f) that due process of law was not afforded the attorney in the other jurisdiction.

(f) Hearing by Trial Panel; Review by Supreme Court. If the Adjudicator decides to take testimony pursuant to BR 3.5(e), the Adjudicator shall request the regional chairperson to appoint an attorney member and a public member to serve on the trial panel. Upon receiving notice from the Disciplinary Board Clerk of a regional chairperson’s appointment of an attorney member and a public member pursuant to BR 2.4(f)(1), and upon determining that either no timely challenge pursuant to BR 2.4(g) was filed or that a timely filed challenge pursuant to BR 2.4(g) has either been denied or resulted in the appointment of a substitute member or members, the Adjudicator shall promptly establish the date and place of the evidentiary hearing no less than 21 days and no more than 42 days thereafter. BR 5.1 and BR 5.3 apply to the evidentiary hearing. The trial panel shall make a decision concerning the issues submitted to it. The Disciplinary Board Clerk shall send copies of the order to the parties. The trial panel’s decision shall be subject to review by the Supreme Court as authorized in Title 10 of these rules. On review by the court, the sanction imposed in the other jurisdiction may be a factor for consideration but does not operate as a rebuttable presumption.

(g) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.5.

(h) Suspension or Disbarment. An attorney or LP suspended or disbarred under this rule shall comply with the requirements of BR 6.3(a), (b), and (c).

(i) Reinstatement Rules Apply. The rules on reinstatement apply to attorneys or LPs suspended or disbarred pursuant to the procedure set forth in BR 3.5(d), (e), and (f).

(j) Independent Charges. Nothing in this rule precludes the Bar from filing a formal complaint against an attorney or LP for misconduct in any jurisdiction.

(Rule 3.5 amended by Order dated July 16, 1984, effective August 1, 1984.)
(Rule 3.5(h) amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 3.5(e) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 3.5(c) deleted; former Rule 3.5(e), 3.5(f), and 3.5(g) redesignated 3.5(d), 3.5(e), and 3.5(f); Rule 3.5(c)(3) and 3.5(g) added; Rule 3.5(e), 3.5(h), 3.5(f), 3.5(c)(3), 3.5(c)(11), 3.5(c)(2), 3.5(d), 3.5(e), 3.5(f), 3.5(h), 3.5(i), and 3.5(j) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.5(e) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 3.5(a) through (e), and (h) through (j) amended by Order dated August 17, 2022, effective July 1, 2023.)
Rule 3.6 Discipline By Consent.

(a) Application. Any allegation of misconduct that is neither dismissed nor disposed of pursuant to BR 2.10 may be disposed of by a no contest plea, or by a stipulation for discipline, entered into at any time after the SPRB finds probable cause that misconduct has occurred.

(b) No Contest Plea. A plea of no contest to all causes or any cause of a formal complaint, or to allegations of misconduct if a formal complaint has not been filed, shall be verified by the respondent and shall include:

1. A statement that the respondent freely and voluntarily make the plea;
2. A statement that the respondent does not desire to defend against the formal complaint or any designated cause thereof, or against an allegation of misconduct not yet pled;
3. A statement that the respondent agrees to accept a designated form of discipline in exchange for the no contest plea; and
4. A statement of the respondent’s prior record of reprimand, suspension or disbarment, or absence of such record.

(c) Stipulation for Discipline. A stipulation for discipline shall be verified by the respondent and shall include:

1. A statement that the respondent has freely and voluntarily entered into the stipulation;
2. A statement that explains the particular facts and violations to which the Bar and the respondent are stipulating;
3. A statement that the respondent agrees to accept a designated form of discipline in exchange for the stipulation; and
4. A statement of the respondent’s prior record of reprimand, suspension or disbarment, or absence of such record.

(d) Approval of SPRB. Pleas of no contest and stipulations shall be approved as to form by Disciplinary Counsel and approved in substance by the chairperson of the SPRB or a member of the SPRB designated by the chairperson. If the plea or stipulation is acceptable to the respondent and the SPRB chairperson or designated member, and if the full term of the discipline agreed upon does not exceed a 6-month suspension, Disciplinary Counsel shall submit it to the Disciplinary Board Clerk for review by the Adjudicator, acting on behalf of the Disciplinary Board. Otherwise, Disciplinary Counsel shall file the stipulation with the State Court Administrator for review by the Supreme Court.

(e) Review by Adjudicator or Supreme Court. The Adjudicator or the court, as the case may be, shall review the plea or stipulation. If the Adjudicator approves the plea or stipulation, an order shall be issued so stating and filed with the Disciplinary Board Clerk, and the Clerk shall provide copies to Disciplinary Counsel and the respondent. If the court approves the plea or stipulation, an order shall be issued so stating. If the plea or stipulation is rejected by the Adjudicator or the court, it may not be used as evidence of misconduct against the respondent in the pending or in any subsequent disciplinary proceeding.

(f) Costs. In matters submitted under this rule that are resolved by a decision of the Disciplinary Board, the Bar may file a cost bill with the Disciplinary Board Clerk within 21 days of the filing of the decision of the Disciplinary Board. The Bar must serve a copy of the cost bill on the respondent pursuant to BR 1.8. To contest the Bar’s statement of costs, the respondent must file an objection supported by a declaration under penalty of perjury with the Disciplinary Board Clerk within 7 days from the date of service. The respondent shall mail a copy of the objection to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk. If the
matter is resolved by a decision of the court, the Bar’s cost bill and the respondent’s objections must be filed with the court within the same time period, accompanied by proof of service on the other party. The Adjudicator or the court, as the case may be, may fix the amount of the Bar’s actual and necessary costs and disbursements incurred in the proceeding to be paid by the respondent.

(g) Supplementing Record. If the Adjudicator or the court concludes that facts are not set forth in sufficient detail to enable forming an opinion as to the propriety of the discipline agreed upon, the Adjudicator or the court may request that additional stipulated facts be submitted or may disapprove the plea or stipulation.

(h) Confidentiality. A plea or stipulation prepared for the Adjudicator or the court’s consideration shall not be subject to public disclosure or used as evidence in a disciplinary proceeding:

1. prior to Adjudicator or court approval of the plea or stipulation; or
2. if rejected by the Adjudicator or court.

(Rule 3.6(d) and (e) amended by Order dated February 23, 1988.)
(Rule 3.6(d) amended by Order dated December 13, 1993. Amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 3.6(a), (b), (d) and (e) amended by Order dated February 5, 2003.)
(Rule 3.6(d), (e) and (f) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 3.6(b)(i), 3.6(b)(ii), 3.6(b)(iv), 3.6(c)(i), 3.6(c)(ii), 3.6(c)(iii), 3.6(c)(iv), and 3.6(h) redesignated as Rule 3.6(b)(i), 3.6(b)(ii), 3.6(b)(iv), 3.6(c)(i), 3.6(c)(ii), 3.6(c)(iii), 3.6(c)(iv), 3.6(h)(1), and 3.6(h)(2); Rule 3.6(a), 3.6(b), 3.6(b)(i), 3.6(b)(ii), 3.6(b)(iv), 3.6(c)(i), 3.6(c)(ii), 3.6(c)(iii), 3.6(c)(iv), 3.6(h)(1), 3.6(h)(2); Rule 3.6(a), 3.6(b), 3.6(b)(i), 3.6(b)(ii), 3.6(b)(iv), 3.6(c)(i), 3.6(c)(ii), 3.6(c)(iii), 3.6(c)(iv), 3.6(h)(1), and 3.6(h)(2) amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 4 — Prehearing Procedure

Rule 4.1 Formal Complaint.

(a) Designation of Counsel and Region. If the SPRB determines that probable cause exists to believe an attorney or LP has engaged in misconduct and that formal proceedings are warranted, it shall refer the matter to Disciplinary Counsel with instructions to file a formal complaint against the attorney or LP, who then becomes the respondent. Disciplinary Counsel, being so advised, may appoint Bar Counsel.

(b) Filing. Disciplinary Counsel shall prepare and file with the Disciplinary Board Clerk a formal complaint against the respondent on behalf of the Bar. The formal complaint shall be in substantially the form set forth in BR 13.1.

(c) Substance of Formal Complaint. A formal complaint shall be signed by Disciplinary Counsel, or his or her designee, and shall set forth succinctly the acts or omissions of the respondent, including the specific statutes or rules of professional conduct violated, so as to enable the respondent to know the nature of the charge or charges against the respondent. When more than one act or transaction is relied upon, the allegations shall be separately stated and numbered. The formal complaint need not be verified.

(d) Amendment of Formal Complaint. Disciplinary Counsel may amend the formal complaint on behalf of the Bar subject to the requirements of BR 4.4(b) as to any grievance the SPRB has instructed Disciplinary Counsel to file a formal complaint pursuant to BR 4.1(a) and BR 4.1(e).

(e) Consolidation of Charges and Proceedings. The Bar, at the SPRB’s direction, may consolidate in a formal complaint two or more causes of complaint against the same attorney or LP or attorneys or LPs, but shall file a separate formal complaint against each respondent. The findings and conclusions thereon may be either joint or separate, as the trial panel, in its discretion, may determine. The Bar, at the discretion of the SPRB, may also consolidate formal complaints against two or more attorneys or LPs for hearing before one trial panel.

(f) Appointment of Trial Panel. Within 30 days following respondent’s timely filing of an answer pursuant to BR 4.3, Disciplinary Counsel shall file a request with the Disciplinary Board Clerk that the regional chairperson appoint an attorney and a public member to serve on the trial panel with the Adjudicator.
(Rule 4.1(a) amended by Order dated January 5, 1988. Amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 4.1(b) amended by Order dated February 23, 1988.)
(Rule 4.1(a) and (c) amended by Order dated February 5, 2001.)
(Rule 4.1(b) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.1(d) redesignated as Rule 4.1(e); Rule 4.1(a), 4.1(b), 4.1(c) and 4.1(e) amended; Rule 4.1(d) and 4.1(f) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 4.1(a), (e), and (f) amended by Order dated August 17, 2022, effective July 1, 2023.)
Rule 4.2 Service of Formal Complaint.

(a) Manner of Service of Formal Complaint. A copy of the formal complaint, accompanied by a notice to file an answer, must be personally served on the respondent or otherwise permitted by BR 1.12. The notice to answer shall be in substantially the form set forth in BR 13.2.

(b) Alternative Service of Formal Complaint. The Bar may request the Adjudicator to authorize the service of a formal complaint and notice to answer on the respondent pursuant to ORCP 7 D(6).

(c) Proof of Service of Complaint. Proof of personal service shall be made in the same manner as in a case pending in a circuit court.

(d) Service of Amended Formal Complaint. An amended formal complaint may be served by mail, provided the original formal complaint was served on the respondent in the manner provided by BR 4.2(a) or (b).

(e) Disregard of Error. Failure to comply with any provision of this rule or BR 1.12 shall not affect the validity of service if the respondent received actual notice of the substance and pendency of the disciplinary proceedings.

(Rule 4.2 amended by Order dated June 30, 1987.)
(Rule 4.2(d) added by Order dated February 5, 2001.)
(Rule 4.2(c) amended by Order dated April 26, 2007.)
(Rule 4.2(a), 4.2(b), 4.2(d), and 4.2(e) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.3 Answer.

(a) Time to Answer. The respondent shall answer the formal complaint within fourteen (14) days of service of the formal complaint.

(b) Extensions. The respondent may, in writing, request an extension of time to file his or her answer from the Adjudicator. The request for extension must be received by the Adjudicator within the time the respondent is required to file an answer. The Adjudicator shall respond to the request in writing and shall file a copy of the response with the Disciplinary Board Clerk. Alternatively, if Respondent and Disciplinary Counsel stipulate to one or more extensions of time, such extension is deemed granted by the Adjudicator upon submission of the stipulation to the Disciplinary Board Clerk, unless the Adjudicator files a response within two (2) days.

(c) Form of Answer. The respondent’s answer shall be responsive to the formal complaint filed. General denials are not allowed. The answer shall be substantially in form set forth in BR 13.3 and shall be supported by a declaration under penalty of perjury by the respondent. The original shall be filed with the Disciplinary Board Clerk with proof of service on Disciplinary Counsel.

(Rule 4.3(b) and (c) amended by Order dated February 5, 2001.)
(Rule 4.3(b) and (d) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.3(c) deleted; former Rule 4.3(d) redesignated as Rule 4.3(c); Rule 4.3(a), 4.3(b), and 4.3(c) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.4 Pleadings, Amendments, and Motions.

(a) Pleadings. The only permissible pleadings shall be a formal complaint and an answer, and amendments thereto, except for a motion to require a formal complaint to comply with BR 4.1(c) and an answer to comply with BR 4.3(c). The Adjudicator may request additional pleadings from parties if deemed necessary.

(b) Amendments.

(1) Disciplinary Counsel may amend a formal complaint at any time after filing, subject to any limitation that may be imposed by the Adjudicator as to timing or content in any prehearing order entered pursuant to BR 4.7, in amplification of the original charges, to add new charges, or to withdraw charges. If an amendment is made, the respondent shall file an answer to the amended formal complaint within fourteen (14) days of service of the amended complaint.
fourteen (14) days of service. Upon request by respondent for good cause shown, the Adjudicator may give the respondent a
reasonable time to procure evidence and to prepare to meet the matters raised by the amended formal complaint.

(2) The respondent may amend an answer at any time after filing, subject to any limitations that may be imposed by the Adjudicator as to timing or content in any prehearing order entered pursuant to BR 4.7. If an answer is amended, the Bar shall be given a reasonable time, set by the Adjudicator, to procure evidence and to prepare to meet the matters raised by the amended answer.

(c) Motions.

(1) An application for an order from the Adjudicator shall be submitted as a motion. Every motion, unless made during the trial, shall state with particularity the reason for the motion and the relief or order sought.

(2) Parties shall not submit motions seeking to dismiss a formal complaint, motion for judgment on the pleadings, motion to make more definite and certain, and motion seeking summary judgment without leave of the Adjudicator.

(3) All motions, and any responses, shall be filed with the Disciplinary Board Clerk with proof of service on the other Party. Upon expiration of the time for response, the Adjudicator shall promptly rule on the motion. The Adjudicator shall file rulings on motions with the Disciplinary Board Clerk, and the Clerk shall mail copies to the parties.

Oral Argument. The Adjudicator shall decide whether to hear oral argument on motions. Oral argument on any motion may be conducted in person, or by conference telephone/video call.

(4) If a party objects to a non-discovery motion, the opposing party may submit a written opposition within fourteen (14) days of service of the motion unless the Adjudicator shortens the time for good cause shown. Opposing parties must submit a written opposition to discovery motions within seven (7) days of service of the motion.

(5) No reply is allowed unless ordered by the Adjudicator.

(6) Discovery motions, including motions for limitation of discovery, shall be in writing and shall state “Discovery Motion” in the caption.

(7) Unopposed motions shall include “unopposed” in the caption heading. Stipulated motions shall include “stipulated” in the caption heading.

(9) Motions seeking immediate action or expedited relief shall state in the caption: “Expedited Consideration Requested.” If the Adjudicator grants expedited consideration, the Adjudicator shall set an expedited time for filing written opposition to the motion and notify all parties.

(d) Adjudicator Authority. Upon application of either the Bar or the respondent, the Adjudicator may extend or shorten the time for filing any pleading, motion, or for filing any document required or permitted to be submitted to the trial panel, except as otherwise provided in these rules.

(Rule 4.4(b) amended by Order dated February 5, 2001.)
(Rule 4.4(b)(1) and 4.4(b)(2) amended; Rule 4.4(c) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 4.4(d) and 4.4(b)(1) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 4.5 Discovery.

(a) General. Discovery in disciplinary proceedings is intended to promote identification of issues and a prompt and fair hearing on the charges. Discovery shall be conducted expeditiously by the parties, and shall be
completed within fourteen (14) days prior to the date of hearing, unless the Adjudicator extends the time, either by stipulated motion, or for good cause shown.

(b) Permitted Discovery.

(1) Requests for admission, requests for production of documents, and depositions may be utilized in disciplinary proceedings.

(2) The manner of taking depositions shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Subpoenas may be issued when necessary by the Adjudicator, Bar Counsel, Disciplinary Counsel, the respondent or his or her attorney of record. Depositions may be taken any time after service of the formal complaint.

(3) Transcripts of depositions in disciplinary proceedings shall comply with the Oregon Rules of Appellate Procedure as to form. A person who is deposed may request at the time of deposition to examine the person’s transcribed testimony. In such case, the procedure set forth in the Oregon Rules of Civil Procedure shall be followed as practicable.

(4) The manner of making requests for the production of documents shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Requests for production may be served any time after service of the formal complaint with responses due within 21 days.

(5) The manner of making requests for admission shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Requests for admission may be served any time after service of the formal complaint with responses due within 21 days.

(c) Discovery Procedure. The Adjudicator shall resolve all discovery questions. Discovery motions, including motions for limitation of discovery, shall be in writing. All such motions, and any responses, shall be filed with the Disciplinary Board Clerk with proof of service on the other party. The Bar or the respondent has 7 days from the filing of a motion in which to file a response, unless the Adjudicator shortens the time for good cause shown. Upon expiration of the time for response, the Adjudicator shall promptly rule on the motion, with or without argument at the Adjudicator’s discretion. Argument on any motion may be heard by conference telephone. The Adjudicator shall file rulings on discovery motions with the Disciplinary Board Clerk, and the Clerk shall mail copies to the parties.
(d) Limitations on Discovery. In the exercise of his or her discretion, the Adjudicator shall impose such terms or limitations on the exercise of discovery as may appear necessary to prevent undue delay or expense in bringing the matter to hearing and to promote the interests of justice.

(e) Discovery Sanctions. For failure to provide discovery as required under BR 4.5, the Adjudicator may make such rulings as are just, including, but not limited to, the following:

1. A ruling that the matters regarding which the ruling was made or any other designated fact are taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the ruling; or

2. A ruling refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the disobedient party from introducing designated matters in evidence.

Any witness who testifies falsely, fails to appear when subpoenaed, or fails to produce any documents pursuant to subpoena is subject to the same orders and penalties to which a witness before a circuit court is subject. Subpoenas issued pursuant to this rule may be enforced by application of the Bar or the respondent to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(f) Rulings Interlocutory. Discovery rulings are interlocutory.

(Rule 4.5(c) amended by Order dated February 23, 1988. Rule 4.5(b) amended by Order April 4, 1991, effective April 15, 1991.)
(Rule 4.5(e) and (c) amended by Order dated February 5, 2001.)
(Rule 4.5(c) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.5(a), 4.5(b)(2), 4.5(b)(3), 4.5(c), 4.5(d), 4.5(e), 4.5(e)(1), and 4.5(e)(2) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.6 Prehearing Issue Narrowing and Settlement Conference; Order.

(a) Within 28 days of written notice that the Adjudicator has set the date and place of the trial panel hearing pursuant to BR 2.4(e)(8), either party may file with the Disciplinary Board Clerk a request for a single prehearing issue narrowing and settlement conference pursuant to this rule. Upon notification from the Disciplinary Board Clerk that a timely request for a BR 4.6 conference has been filed, the Adjudicator shall appoint a member of the Disciplinary Board to serve as the presiding member and conduct the BR 4.6 conference. A conference shall be held no later than 21 days before the scheduled hearing date and shall not exceed one business day in length. The respondent, counsel for the respondent, if any, and Disciplinary Counsel must attend. The purpose of the conference is to narrow factual and legal issues in dispute for trial and to facilitate discussion regarding discipline by consent under BR 3.6, if appropriate. Except for those facts admitted and denied in the prehearing order, under BR 4.7, no oral or written statements or admissions made at or in connection with the prehearing conference shall be admitted as evidence in this or any subsequent Bar disciplinary proceeding. No member of the trial panel appointed in the proceeding shall conduct or participate in the prehearing conference.

(b) At the conclusion of the BR 4.6 conference, the presiding member shall enter an order setting forth agreed and disputed facts and elements of the violations alleged. In the absence of any agreement, the presiding member shall enter an order indicating that the BR 4.6 conference was held and that no agreements resulted. The presiding member shall file the order with the Disciplinary Board Clerk, with copies sent by the Disciplinary Board Clerk to the parties. Agreed facts shall be deemed admitted and need not be proven at the hearing before the trial panel.

(Rule 4.6 added by Order dated December 13, 1993.)
(Rule 4.6 amended by Order dated November 6, 1995. amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.6 redesignated Rule 4.6(a); Rule 4.6(a) amended; and Rule 4.6(b) added by Order dated May 3, 2017, effective January 1, 2018.)
Rule 4.7 Pre-hearing Orders.

(a) At any time after the Adjudicator has set the time and place for a formal complaint, BR 2.4(e)(8) the Adjudicator may schedule and convene a prehearing conference that may be conducted by telephone, videoconference, or in person and shall be attended by the respondent, respondent’s counsel, if any, and Disciplinary Counsel, upon notice sent by the Disciplinary Board Clerk not less than fourteen (14) days prior to the scheduled date and time, unless the time is shortened by the Adjudicator. Such prehearing conferences are intended to facilitate the efficient conduct of the proceeding and may include discussing the parties’ respective estimates of time necessary to present evidence, the availability and scheduling of witnesses, and the preparation of trial exhibits; and the scheduling of pleading amendment and discovery deadlines.

(b) At the conclusion of a prehearing conference, the Adjudicator shall enter an order setting forth all matters discussed and addressed, including any deadlines imposed. The Adjudicator shall file the order with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies to the parties.

(Rule 4.7 added by Order dated December 13, 1993.)
(Rule 4.7 amended by Order dated November 6, 1995. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.7 redesignated as Rule 4.7(a); Rule 4.7(a) added, and Rule 4.7(b) amended by Order dated May 4, 2017, effective January 1, 2018.)
(Rule 4.7(a) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 4.8 Trial Briefs.

Trial Briefs, if any, shall be filed with the Disciplinary Board Clerk with copies served on the trial panel no later than seven (7) days prior to the hearing. Where new or additional issues have arisen, the Adjudicator may grant seven (7) days additional time for the filing of trial briefs on those issues.

(Rule 4.8 (former Rule 2.4(i)(2)) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.8 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.9 Mediation

(a) Mediation. The parties may employ the services of a mediator, other than a member of the Disciplinary Board trial panel, to determine the potential for, and to assist the parties in negotiating a settlement of issues in dispute. Mediation is voluntary; both parties must agree to participate in the mediation. The SPRB shall decide for the Bar whether to mediate.

(b) Time of Mediation. Mediation may occur at any time after the filing of the formal complaint, provided that the mediation shall not delay a hearing before a trial panel scheduled in accordance with BR 5.4. After a trial panel issues a written opinion in the proceeding pursuant to BR 2.4(i)(2), mediation may occur only if authorized by the Adjudicator.

(c) Discipline by Consent. A stipulation for discipline or no contest plea negotiated through mediation is subject to approval by the SPRB, and the Disciplinary Board or the Supreme Court, as the case may be, as set forth in BR 3.6, before it is effective.

(d) Costs. The expense of mediation shall be shared equally by the parties unless the parties agree otherwise.

(e) Confidentiality. Mediation communications, as defined in ORS 36.110, are confidential and may not be disclosed or admitted as evidence in subsequent adjudicatory proceedings, except as provided by ORS 36.226.

(Rule 4.9 added by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.9(a) and (e) amended by Order dated April 26, 2007.)
(Rule 4.9(a), 4.9(b) and 4.9(d) amended by Order dated May 3, 2017, effective January 1, 2018.)
Title 5 — Disciplinary Hearing Procedure

Rule 5.1 Evidence And Procedure.

(a) Rules of Evidence. The Oregon Rules of Evidence do not govern admissibility of evidence in Disciplinary Proceedings. The Adjudicator may admit and give effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded at any hearing conducted pursuant to these rules.

(b) Harmless Error. No error in procedure, in admitting or excluding evidence, or in ruling on evidentiary or discovery questions shall invalidate a finding or decision unless upon a review of the record as a whole, a determination is made that a denial of a fair hearing to either the Bar or the respondent has occurred.

(Rule 5.1(a) amended by Order dated February 23, 1988.)
(Rule 5.1(a) and 5.1(b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.2 Burden Of Proof.

The Burden of establishing misconduct clear and convincing evidence.

(Rule 5.2 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.3 Location Of Hearing; Subpoenas; Testimony.

(a) Location. The trial panel hearing of any Disciplinary Proceeding in which the respondent maintains an office or residence in Oregon shall be held either in the county in which the respondent maintains his or her office for the practice of law or other business, in which he or she reside, or in which the misconduct is alleged to have occurred, at the Adjudicator’s discretion.

With the respondent’s consent, the hearing may be held elsewhere. For any proceeding brought pursuant to these rules other than Title 4 in which the attorney or LP the subject of the proceeding maintains an office or residence in Oregon, and for any proceeding brought pursuant to these rules in which the attorney or LP the subject of the proceeding does not maintain an office or residence in Oregon, the Adjudicator shall designate a location for the hearing.

With the respondent’s consent, the hearing may be held elsewhere.

(b) Subpoenas. The Chief Executive Officer, the Adjudicator, or regional chairpersons of the Disciplinary Board, Bar Counsel, Disciplinary Counsel and the attorney for the respondent, or the respondent, if appearing without an attorney, shall have the authority to issue subpoenas. Subpoenas shall be issued and served in accordance with the Oregon Rules of Civil Procedure in the same manner as in a case pending in a circuit court. Any witness who testifies falsely, fails to appear when subpoenaed, or fails to produce any documents pursuant to subpoena, is subject to the same orders and penalties to which a witness before a circuit court is subject. Subpoenas issued pursuant this rule may be enforced by application of either party or the Adjudicator to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(c) Board Members as Witnesses. Current members of the Board of Governors shall not testify as witnesses in any Bar admission, discipline or reinstatement proceeding except pursuant to subpoena.

(d) Testimony. Witnesses shall testify under oath or affirmation administered by any member of the Disciplinary Board or by any person authorized by law to administer an oath.

(e) Transcript of Proceedings; Correction of Errors; Settlement Order. Every disciplinary hearing shall be transcribed and shall comply with the Oregon Rules of Appellate Procedure as to form. The transcription shall be certified by the person preparing it. The reporter shall give written notice to Disciplinary Counsel, Bar Counsel, and the respondent of the filing of the transcripts with the Disciplinary Board Clerk, who shall provide copies to the Adjudicator. Within fourteen (14) days after the transcript is filed, the Bar or the respondent may...
move the Adjudicator for an order to correct any errors appearing in the transcript, by filing a motion with the Disciplinary Board Clerk and serving the other party. Within 7 days the Bar or the respondent, as the case may,
be, may file a response to the motion with the Disciplinary Board Clerk, serving a copy on the other party. The Adjudicator shall thereafter either deny the motion or direct the making of such corrections as may be appropriate. Upon the denial of the motion or the making of such corrections, the Adjudicator shall file with the Disciplinary Board Clerk an order settling the transcript and the Disciplinary Board clerk shall send copies to the parties.

(Rule 5.3(b) amended by Order dated April 4, 1991, effective April 15, 1991.
(Rule 5.3(c) amended by Order dated July 22, 1991.
(Rule 5.3(c), (d), and (e) amended by Order dated June 5, 1997, effective July 1, 1997.
(Rule 5.3(c) and (e) amended by Order dated February 5, 2001.
(Rule 5.3(c) amended by Order dated June 17, 2002, effective July 1, 2003.
(Rule 5.3(a) amended by Order dated April 26, 2007.
(Rule 5.3(a), 5.3(b), and 5.3(e) amended by Order dated May 3, 2017, effective January 1, 2018.
(Rule 5.3(a) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 5.4 Hearing Date; Continuances.

Except in matters of default pursuant to BR 5.8, the Adjudicator shall establish the hearing date, which shall not be less than 91 days nor more than 182 days following the date the Adjudicator notifies the parties of the date and time for hearing pursuant to BR 2.4(e)(8). The Adjudicator may grant continuances of the hearing date at any time prior to the hearing, or upon a showing of compelling necessity therefor, the trial panel may grant continuances at the time of the hearing. In no event shall continuances exceed 56 days in the aggregate.

(Rule 5.4 amended by Order dated October 10, 1994.
(Rule 5.4 amended by Order dated February 5, 2001.
(Rule 5.4 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.5 Prior Record.

(a) Defined. “Prior record” means any contested admission, disciplinary or reinstatement decision of the Disciplinary Board or the Supreme Court that has become final.

(b) Restrictions on Admissibility. At the fact-finding hearing in a disciplinary proceeding, a respondent’s prior record or lack thereof shall not be admissible to prove the character of a respondent or to impeach his or her/their credibility.

(Rule 5.5(a-b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.6 Evidence Of Prior Acts Of Misconduct.

Evidence of prior acts of misconduct on the part of a respondent is admissible in a disciplinary proceeding for such purposes as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(Rule 5.6 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.7 Consideration Of Sanctions.

Trial panels may receive evidence relating to the imposition of a sanction during a hearing, but are not to consider that evidence until after a determination is made that the respondent is in violation of a rule of professional conduct or statute. Only when the Adjudicator considers it appropriate because of the complexity of the case or the seriousness of the charge or charges, the trial panel may be reconvened to consider evidence in aggravation or mitigation of the misconduct found to have occurred.

(Rule 5.7 amended by Order dated February 23, 1988.
(Rule 5.7 amended by Order dated May 3, 2017, effective January 1, 2018.)
Rule 5.8 Default.

(a) Failure to Answer or Appear. If a respondent fails to resign or file an answer to a formal complaint within the time allowed by these rules, or if a respondent fails to appear at a hearing set pursuant to BR 2.4(e)(8), the Adjudicator may file with the Disciplinary Board Clerk an order finding the respondent in default under this rule and, if so, shall request the regional chairperson to appoint an attorney member and a public member to serve on the trial panel, unless a panel has already been appointed. The Disciplinary Board Clerk shall send copies of the order of default to the parties. The trial panel shall thereafter deem the allegations in the formal complaint to be true and either issue its written opinion based on the formal complaint, or, in its sole discretion, after considering evidence or legal authority limited to the issue of sanction. Following entry of an order of default, the respondent is not entitled to further notice in the disciplinary proceeding under consideration, except as may be required by these rules or by statute. The trial panel shall not, absent good cause, continue or delay proceedings due to a respondent’s failure to answer or appear.

(b) Setting Aside Default. At any time prior to a trial panel’s issuing its written opinion, the trial panel may set aside an order of default upon a showing by the respondent that the respondent’s failure to resign, answer, or appear timely was the result of mistake, inadvertence, surprise, or excusable neglect. If a trial panel has issued its opinion, a respondent must file any motion to set aside an order of default with the Supreme Court.

(Rule 5.8 amended by Order dated June 29, 1993.)
(Rule 5.8(a) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 5.8(b) amended by Order dated October 19, 2009.)
(Rule 5.8(a) and 5.8(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 5.8(a) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 5.9 Attorney Assistance Evidence.

(a) Definition. For the purposes of this rule, an “attorney assistance program” is any treatment, counseling, training or remedial service, created under ORS 9.568 or otherwise, designed to provide assistance to attorneys or LPs who are suffering from impairment or other circumstances which may adversely affect their professional competence or conduct, or to provide advice and training to attorneys or LPs in practice management.

(b) Use of Evidence by Respondent. Subject to the provisions of BR 5.1(a) and this rule, the respondent may offer evidence at a disciplinary hearing concerning the respondent’s participation in or communication with an attorney assistance program. If the respondent fails to provide timely notice to Disciplinary Counsel as required under BR 5.9(c), the respondent may not offer evidence of the respondent’s participation in or communication with an attorney assistance program at the hearing.

(c) Prior Notice. If the respondent intends to offer evidence at a hearing concerning the respondent’s participation in or communication with an attorney assistance program, the respondent shall file with the Disciplinary Board Clerk, with proof of service on Disciplinary Counsel, written notice of such intent, not less than 63 days prior to the date the hearing is scheduled to commence. For good cause shown, the Adjudicator may permit the respondent to give the notice within a shorter period of time. The notice shall specify the identity of the attorney assistance program, the nature of the evidence that will be offered, the names of the service providers with whom the respondent dealt, and the names and addresses of witnesses the respondent intends to call to present the evidence. The notice shall also include the consent or waiver required by BR 5.9(d). The respondent shall provide a copy of the notice to the attorney assistance program.

(d) Discovery. In the event the respondent provides a notice to Disciplinary Counsel under BR 5.9(c), Disciplinary Counsel may conduct discovery concerning the respondent’s participation in or communication with the attorney assistance program. The respondent shall provide any consent or waiver necessary to permit Disciplinary Counsel to obtain discovery from the attorney assistance program or its service providers at the time the respondent provides the notice required by BR 5.9(c). Questions regarding the permissible scope of discovery under this rule shall be resolved by the Adjudicator on motion pursuant to BR 4.5(c).
(e) Discovery not Public. Records and information obtained by Disciplinary Counsel through discovery under this rule are not be subject to public disclosure pursuant to BR 1.7(b), consistent with ORS 9.568(3), and may be disclosed by the parties only in the disciplinary proceeding.

(f) Use of Evidence by Bar. The Bar shall have the right to introduce evidence obtained through discovery under this rule only if the respondent introduces evidence of participation in or communication with an attorney assistance program.

(g) Enforcement. The Adjudicator may issue a protective order and impose sanctions to enforce this rule pursuant to BR 4.5(d) and (e).

(Rule 5.9 added by Order dated November 30, 1999.)
(Rule 5.9(a) amended by Order dated February 5, 2001.)
(Rule 5.9(c) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 5.9(e), 5.9(f), 5.9(g) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 5.9(a) amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 6 — Sanctions And Other Remedies

Rule 6.1 Sanctions.

(a) Disciplinary Proceedings. The dispositions or sanctions in disciplinary proceedings or matters brought pursuant to BR 3.4 or 3.5 are

1. dismissal of any charge or all charges;
2. public reprimand;
3. suspension for periods from 30 days to five years;
4. a suspension for any period designated in BR 6.1(a)(3) which may be stayed in whole or in part on the condition that designated probationary terms are met; or
5. disbarment.

In conjunction with a disposition or sanction referred to in this rule, a respondent may be required to make restitution of some or all of the money, property, or fees received by the respondent in the representation of a client, or reimbursement to the Client Security Fund.

(a) Contested Reinstatement Proceedings. In contested reinstatement cases a determination shall be made whether the applicant shall be

1. denied reinstatement;
2. reinstated conditionally, subject to probationary terms; or
3. reinstated unconditionally.

(a) Time Period Before Application and Reapplication. The Supreme Court may require an applicant whose admission or reinstatement has been denied to wait a period of time designated by the court before reapplying for admission or reinstatement.

(b) Effect of Disbarment. An attorney disbarred as a result of a disciplinary proceeding commenced by formal complaint before January 1, 1996, may not apply for reinstatement until five years have elapsed from the effective date of his or her disbarment. An attorney or LP disbarred as a result of a disciplinary proceeding commenced by formal complaint after December 31, 1995, shall never be eligible to apply and shall not be considered for admission under ORS 9.220 or reinstatement under Title 8 of these rules.
Rule 6.2 Probation.

(a) Authority in Disciplinary Proceedings. Upon determining that in cases of stipulated discipline where a respondent should be suspended, suspension of three years or less is imposed, the trial panel may decide to stay, execute the suspension may be stayed, in whole or in part, and place the respondent may be placed on probation for a period no longer than three years. The imposition of a probationary term shall not affect the criteria established by statute and these rules for Supreme Court review of trial panel decisions. Probation, if ordered, may be under such conditions as the trial panel or the court considers parties agree to as appropriate. Such conditions may include, but are not limited to, requiring alcohol or drug treatment; requiring medical care; requiring psychological or psychiatric care; requiring professional office practice or management counseling; and requiring periodic audits or reports. In any case where an attorney is placed on probation pursuant to this rule, the Adjudicator or the court may appoint a suitable person or persons to supervise the probation. Cooperation with any person so appointed shall be a condition of the probation.

(b) Authority in Contested Reinstatement Proceedings. Upon determining that an applicant should be readmitted/conditionally reinstated to membership in the Oregon State Bar, the trial panel/court may decide to place the applicant on probation for a period no longer than three years. The probationary terms may include, but are not limited to, those provided in BR 6.2(a). The court may adopt, in whole or in part, the trial panel’s decision regarding probation and enter an appropriate order upon a review of the proceeding. The court may appoint a suitable person or persons to supervise the probation. Cooperation with any person so appointed shall be a condition of the probation. An attorney or LP placed on probation pursuant to this rule may have his or her first probation revoked for a violation of any probationary term by petition of Disciplinary Counsel in accordance with the procedures set forth in BR 6.2(d). An attorney or LP whose probation is revoked shall be suspended from the practice of law until further order of the court.

(c) Disciplinary Board. In all cases where the trial panel determines that the respondent should be suspended and the determination is not reviewed by the court, thereby resulting in such determination becoming final, the decision that the respondent be placed on probation under the conditions specified in the trial panel’s opinion shall be deemed adopted and made a part of the determination. The Disciplinary Board shall not impose probation in cases decided after a trial or a default and shall not conditionally reinstate an applicant after a contested reinstatement hearing.

(d) Revocation Petition; Service; Trial Panel; Setting Hearing. Disciplinary Counsel may petition the Adjudicator or the court, as the case may be, to revoke the probation of any attorney or LP for violation of any probationary term imposed by a trial panel or the court, serving the attorney or LP with a copy of the petition pursuant to BR 1.8. The Adjudicator or the court, as the case may be, may order the attorney or LP to appear and show cause why probation should not be revoked and the original sanction imposed; the court also may refer the matter to the Disciplinary Board for hearing. When revocation of a trial panel probation is sought or the court has referred the matter to the Disciplinary Board for hearing, the Adjudicator shall appoint trial panel members pursuant to BR 2.4(e)(7) to serve with the Adjudicator on a trial panel that will conduct the show cause hearing and, where applicable, report back to the court. The Disciplinary Board Clerk shall notify the attorney or LP and Disciplinary Counsel in writing of the members to serve on the trial panel. BR 2.4(g) applies. After any timely filed challenges have been ruled upon and any substitute members have been appointed, the Adjudicator shall promptly enter an order that the attorney or LP appear and show
Rule 6.3 Duties Upon Disbarment or Suspension.

(a) Attorney or LP to Discontinue Practice. A disbarred or suspended attorney or LP shall not practice law after the effective date of disbarment or suspension. This rule shall not preclude a disbarred or suspended attorney or LP from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(b) Responsibilities. It shall be the duty of a disbarred or suspended attorney or LP to immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(c) Notice; Return of Client Property. When, as a result of the disbarment or suspension, any active client matter will be left for which no other active member of the Bar, with the consent of the client, has agreed to resume responsibility, the disbarred or suspended attorney or LP shall give written notice of the cessation of practice to the affected clients, opposing parties, courts, agencies, and any other person or entity having reason to be informed of the cessation of practice. Such notice shall be given no later than fourteen (14) days after the effective date of the disbarment or suspension. In the case of a disbarment or a suspension of more than 60 days, client property pertaining to any active client matter shall be delivered to the client or an active member of the Bar designated by the client as substitute counsel.

(d) Contempt. Disciplinary Counsel may petition the Supreme Court to hold a disbarred or suspended attorney or LP in contempt for failing to comply with the provisions of BR 6.3(a), (b), or (c). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

Rule 6.4 Ethics School.

(a) An attorney or LP sanctioned under BR 6.1(a)(2), (a)(3) or (a)(4) shall successfully complete a one-day... 

Current versions of this document are maintained on the OSB website: www.osbar.org
course of study developed and offered by the Bar on the subjects of legal ethics, professional responsibility and law office management. Successful completion requires that the attorney or LP attend in-person and complete the course offered by the Bar within the designated period established by the Bar, and pay the attendance fee established by the Bar.
Title 7 — Suspension for Failure to Respond in a Disciplinary Investigation

Rule 7.1 Suspension for Failure to Respond to a Request for Information or a Subpoena.

(a) Petition for Suspension. When an attorney or LP fails without good cause to timely respond to a request from Disciplinary Counsel for information or records, or fails to respond to a subpoena issued pursuant to BR 2.2(b)(2), Disciplinary Counsel may petition the Disciplinary Board for an order immediately suspending the attorney or LP until such time as the attorney or LP responds to the request or complies with the subpoena. A petition under this rule shall allege that the attorney or LP has not responded to requests for information or records or has not complied with a subpoena, and has not asserted a good-faith objection to responding or complying. The petition shall be supported by a declaration setting forth the efforts undertaken by Disciplinary Counsel to obtain the attorney’s or LP’s response or compliance.

(b) Procedure. Disciplinary Counsel shall file a petition under this rule with the Disciplinary Board Clerk. The Adjudicator shall have the authority to act on the matter for the Disciplinary Board. A copy of the petition and declaration shall be served on the attorney or LP as set forth in BR 1.8(a).

(c) Response. Within 14 business days after service of the petition, the attorney or LP may file a response with the Disciplinary Board Clerk, setting forth facts showing that the attorney or LP has responded to the requests or complied with the subpoena, or the reasons why the attorney or LP has not responded or complied. The attorney or LP shall serve a copy of the response upon Disciplinary Counsel pursuant to BR 1.8(b). Disciplinary Counsel may file a reply to any response with the Disciplinary Board Clerk within 2 business days after being served with a copy of the attorney’s or LP’s response and shall serve a copy of the reply on the attorney or LP.

(d) Review by the Disciplinary Board. Upon review, the Adjudicator shall issue an order that either denies the petition or immediately suspends the attorney or LP from the practice of law for an indefinite period. The Adjudicator shall file the order with the Disciplinary Board Clerk, who shall promptly send copies to Disciplinary Counsel and the attorney or LP.

(e) Duties upon Suspension. An attorney or LP suspended from practice under this rule shall comply

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with the requirements of BR 6.3(a) and (b).

(f) Independent Charges. Suspension of an attorney or LP under this rule is not discipline. Suspension or reinstatement under this rule shall not prevent the SPRB from directing Disciplinary Counsel to file a formal complaint against an attorney or LP alleging a violation of RPC 8.1(a)(2), arising from the failure to respond or comply as alleged in the petition for suspension filed under this rule.
Reinstatement. Subject to BR 8.1(a)(5), the requirements for reinstatement, any attorney or LP who has been a member of the Bar or licensed as an LP but suspended under BR 7.1 solely for failure to respond to requests for information or records or to respond to a subpoena shall be reinstated by the Chief Executive Officer to the membership status from which the person was suspended upon the filing of a Compliance Declaration with Disciplinary Counsel as set forth in BR 13.10.

Title 8 — Reinstatement

Rule 8.1 Reinstatement — Formal Application Required.

(a) Applicants. Any person who has been a member of the Bar, but who has may seek reinstatement under this rule if they have

(1) resigned under Form A of these rules prior to December 1, 2019, more than ten years prior to the date of application for reinstatement and who has not been a member of the Bar during such period; or

(2) resigned under Form B of these rules prior to January 1, 1996; or

(3) been disbarred as a result of a disciplinary proceeding commenced by formal complaint before January 1, 1996; or

(4) been suspended for misconduct for a period of more than 6 months; or

(5) been suspended for misconduct for a period of 6 months or less but has remained in a suspended status for a period of more than 6 months prior to the date of application for reinstatement; or

(5) [Reserved];

(6) been involuntarily transferred to an inactive membership status; or

(7) been suspended under BR 7.1 for a period of more than five years prior to the date of application for reinstatement; or

(8) been suspended for any reason and has remained in that status more than 10 years.

and who desires to be reinstated as an active member or to resume the practice of law in Oregon shall be reinstated as an active member of the Bar only upon formal application and compliance with the Rules of Procedure in effect at the time of such application.

(b) Applicants for reinstatement under this rule must file a completed application with the Bar on a form prepared by the Bar for that purpose. The applicant shall attest that the applicant did not engage in the practice of law except where authorized to do so during the period of the applicant’s suspension, disbarment, or resignation.

A reinstatement

(1) Reinstatement to inactive status is not allowed under this rule.

(2) An applicant who has been suspended for a period exceeding 6 months may not apply for reinstatement any earlier than 3 months before the earliest possible expiration of the period specified in the opinion or order imposing suspension.

(b). Required Showing; Effect of Noncooperation.
(c) Duty to Cooperate. Each applicant under this rule must show that he has a duty to cooperate and comply with requests from the Oregon State Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law, that he has established that he has cooperated and complied with the Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law, and that he has cooperated and complied with the Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law. Applicants must respond to a lawful demand for information; execute releases necessary to obtain information and records from third parties whose records reasonably bear upon character and fitness; and report promptly any changes, additions or corrections to information provided in the application.

(d) Character and Fitness. Each applicant must show that they have good moral character and general fitness to practice law. The applicant must establish that they have reformed since engaging in earlier misconduct, if any, and that the resumption of the practice of law in Oregon by the applicant will not be detrimental to the administration of justice or the public interest.
administration of justice or the public interest. Reformation may be established by evidence, such as:

(1) Notice of and requests for comment on applications shall be published on the Bar’s website for a period of 30 days. The Bar shall consider comments about applicants received in its evaluation of the Applicant’s character and fitness.

(2) In determining whether the applicant has reformed, the applicant may present evidence, such as:

(i) character evidence from people who know and have had the opportunity to observe the applicant;
(ii) evidence of the applicant’s participation in activities for the public good;
(iii) evidence of the applicant’s forthrightness in acknowledging earlier wrongdoing;
(iv) evidence of the applicant’s adequate resolution of any previous substance abuse problem; and
(v) evidence of the applicant’s willingness to pay restitution to those people harmed by the applicant’s earlier conduct. In determining whether evidence is sufficient to establish reformation, the Supreme Court must be satisfied that the applicant has reformed in light of the earlier misconduct.

(2) Each applicant has a duty to cooperate and comply with requests from the Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law, including responding to a lawful demand for information; the execution of releases necessary to obtain information and records from third parties whose records reasonably bear upon character and fitness; and reporting promptly any changes, additions or corrections to information provided in the application.

(3) The Chief Executive Officer may refer to the Board any applicant who, during the pendency of a reinstatement application, engages in conduct that would violate RPC 8.1(a) if done by an attorney or LP, with a recommendation that the Board determine that the applicant has not made the showing required by BR 8.1(b) and recommend to the Supreme Court that the application be denied. No applicant shall resume the practice of law in Oregon or active membership status unless all the requirements of this rule are met.

(iv) Learning and Ability. In addition to the showing required in BR 8.1(b), each applicant under this rule must show that the applicant has the requisite learning and ability to practice law in Oregon. The Bar may recommend and the Supreme Court may require as a condition precedent to reinstatement that the applicant take and pass the bar examination administered by the BBX, or successfully complete a prescribed course of continuing legal education. Factors to be considered in determining an applicant’s learning and ability include, but are not limited to: the length of time since the applicant was an active member of the Bar; whether and when the applicant has practiced law in Oregon; whether the applicant practiced law in any jurisdiction since they were last an active member in Oregon; and whether the applicant has participated in continuing legal education activities since they were last an active member in Oregon.

(iv)(a) Fees. In addition to the payments required in BR 8.6, an applicant under this rule shall pay an application fee of $750 at the time the application for reinstatement is filed.

(a)(f) Review by Chief Executive Officer. Referral of Application to Board. Notice of and requests for comment on applications filed under BR 8.1 shall be published on the Bar’s website for a period of 30 days. If, after review of an application filed under BR 8.1 Rule, the Chief Executive Officer determines that the applicant has made the showing required by BR 8.1(b), the Chief Executive Officer shall recommend to the Supreme Court, as provided in BR 8.7, that the application be granted, conditionally or unconditionally. If the Chief Executive Officer is unable to determine from a review of an application and any information gathered in the investigation of the application that the applicant has made the showing required by BR 8.1(b), the Chief Executive Officer shall refer the application to the Board for consideration, with notice to the applicant.

(iii) Board Consideration Denial of Application. If, after a referral from the Chief Executive Officer, the Board determines from its review of the application and any information gathered in the investigation of the application.
application that the applicant has made the showing required by BR 8.1(b), the Board shall recommend to the Supreme Court, as provided in BR 8.7, that the application be granted, conditionally or unconditionally. If the Board determines that the applicant has not made the showing required by BR 8.1(b), under this Rule, the Board/CEO shall recommend to the court that the application be denied, and direct the Bar to proceed as provided in BR 8.8.

(h) If either the Chief Executive Officer or the Board recommend to the Supreme Court, under paragraph (e) or (e) of this rule, that the application be granted conditionally or unconditionally, then the court must determine whether the applicant has satisfied the burden of proof set out in BR 8.12. If the court determines that the
Rule 8.2 Reinstatement — Informal Application Required.

(a) Applicants. Any person who has been a member of the Bar, but who

(1) resigned under Form A of these rules prior to December 1, 2019, and 10 years or less prior to the date of application for reinstatement, and who has not been a member of the Bar during such period, or

(2) is presently enrolled voluntarily as an inactive, retired, or pro bono member, or

(3) has been suspended for failure to pay the Professional Liability Fund assessment, Client Security Fund assessment, or membership fees or penalties and has remained in that status for more than 6 months but not in excess of 10 years prior to the date of application for reinstatement; or

(4) has been suspended for failure to comply with the Minimum Continuing Legal Education (MCLE) Rules and Regulations, or for failure to file with the Bar a certificate disclosing lawyer trust accounts, and has remained in that status for more than 6 months but not in excess of 10 years prior to the date of application for reinstatement; or

(5) has been suspended under Rule 7.1 and has remained in that status more than 6 months but not in excess of 5 years prior to the date of application for reinstatement; or

(6) has been suspended solely for failure to pay the Professional Liability Fund assessment, Client Security Fund assessment, or membership fees or penalties and has remained in that status for more than 6 months but not in excess of 10 years prior to the date of application for reinstatement and seeks reinstatement to inactive or retired status,

may be reinstated by the Chief Executive Officer by filing an informal application for reinstatement with the Bar and compliance with the Rules of Procedure in effect at the time of such application. The informal application for reinstatement shall be on a form prepared by the Bar for such purpose. The applicant shall attest that the applicant did not engage in the practice of law except where authorized to do so during the period of the applicant’s inactive, retired, or active pro bono status, suspension or resignation. No applicant shall resume the practice of law in Oregon, or active, inactive, retired, active pro bono membership status, unless all the requirements of this Rule are met.
unless all the requirements of this rule are met.
OSB Rules of Procedure (Revised 9/1/2023)

(a). Required Showing. Each applicant under this rule must show that the applicant has good moral character and general fitness to practice law, and that the applicant’s resumption of the practice of law in Oregon will not be detrimental to the administration of justice or the public interest. Each applicant has a duty to cooperate and comply with requests from the Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law, including responding to a lawful demand for information; the execution of releases necessary to obtain information and records from third parties whose records reasonably bear upon character and fitness; and reporting promptly any changes, additions or corrections to information provided in the application. The Chief Executive Officer may refer to the Board any applicant who, during the pendency of a reinstatement application, engages in conduct that would violate RPC 8.1(a) if done by an attorney, with a recommendation that the Board determine that the applicant has not made the showing required by BR 8.1(b), and recommend to the Supreme Court that the application be denied. No applicant shall resume the practice of law in Oregon or active membership status unless all the requirements of this rule are met.

(a) Learning and Ability. In addition to the showing required in BR 8.2(b), each applicant under this rule must show that the applicant has the requisite learning and ability to practice law in Oregon. The Bar may recommend the applicant successfully complete a prescribed course of continuing legal education. Factors to be considered in determining an applicant’s learning and ability include, but are not limited to: the length of time since the applicant was an active member of the Bar; whether the applicant has practiced law in any jurisdiction during the period of the applicant’s suspension, resignation, inactive, or retired status since they were last an active member in Oregon; and whether the applicant has participated in continuing legal education activities during the period of suspension, inactive, or retired status in Oregon since they were last an active member in Oregon. The following are minimum criteria to establish learning and ability in an informal process:

(1) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than five years will be required to complete a minimum of 15 credits of continuing legal education.

(2) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than ten years will be required to complete a minimum of 45 credits of continuing legal education.

(3) Applicants who have not practiced law or completed continuing legal education courses in any jurisdiction for more than 15 years will be required to complete a minimum of 45 credits of continuing legal education or may be required to take and pass the bar exam administered by the BBX.

(4) Notwithstanding the amount of time that an applicant has been suspended, inactive, or otherwise in an other-than-active status, any applicant who has been actively engaged in the authorized full-time practice of law for no less than 24 of the 48 months immediately preceding their application will be deemed to have met the learning and ability standard.

(a) Fees. In addition to the payments required in BR 8.6, an applicant under this rule shall pay an application fee of $300 at the time the application for reinstatement is filed.

(a) Exceptions. Any applicant otherwise qualified to file for reinstatement under this rule but who

(2) during the period of the member’s suspension, resignation, active pro bono, inactive, or retired status, has been convicted in any jurisdiction of an offense that is a misdemeanor involving moral turpitude or a felony under the laws of this state, or is punishable by death or imprisonment under the laws of the United States, or

(2) during the period of the member’s suspension, resignation, active pro bono, inactive, or retired status, has been suspended for professional misconduct for more than six months or has been disbarred by any court other than the Supreme Court, or

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(c) has engaged in conduct that raises issues of possible violation of the Bar Act, former Code of Professional Responsibility, or Rules of Professional Conduct, shall be required to seek reinstatement under BR 8.1. Any applicant required to apply for reinstatement under BR 8.1 because of this rule shall pay all fees, assessments and penalties due and delinquent at the time of the applicant’s resignation, suspension or transfer to inactive status, and an application fee of $750 to the Bar at the time the application for reinstatement is filed, together with any payments due under BR 8.6.

(a) Referral of Application to Board. If the Chief Executive Officer is unable to determine from a review of an informal application and any information gathered in the investigation of the application that the applicant for reinstatement has made the showing required by BR 8.2(b), the Chief Executive Officer shall refer the application to the Board for consideration, with notice to the applicant.

(a) Board Consideration of Application. If, after a referral from the Chief Executive Officer, the Board determines from its review of the informal application and any information gathered in the investigation of the application that the applicant for reinstatement has made the showing required by BR 8.2(b), the Board shall reinstate the applicant. If the Board determines that the applicant has not made the showing required by BR 8.2(b), the Board shall deny the application for reinstatement. The Board also may determine that an application filed under BR 8.2 be granted conditionally. The Board shall file an adverse recommendation or a recommendation of conditional reinstatement with the Supreme Court under BR 8.7.

Suspension of Application. If the Chief Executive Officer or the Board, as the case may be, determines that additional information is required from an applicant regarding conduct during the period of suspension, resignation, inactive, or retired status, the Chief Executive Officer or the Board, as the case may be, may require additional information concerning the applicant’s conduct and defer consideration of the application for reinstatement until the required information is obtained.

[Reserved. Streamlined Reinstatements moved to Rules of Licensure]
(a) Applicants. Subject to the provisions of BR 8.1(a)(5), any person who has been a member of the Bar but who has been suspended for misconduct for a period of six months or less shall be reinstated upon the filing of a Compliance Declaration with Disciplinary Counsel as set forth in BR 13.9, unless the court or Disciplinary Board in any suspension order or decision shall have directed otherwise, or new charges have been authorized against the attorney by the State Professional Responsibility Board.

(1) Applicants. This rule applies to any person who has been a member of the Bar but has been suspended, disbarred, or administratively suspended for failure to pay the Professional Liability Fund assessment, Client Security Fund assessment or annual membership fees or penalties, or to file a certificate disclosing lawyer trust accounts.

(2) Reinstatement Requirements. An Applicant described in Rule 8.4(a) may be reinstated by the Chief Executive Officer if the membership status from which the person was suspended within six months from the date of the applicant’s suspension, upon payment to the Bar of all applicable assessments, fees and penalties due and delinquent at the time of the applicant’s suspension and an application for reinstatement under BR 8.1 is filed.

(3) Reinstatement Request. An applicant seeking reinstatement under this rule must submit a written request to the Chief Executive Officer together with payment of all required sums. The request shall be on a form approved by the Bar for that purpose including an explanation how the applicant has complied with this rule during the period of the applicant’s suspension. The applicant shall submit the written request within six months from the date of the applicant’s suspension.

(4) Exceptions. Any applicant otherwise qualified to request reinstatement under this rule but who, during the period of the member’s suspension, has been suspended for misconduct for more than six months or been disbarred by any court other than the Supreme Court, must seek reinstatement under BR 8.1. Any applicant required to apply for reinstatement under BR 8.1 pursuant to this rule shall pay all fees, assessments, and penalties due and delinquent at the time of the applicant’s suspension and an application fee of $500 to the Bar at the time the application for reinstatement is filed, together with any payments due under BR 8.6.

(Rule 8.4(a) amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 8.4(b) amended by Order dated December 28, 1993.)
(Rule 8.3(b) amended by Order dated October 19, 2009.)
(Rule 8.3(a) and 8.3(b) amended by Order dated May 3, 2017, effective January 1, 2018.)

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Rule 8.5 Reinstatement — Noncompliance With Ethics School Requirements.

Applicants. Subject to BR 8.1(a)(iii), any person who has been a member of the Bar but suspended solely for failure to comply with the requirements of the Ethics School established by BR 6.4 may seek reinstatement at any time subsequent to the date of the applicant’s suspension by meeting the following conditions:

(1) Completing the requirements that led to the suspension;

(2) Filing a written statement with the Chief Executive Officer, on a form prepared by the Bar for that purpose, which establishes compliance with this rule and the applicable Ethics School Rule and attests that the applicant did not engage in the practice of law except where authorized to do so during the period of the applicant’s suspension; and

(3) Submitting a reinstatement fee of $100 at the time of filing the written statement.

Exception. Reinstatement under this rule shall have no effect upon any member’s status under any other proceeding under these Rules of Procedure. Rule 8.5 — Reserved

Rule 8.6 Other Obligations Upon Application.

(a) Financial Obligations. Each applicant under BR 8.1 through 8.5 seeking reinstatement shall pay to the Bar, at the time the application for reinstatement is filed, all past due assessments, fees, and penalties owed to the Bar for prior years, and the membership fee and Client Security Fund assessment for the year in which the application for reinstatement is filed, less any active or inactive membership fees or Client Security Fund assessment paid by the applicant previously for the year of application. Each applicant under BR 8.1(a)(1) and BR 8.1(a)(8), shall also pay to the Bar, at the time of application, an amount equal to $100 for each year the applicant remained suspended or resigned, and for which no membership fee has been paid. Each applicant under BR 8.2(a)(1), BR 8.2(a)(3), or (4) shall also pay to the Bar, at the time of application, an amount equal to $100 for each year the applicant remained suspended or resigned and for which no membership fee has been paid. Each applicant shall also pay, upon reinstatement, any applicable assessment to the Professional Liability Fund.

(b) Judgment for Costs; Client Security Fund Claim. Each applicant shall also pay to the Bar, at the time of application:

   (1) any unpaid judgment for costs and disbursements assessed in a disciplinary or contested reinstatement proceeding; and

   (2) an amount equal to any claim paid by the Client Security Fund due to the applicant’s conduct, plus accrued interest thereon.

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(c) Refunds. In the event an application for reinstatement is denied, the Bar shall refund to the applicant the membership fees and assessments paid for the year the application was filed, less the membership fees and assessments that applied during any temporary reinstatement under BR 8.7.

(d) Adjustments. In the event an application for reinstatement is filed in one year and not acted upon until the following year, the applicant shall pay to the Bar, prior to reinstatement, any increase in membership fees or assessments since the date of application. If a decrease in membership fees and assessments has occurred, the Bar shall refund the decrease to the applicant.

(Rule 8.6(a) amended by Order dated December 28, 1993.)
(Rule 8.7(a) and (b) amended by Order dated December 9, 2004, effective January 1, 2005.)
(Rule 8.7(c) and (d) amended by Order dated April 15, 2013.)
(Rule 8.7(a) and 8.7(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.7(a) amended by Order dated December 8, 2020.)

Rule 8.7 Board Investigation And Recommendation.

(a) Investigation and Recommendation. On the filing of an application for reinstatement under BR 8.1 and BR 8.2 in which the applicant seeks reinstatement for reasons other than previously imposed discipline, Regulatory Counsel shall conduct such investigation as it deems proper and report to the Chief Executive Officer or the Board, as the case may be. For all applications filed pursuant to BR 8.1 or BR 8.2(d) in which applicants seek reinstatement as a result of imposed discipline or as otherwise provided in BR 8.2(d)(h), Disciplinary Counsel shall conduct such investigations as it deems proper and report to the Chief Executive Officer, as necessary. For applications filed under BR 8.1, the Chief Executive Officer, as the case may be, shall recommend to the Supreme Court that the application be granted, conditionally or unconditionally, or denied, and shall mail a copy of its recommendation to the applicant. For applications denied by the Board or recommended for conditional reinstatement under BR 8.2(f), the Board shall file its recommendation with the court and mail a copy of the recommendation to the applicant.

(b) Temporary Reinstatements. Except as provided herein, upon making a determination that the applicant is of good moral character and generally fit to practice law, the Chief Executive Officer or the Board may temporarily reinstate an applicant pending receipt of all investigatory materials. A temporary reinstatement shall not exceed a period of four months unless authorized by the court. An applicant who seeks reinstatement following a suspension or disbarment for professional misconduct, or an involuntary transfer to inactive status, shall not be temporarily reinstated pursuant to this rule.

(c) Conditional Reinstatement. The Bar may make a recommendation for voluntary conditional reinstatement to the Court for a formal reinstatement under BR 8.1 if the Bar’s investigation establishes concerns about the applicant’s current or future character and fitness practicing law due to past conduct. The Bar may propose to the applicant to recommend to the court voluntary conditional reinstatement of the applicant with probationary conditions to mitigate concerns about an applicant’s character and fitness. The applicant must agree to voluntary conditional reinstatement for the Bar to submit a recommendation of voluntary conditional reinstatement to the court. All voluntary conditional reinstatements, including probationary conditions, require approval from the court. The Court may modify or deny conditional reinstatement.

(Rule 8.7 amended by Order dated December 28, 1993.)
(Rule 8.7(a) and (b) amended by Order dated April 15, 2013.)
(Rule 8.7(a) and (b) amended by Order dated December 8, 2020.)

Rule 8.8 Petition To Review Adverse Recommendation.

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(a) Not later than 28 days after the Bar files its recommendation regarding the reinstatement of an applicant, the Bar shall file a recommendation regarding the reinstatement of an applicant with the Disciplinary Board Clerk with a copy to the applicant and the Supreme Court. Within 28 days after the Bar notifies the applicant of an adverse recommendation, an applicant who desires to contest the Bar’s recommendation shall file a petition with the State Court Administrator stating in substance that the applicant desires to have the case reviewed by the court. The State Court Administrator shall give written notice of such a referral to the applicant, the Disciplinary Board Clerk, Disciplinary Counsel, and the applicant. The applicant’s resignation, disbarment, suspension, inactive, or retired membership status shall remain in effect until the court’s final disposition of the petition.
Rule 8.8 Procedure On Referral By Supreme Court Statement Of Objections.

On receipt of a referral
petition to the Disciplinary Board under BR 8.8 Review adverse recommendation, Disciplinary Counsel may appoint Bar Counsel to represent the Bar. Disciplinary Counsel or Bar Counsel shall prepare and file with the Disciplinary Board Clerk, with proof of service on the applicant, a statement of objections. The statement of objections shall be substantially in the form set forth in BR 13.5.

(Rule 8.8 amended by Order dated June 17, 2003, effective July 1, 2003.) Amended by Order dated May 3, 2017, effective January 1, 2018. Amended and redesignated as Rule 8.8(a) and 8.8(b) by Order dated October 27, 2019, effective December 1, 2019.

Rule 8.10 Answer To Statement Of Objections.

The applicant shall answer the statement of objections within 14 days after service of the statement and notice to answer upon the applicant. The answer shall be responsive to the objections filed. General denials are not allowed. The answer shall be substantially in the form set forth in BR 13.3 and shall be filed with the Disciplinary Board Clerk, with proof of service on Disciplinary Counsel. After the answer is filed or upon the expiration of the time allowed in the event the applicant fails to answer, the matter shall proceed to hearing. Applicant may request an extension in the same manner as in BR 4.3(d).


Rule 8.11 Hearing Procedure.

Titles 4, 5, and 10 apply as far as practicable to reinstatement proceedings referred by the Supreme Court to the Disciplinary Board for hearing.

(Rule 8.11 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 8.12 Burden Of Proof.

An applicant has the burden of proving the elements of the applicable standard by clear and convincing evidence.

Rule 8.13 Burden Of Producing Evidence.

While an applicant for reinstatement has the ultimate burden of proof to establish good moral character and general fitness to practice law, the Bar shall initially have the burden of producing evidence in support of its position that the applicant should not be readmitted to the practice of law.
Rule 8.14 Reinstatement and Transfer—Active Pro Bono.

(1) Reinstatement from Inactive Status. An applicant who has been enrolled voluntarily as an inactive member and who has not engaged in any of the conduct described in BR 8.2(d) may be reinstated by the Chief Executive Officer to Active Pro Bono status. The Chief Executive Officer may deny the application of such an applicant for reinstatement for the reasons set forth in BR 8.2(d), in which case the applicant may be reinstated only upon successful compliance with all of the provisions of BR 8.2. The application for reinstatement to Active Pro Bono status shall be on a form prepared by the Bar for such purpose. No fee is required.

(2) Transfer to Regular Active Status. An applicant who has been on Active Pro Bono status for a period of 5 years or less and who desires to be eligible to practice law without restriction may be transferred to regular active status in the manner provided in and subject to the requirements of BR 8.1 and BR 8.2.

[Reserved.

(Rules 8.5 - 8.11 amended by Order dated November 24, 1987, effective January 1, 1988.)
(Rules 8.6 - 8.13 amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 8.14 added by Order dated September 6, 2001, effective September 6, 2001.)
(Rule 8.14(d) and (b) amended by Order dated October 19, 2009.)
(Rule 8.14(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.14(b) amended by Order dated October 15, 2020, effective November 14, 2020.)

Title 9 — Resignation

Rule 9.1 Resignation.

An attorney or LP may resign membership in the Bar by filing a resignation that shall be effective only on acceptance by the Supreme Court. If no inquiries or grievances involving the attorney or LP are under investigation by the Bar, no disciplinary proceedings are pending against the attorney or LP, the attorney or LP is not suspended, disbarred, or on probation pursuant to BR 6.1 or BR 6.2, and the attorney or LP is not charged in any jurisdiction with an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States, the resignation must be on the form set forth in BR 13.6 and shall be filed with Regulatory Counsel. In all other circumstances, the resignation must be on the form set forth in BR 13.7 and shall be filed with Disciplinary Counsel.

(Rule 9.1 amended by Order dated February 5, 2001.)
(Rule 9.1 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.1 amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.1 amended by Order dated December 8, 2020.)
(Rule 9.1 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.2 Acceptance Of Resignation.

Disciplinary or Regulatory Counsel, as the case may be, shall promptly forward the resignation to the State Court Administrator for submission to the Supreme Court. Upon acceptance of the resignation by the court, the name of the resigning attorney or LP shall be stricken from the roll of attorneys or LPs; he or she shall no longer be entitled to the rights or privileges of an attorney or LP, but shall remain subject to the jurisdiction of the court with respect to matters occurring while he or she was an attorney or LP. Unless otherwise ordered by the court, any pending investigation of charges, allegations, or instances of alleged misconduct by the resigning attorney or LP shall, on the acceptance by the court of his or her resignation, be closed, as shall any pending disciplinary proceeding against the attorney or LP.

(Rule 9.2 amended by Order dated February 5, 2001.)
(Rule 9.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.2 amended by Order dated December 8, 2020.)
(Rule 9.2 amended by Order dated August 17, 2022, effective July 1, 2023.)
Rule 9.3 Duties Upon Resignation.

(a) Attorney or LP to Discontinue Practice. An attorney or LP who has resigned membership in the Oregon State Bar shall not practice law after the effective date of the resignation. This rule shall not preclude an attorney or LP who has resigned from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(b) Responsibilities. It shall be the duty of an attorney or LP who has resigned to immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(c) Notice. When, as a result of an attorney’s or LP’s resignation, an active client matter will be left for which no other active member of the Bar, with the consent of the client, has agreed to resume responsibility, the resigned attorney or LP shall give written notice of the cessation of practice to the affected clients, opposing parties, courts, agencies, and any other person or entity having reason to be informed of the cessation of practice. Such notice shall be given no later than fourteen (14) days after the effective date of the resignation. Client property pertaining to any active client matter shall be delivered to the client or an active member of the Bar designated by the client as substitute counsel no later than 21 days after the effective date of the resignation.

(d) Contempt. Disciplinary Counsel may petition the Supreme Court to hold an attorney or LP who has resigned in contempt for failing to comply with the provisions of BR 9.3(a), (b), or (c). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

(Rule 9.3 amended by Order dated March 13, 1989, effective April 1, 1989.)
(Former Rule 9.3(c) redesignated as Rule 9.3(d); Rule 9.3(c) added; and Rule 9.3(d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.3(d) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.3 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.4 Effect of Form B Resignation.

An attorney or LP who has resigned membership in the Bar under Form B of these rules after December 31, 1995, shall never be eligible to apply for reinstatement under Title 8 of these rules and shall not be considered for admission under OR 9.220 or on any basis under the Rules for Admission of Attorneys.

(Rule 9.4 added by Order dated December 14, 1995.)
(Rule 9.4 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.4 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.5 Effect of Form A Resignation after November 30, 2019.

An attorney or LP who has resigned membership in the Bar under Form A of these rules after November 30, 2019, shall never be eligible to apply for reinstatement under Title 8 of these rules, but may be considered for admission under ORS 9.220 or any basis under the Rules for Admission of Attorneys or Rules for Admission of Licensed Paralegals.

(Rule 9.5 repealed by Order dated January 17, 2008.)
(Rule 9.5 added by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.5 amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 10 — Review By Supreme Court

Rule 10.1 Disciplinary Proceedings.
Upon the conclusion of a disciplinary hearing, the Adjudicator, pursuant to BR 1.8, shall file the trial panel’s written opinion with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies to Disciplinary Counsel, Bar Counsel, and the respondent. The Bar or the respondent may seek review of the matter by the Supreme Court; otherwise, the decision of the trial panel shall be final on the 31st day following the notice of receipt of the trial panel opinion by the Disciplinary Board Clerk, pursuant to BR 2.4(h)(4).

(Rule 10.1 amended by Order dated July 8, 1988.)
(Rule 10.1 amended by Order dated August 2, 1991.)
(Rule 10.1 amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.1 amended by Order dated February 5, 2001.)
(Rule 10.1 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.1 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Rule 10.1 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 10.1 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 10.2 Request for Review.

Within 30 days after the Disciplinary Board Clerk has acknowledged, as required by BR 2.4(h)(4), receipt of a trial panel opinion, the Bar or the respondent may file with the Disciplinary Board Clerk and the State Court Administrator a request for review as set forth in BR 13.8. A copy of the request for review shall be served on the opposing party.

(Rule 10.2 amended by Order dated July 22, 1991.)
(Rule 10.2 amended by Order dated February 5, 2001.)
(Rule 10.2 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.2 amended by Order dated October 19, 2008.)
(Rule 10.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 10.2 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 10.3 Contested Reinstatement Proceeding.

Upon the conclusion of a contested reinstatement hearing, the trial panel shall file its written opinion with the Disciplinary Board Clerk and the State Court Administrator, and serve copies on Disciplinary Counsel and the applicant. Each such reinstatement matter shall be reviewed by the Supreme Court.

(Rule 10.3 amended by Order dated July 8, 1988.)
(Rule 10.3 amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.3 amended by Order dated February 5, 2001.)
(Rule 10.3 corrected by Order dated June 28, 2001.)
(Rule 10.3 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.3 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Rule 10.3 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 10.4 Filing In Supreme Court.

(a) Record. Disciplinary Counsel shall file the record of a proceeding with the State Court Administrator upon the receipt by Disciplinary Counsel of:

(1) a request for review timely filed pursuant to BR 10.2; or
(2) a trial panel opinion in any contested reinstatement proceeding.

The record shall include a copy of the trial panel’s opinion. Upon receipt of the record, the matter shall be reviewed by the court as provided in BR 10.5.

(Rule 10.4(a)(i) amended by Order dated July 22, 1991.)
(Rule 10.4 amended by Order dated June 29, 1993.)
(Rule 10.4(a)(ii) and (b) amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.4 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Fomer Rule 10.4(a)(i) and 10.4(a)(ii) redesignated as Rule 10.4(a)(1) and 10.4(a)(2); Rule 10.4(a), 10.4(a)(1), and 10.4(a)(2).)
Rule 10.5 Procedure In Supreme Court.

(a) Briefs. No later than 28 days after the Supreme Court’s written notice to Disciplinary Counsel and the respondent or applicant of receipt of the record, the party who requested review or the applicant, as the case may be, must file an opening brief. The brief must include a request for relief asking the court to adopt, modify, or reject, in whole or in part, the decision of the trial panel. Otherwise, the format of the opening brief and the timing and format of any answering or reply briefs shall be governed by the applicable Oregon Rules of Appellate Procedure. The failure of the Bar or a respondent or applicant to file a brief does not prevent the opposing litigant from filing a brief. Answering briefs are not limited to issues addressed in petitions or opening briefs, and may urge the adoption, modification, or rejection in whole or in part of any decision of the trial panel.

(b) Oral Argument. The Oregon Rules of Appellate Procedure relating to oral argument apply in disciplinary and contested reinstatement proceedings.

Rule 10.6 Nature Of Review.

The Supreme Court shall consider each matter de novo upon the record and may adopt, modify, or reject the decision of the trial panel in whole or in part and thereupon enter an appropriate order. In admission or reinstatement proceedings, the Supreme Court may require an applicant whose admission or reinstatement has been denied to wait a period of time designated by the court before reapplying for admission or reinstatement.

Rule 10.7 Costs And Disbursements.

(a) Costs and Disbursements. “Costs and disbursements” are actual and necessary (1) service, filing and witness fees; (2) expenses of reproducing any document used as evidence at a hearing, including perpetuation depositions or other depositions admitted into evidence; (3) expenses of the hearing transcript, including the cost of a copy of the transcript if a copy has been provided by the Bar to a respondent or an applicant without charge; and (4) the expense of preparation of an appellate brief in accordance with ORAP 13.05. Lawyer fees are not recoverable costs and disbursements, either at the hearing or on review. Prevailing party fees are not recoverable by any party.

(b) Allowance of Costs and Disbursements. In any discipline or contested reinstatement proceeding, costs and disbursements as permitted in BR 10.7(a) may be allowed to the prevailing party by the Disciplinary Board or the Supreme Court. A respondent or applicant prevails when the charges against the respondent are dismissed in their entirety or the applicant is unconditionally reinstated to the practice of law in Oregon. The Bar shall be considered to have prevailed in all other cases.

(c) Recovery After Offer of Settlement. A respondent may, at any time up to fourteen (14) days prior to hearing, serve upon Disciplinary Counsel an offer to enter into a stipulation for discipline or no contest plea under BR 3.6. In the event the SPRB rejects such an offer, and the matter proceeds to hearing and results in a final decision of the Disciplinary Board or the court imposing a sanction no greater than that to which the respondent was willing to plead no contest or stipulate based on the charges the respondent was willing to concede or admit, the Bar shall not recover, and the respondent shall recover, actual and necessary costs.
and disbursements as permitted in BR 10.7(a) incurred after the date the SPRB rejected the respondent’s offer.
(d) Procedure for Recovery and Collection. The procedure set forth in the Oregon Rules of Appellate Procedure regarding the filing of cost bills and objections thereto shall apply, except that, in matters involving final decisions of the Disciplinary Board, cost bills and objections thereto shall be resolved by the Adjudicator. The cost bill and objections thereto shall be filed with the Disciplinary Board Clerk, with proof of service on the other party, and shall not be due until 21 days after the date a trial panel’s decision is deemed final under BR 10.1. The procedure for entry of judgments for costs and disbursements as judgment liens shall be as provided in ORS 9.536.

(Rule 10.7(d) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.7(a) and (d) amended by Order dated April 26, 2007.)
(Rule 10.7(b) amended by Order dated October 19, 2009.)
(Rule 10.7(a), 10.7(b), 10.7(c), and 10.7(d) amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 11 — Time Requirements

Rule 11.1 Failure To Meet Time Requirements.

The failure of any person or body to meet any time limitation or requirement in these rules shall not be grounds for the dismissal of any charge or objection, unless a showing is made that the delay substantially prejudiced the ability of the respondent or applicant to receive a fair hearing.

(Rule 11.1 amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 12 — Unlawful Practice of Law Committee

Rule 12.1 Appointment.

The Supreme Court may appoint as many members as it deems necessary to carry out the Unlawful Practice of Law Committee’s functions. At least two members of the Unlawful Practice of Law Committee must be members of the general public, and no more than one-quarter of the Unlawful Practice of Law Committee members may be lawyers engaged in the private practice of law.

Rule 12.2 Investigative Authority.

Pursuant to ORS 9.164, the Unlawful Practice of Law Committee shall investigate on behalf of the Bar complaints of the unlawful practice of law. For purposes of this rule, “unlawful practice of law” means (1) the practice of law in Oregon, as defined by the Supreme Court, by a person who is not an active member of the Bar and is not otherwise authorized by law to practice law in Oregon; or (2) holding oneself out, in any manner, as authorized to practice law in Oregon when not authorized to practice law in Oregon.

Rule 12.3 Public Outreach and Education.

(a) The Unlawful Practice of Law Committee may engage in public outreach to educate the public about the potential harm caused by the unlawful practice of law. The Unlawful Practice of Law Committee may cooperate in its education efforts with federal, state, and local agencies tasked with preventing consumer fraud.

(b) The Unlawful Practice of Law Committee may write informal opinions on questions relating to what activities constitute the practice of law. Opinions must be approved by the Board before publication. The published opinions are not binding, but are intended only to provide general guidance to lawyers and
members of the public about activities that Supreme Court precedent and Oregon law indicate may constitute the unlawful practice of law.

Rule 12.4 Enforcement.

The Bar may petition the Supreme Court to hold a disbarred attorney or LP or an attorney or LP whose resignation pursuant to BR 9.1 has been accepted by the court in contempt for engaging in the unlawful practice of law. The court may order the disbarred or resigned attorney or LP to appear and show cause, if any, why the disbarred or resigned attorney or LP should not be held in contempt of court and sanctioned accordingly.

(Fomer Title 12 redesignated as Title 13; Title 12, Rule 12.1, 12.2, 12.3, and 12.4 added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 12.4 amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 12.4 amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 13 — Forms

Rule 13.1 Formal Complaint.

A formal complaint in a disciplinary proceeding shall be in substantially the following form:

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re: _______________ ) No. _____

_____________________________ )
Complaint as to the conduct of _______________, Respondent ) FORMAL

_____________________________ ) COMPLAINT

For its first cause of complaint, the Oregon State Bar alleges:

1. The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to discipline of attorneys or licensed paralegals.

2. The Respondent, _______________, is, and at all times mentioned herein was, an attorney at law or a Licensed Paralegal, duly admitted by the Supreme Court of the State of Oregon to practice law in Oregon and a member of the Oregon State Bar, having his [her] office and place of business in the County of _______________, State of _______________.

3. et seq.

(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

4. (or next number)

The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

AND, for its second cause of complaint against said Respondent, the Oregon State Bar alleges:
5. (or next number)
Incorporates by reference as fully set forth herein Paragraphs _____, _____, _____, and _____ of its first cause of complaint.

6. (or next number)
(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

7. (or next number)
The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

AND, for its third cause of complaint against said Respondent, the Oregon State Bar alleges:

8. (or next number)
Incorporates by reference as fully set forth herein Paragraphs _____, _____, _____, and _____ of its first cause of complaint and Paragraphs _____, _____, _____, and _____ of its second cause of complaint.

9. (or next number)
(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

10. (or next number)
The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

WHEREFORE, the Oregon State Bar demands that the Respondent make answer to this complaint; that a hearing be set concerning the charges made herein; that the matters alleged herein be fully, properly and legally determined; and pursuant thereto, such action be taken as may be just and proper under the circumstances.

DATED this ___ day of ___, 20__

OREGON STATE BAR
By:
Disciplinary Counsel

(Rule 12.1 amended by Order dated February 5, 2001.)
(Former Rule 12.1 redesignated as Rule 13.1; Rule 13.1 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.1 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 13.2 Notice to Answer.

A copy of the formal complaint (statement of objections), accompanied by a notice to answer it within a designated time, shall be served on the respondent (applicant). Such notice shall be in substantially the following form:

(Heading as in complaint/statement of objections)

NOTICE TO ANSWER

You are hereby notified that a formal complaint against you (statement of objections to your reinstatement) has been filed by the Oregon State Bar, a copy of which formal complaint (statement of objections) is attached
hereto and served upon you herewith. You are further notified that you may file with the Disciplinary Board Clerk, with a service copy to Disciplinary Counsel, your verified answer within fourteen (14) days from the date of service of this notice upon you. In case of your default in so answering, the formal complaint (statement of objections) shall be heard and such further proceedings had as the law and the facts shall warrant.

(The following paragraph shall be used in a disciplinary proceeding only:)

You are further notified that an attorney or LP accused of misconduct may, in lieu of filing an answer, elect to file with Disciplinary Counsel of the Oregon State Bar, a written resignation from membership in the Oregon State Bar. Such a resignation must comply with BR 9.1 and be in the form set forth in BR 12.7. You should consult an attorney of your choice for further information about resignation.

The address of the Oregon State Bar is 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, or by mail at P. O. Box 231935, Tigard, Oregon 97281-1935.

DATED this ___ day of ___, 20__.

OREGON STATE BAR
By:
Disciplinary Counsel

(Rule 12.2 amended by Order dated February 5, 2001.)
(Rule 12.2 amended by Order dated April 26, 2007.)
(Rule 12.2 amended by Order dated March 20, 2008.)
(Rule 12.2 amended by Order dated October 19, 2009.)
(Former Rule 12.2 redesignated as Rule 13.2; Rule 13.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.2 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 13.3 Answer.

The answer of the respondent (applicant) shall be in substantially the following form:

(Heading as in complaint/statement of objections)

ANSWER

_________________________ (name of respondent (applicant)), whose residence address is _______ in the County of _______________, State of Oregon, and who maintains his [her] principal office for the practice of law or other business at _______ in the County of _______________, State of Oregon, answers the formal complaint (statement of objections) in the above-entitled matter as follows:

1. Admits the following matters charged in the formal complaint (statement of objections) as follows:

2. Denies the following matters charged in the formal complaint (statement of objections) as follows:

3. Explains or justifies the following matters charged in the formal complaint (statement of objections).

4. Sets forth new matter and other defenses not previously stated, as follows:

Current versions of this document are maintained on the OSB website: www.osbar.org
5. WHEREFORE, the accused (applicant) prays that the formal complaint (statement of objections) be dismissed.

DATED this ___ day of ____, 20__.

RESPONDENT (APPLICANT)
Attorney for Respondent (Applicant)

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in the trial panel hearing and is subject to penalty for perjury.

RESPONDENT (APPLICANT)
(Form Former Rule 12.3 redesignated as Rule 13.3; Rule 13.3 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.4 [Reserved for expansion]
(Rule 12.4 repealed by Order dated July 22, 1991.)
(Form Former Rule 12.4 redesignated as Rule 13.4 by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.5 Statement Of Objections To Reinstatement.
In a contested reinstatement proceeding, the statement of objections shall be in substantially the following form:

IN THE SUPREME COURT
OF THE STATE OF OREGON

In The Matter Of The ) STATEMENT
Application of ) OF
 ) OBJECTIONS
For Reinstatement as ) TO
an Active Member ) REINSTATEMENT
of the Oregon State Bar )

The Oregon State Bar objects to the qualifications of the Applicant for reinstatement on the ground and for the reason that the Applicant has not shown, to the satisfaction of the Board of Governors, that he [she] has the good moral character or general fitness required for readmission to practice law in Oregon, that his [her] readmission to practice law in Oregon will be neither detrimental to the integrity and standing of the Bar or the administration of justice, nor subversive to the public interest, or that he [she] is, in all respects, able and qualified, by good moral character and otherwise, to accept the obligations and faithfully perform the duties of an attorney in Oregon, in one or more of the following particulars:

1. The Applicant does not possess good moral character or general fitness to practice law, in that the Applicant, ____________________________ (state the facts of the matter)

2. (Same)

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3. (Same)

WHEREFORE, the Oregon State Bar requests that the recommendation of the Board of Governors to the Supreme Court of the State of Oregon in this matter be approved and adopted by the Court and that the application of the Applicant for reinstatement as an active member of the Oregon State Bar be denied.

DATED this ____ day of ___, 20__.

OREGON STATE BAR

By:

Disciplinary Counsel

(Rule 12.5 amended by Order dated February 5, 2001.)
(Rule 12.5 amended by Order dated October 19, 2009.)
(Former Rule 12.5 redesignated as Rule 13.5 by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.6 Form A Resignation.

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re:

FORM A

(Name)

RESIGNATION

I, ________________________________________, declare that my residence address is ____________________________, (No. and Street), ____________(City), ____________(State), ____________(Zip Code), and that I hereby tender my resignation from membership in the Oregon State Bar and respectfully request and consent to my removal from the roster of those admitted to practice before the courts of this state and from membership in the Oregon State Bar.

I hereby certify that I am not charged in any jurisdiction with an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States.

I hereby certify that all client files and client records in my possession pertaining to active or current clients have been or will be placed promptly in the custody of, ____________________________, a resident Oregon attorney, whose principal office address is ____________________________, who has agreed to serve as custodian to take possession of the files and take such further action as necessary to protect the interests of the clients, and that all such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

______________________________________________________________

OR

I hereby certify that all client files and client records pertaining to active or current clients have been or will be placed promptly in the custody of the Professional Liability Fund, which has agreed to take possession of the files and take such further action as necessary to protect the interests of the clients, and that such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

______________________________________________________________
I hereby certify that I have no client files or client records pertaining to active or current clients and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

I agree to perform the duties of a resigned attorney set forth in BR 9.3 and that I may be held in contempt of court if I do not.

DATED at __, this ___ day of ___, 20__

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

(Signature of Member)

I, ________________, Chief Executive Officer of the Oregon State Bar, do hereby certify that there are no inquiries or grievances involving the above-name attorney under investigation by the Bar, no disciplinary proceedings are pending against the attorney, and the attorney is not suspended, disbarred, or on probation pursuant to BR 6.1 and BR 6.2.

DATED this ____ day of ____________, 20__.

OREGON STATE BAR
By: ____________________________
Chief Executive Officer

(Rule 13.6 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 13.7 Form B Resignation.

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re: ) FORM B
(Name) ) RESIGNATION

State of ) ss
County of )

I, ________________, being duly sworn on oath, depose and say that my principal office for the practice of law or other business is located at ________________ (Building No. and Name, if any, or Box No.), ________________ (Street address, if any), ________________ (City), ________________ (State), ________________ (Zip Code); that my residence address is ________________ (No. and Street), ________________ (City), ________________ (State), ________________ (Zip Code), and that I hereby tender my resignation from membership in the Oregon State Bar and request and consent to my removal from the roster of those admitted to practice before the courts of this state and from membership in the Oregon State Bar.

I am aware that there is pending against me a formal complaint concerning alleged misconduct and/or that complaints, allegations or instances of alleged misconduct by me are under investigation by the Oregon State Bar and that such complaints, allegations and/or instances include:

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I do not desire to contest or defend against the above-described complaints, allegations or instances of alleged misconduct. I am aware of the rules of the Supreme Court and of the bylaws and rules of procedure of the Oregon State Bar with respect to admission, discipline, resignation and reinstatement of members of the Oregon State Bar. I understand that any future application by me for reinstatement as a member of the Oregon State Bar is currently barred by BR 9.4, but that should such an application ever be permitted in the future, it will be treated as an application by one who has been disbarred for misconduct, and that, on such application, I shall not be entitled to a reconsideration or reexamination of the facts, complaints, allegations or instances of alleged misconduct upon which this resignation is predicated. I understand that, on its filing in this court, this resignation and any supporting documents, including those containing the complaints, allegations or instances of alleged misconduct, will become public records of this court, open for inspection by anyone requesting to see them.

This resignation is freely and voluntarily made; and I am not being, and have not been, subjected to coercion or duress. I am fully aware of all the foregoing and any other implications of my resignation.

I hereby certify that all client files and client records in my possession pertaining to active or current clients have been or will be placed promptly in the custody of ________________________, a resident Oregon attorney, whose principal office address is ________________________, who has agreed to serve as custodian to take possession of the files and take such further action as necessary to protect the interests of the clients, and that all such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

OR

I hereby certify that all client files and client records pertaining to active or current clients have been or will be placed promptly in the custody of the Professional Liability Fund, which has agreed to take possession of the files and take such further action as necessary to protect the interests of the clients, and that such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

OR

I hereby certify that I have no client files or client records pertaining to active or current clients and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

I agree to perform the duties of a resigned attorney set forth in BR 9.3 and that I may be held in contempt of court if I do not.

DATED at __, this ___ day of __, 20__

(Signature of Attorney)

Subscribed and sworn to before me this ___ day of __, 20__.

Notary Public for Oregon

My Commission Expires:

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Rule 13.8 Request For Review.

A request for review pursuant to BR 10.3 shall be in substantially the following form.

IN THE SUPREME COURT
OF THE STATE OF OREGON

[The Respondent/The Oregon State Bar] hereby requests the Supreme Court to review the decision of the [Disciplinary Board trial panel/hearing panel] rendered on [date] in the above matter.

DATED this ___ day of ____, 20__.

[signature of respondent or counsel]

Rule 13.9 Compliance Declaration.

A compliance declaration filed under BR 8.3 shall be in substantially the following form:

COMPLIANCE DECLARATION

In re: Application of

_________________________ _______________________

(Name of attorney) (Bar number)

For reinstatement as an active/inactive [circle one] member of the OSB.

1. Full name _______________ Date of Birth ____________

2. Residence address _______ Telephone ______________

3. I hereby attest that during my period of suspension from the practice of law from __________ to __________, [insert dates] I did not at any time engage in the practice of law except where authorized to do so.

4. I also hereby attest that I complied as directed with the following terms of probation: [circle applicable items]

a. abstinence from consumption of alcohol and mind-altering chemicals/drugs, except as prescribed by a physician

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b. attendance at Alcoholics Anonymous meetings

c. cooperation with Chemical Dependency Program

d. cooperation with State Lawyers Assistance Committee

e. psychiatric/psychological counseling

f. passed Multi-State Professional Responsibility exam

g. attended law office management counseling and/or programs

h. other - (please specify) ________________________________
i. none required

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

(Name)

(Rule 12.9 established by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 12.9 amended by Order dated February 5, 2001.)
(Former Rule 12.9 redesignated as Rule 13.9; Rule 13.9 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.9 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 13.10 Compliance Declaration.

A compliance declaration filed under BR 7.1(g) shall be in substantially the following form:

COMPLIANCE DECLARATION

In re: Reinstatement of

_________________________ _______________________

(Name of attorney) (Bar number)

For reinstatement as an active/inactive (circle one) member of the OSB.

1. Full name _______________ Date of Birth _______________

2. Residence address _______ Telephone ________________

3. I hereby attest that during my period of suspension from the practice of law from ________ to ___________ (insert dates)

☐ I did not at any time engage in the practice of law except where authorized to do so.

OR

☐ I engaged in the practice of law under the circumstances described on the attached [attach an explanation of activities relating to the practice of law during suspension].

4. I also hereby attest that I responded to the requests for information or records by Disciplinary Counsel and have complied with any subpoenas issued by Disciplinary Counsel, or provided good cause for not complying to the request.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.
(Name)

(Rule 12.10 established by Order dated August 12, 2013, effective November 1, 2013.)
(Former Rule 12.10 redesignated as Rule 13.10; Rule 13.10 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.10 amended by Order dated May 22, 2019, effective September 1, 2019.)
Rules of Procedure


TABLE OF CONTENTS

Title 1 — General Provisions ........................................................................................................... 4
   Rule 1.1 Definitions ......................................................................................................................... 4
   Rule 1.2 Authority .......................................................................................................................... 6
   Rule 1.3 Nature Of Proceedings ................................................................................................... 6
   Rule 1.4 Jurisdiction; Choice of Law............................................................................................. 6
   Rule 1.5 Effective Date .................................................................................................................. 7
   Rule 1.6 Citation Of Rules ........................................................................................................... 7
   Rule 1.7 Bar Records ..................................................................................................................... 7
   Rule 1.8 Service Methods .............................................................................................................. 7
   Rule 1.9 Time ................................................................................................................................. 8
   Rule 1.10 Filing ............................................................................................................................... 8
   Rule 1.11 Designation of Contact Information ............................................................................. 9
   Rule 1.12 Service Of Bar Pleadings Or Documents on Out-of-State Attorney ......................... 9
   Rule 1.13 Electronic Signature and Submission .......................................................................... 9
   Rule 1.14 Declarations May Replace Affidavits .......................................................................... 10

Title 2 — Structure And Duties ......................................................................................................... 10
   Rule 2.1 Qualifications of Counsel ............................................................................................... 10
   Rule 2.2 Disciplinary Counsel ...................................................................................................... 12
   Rule 2.3 State Professional Responsibility Board ......................................................................... 13
   Rule 2.4 Disciplinary Board ......................................................................................................... 14
   Rule 2.5 Intake and Review of Inquiries and Complaints by Client Assistance Office .......... 18
   Rule 2.6 Investigations .................................................................................................................. 19

Current versions of this document are maintained on the OSB website: www.osbar.org
Rule 2.7 Investigations Of Alleged Misconduct Other Than By Inquiry .................................. 21
Rule 2.8 Proceedings Not To Stop On Compromise ................................................................. 22
Rule 2.9 Requests For Information And Assistance .............................................................. 22
Rule 2.10 Diversion .................................................................................................................. 22

Title 3 — Special Proceedings ................................................................................................. 24
Rule 3.1 Interlocutory Suspension During Pendency Of Disciplinary Proceedings ................. 24
Rule 3.2 Mental Incompetency Or Addiction — Involuntary Transfer To Inactive Membership Status ................................................................. 26
Rule 3.3 Allegations Of Criminal Conduct Involving Attorneys ........................................... 29
Rule 3.4 Conviction Of Attorneys .......................................................................................... 29
Rule 3.5 Reciprocal Discipline ............................................................................................... 31
Rule 3.6 Discipline By Consent .............................................................................................. 32

Title 4 — Prehearing Procedure ............................................................................................. 34
Rule 4.1 Formal Complaint .................................................................................................... 34
Rule 4.2 Service Of Formal Complaint .................................................................................. 35
Rule 4.3 Answer ...................................................................................................................... 35
Rule 4.4 Pleadings And Amendments ................................................................................... 35
Rule 4.5 Discovery .................................................................................................................. 36
Rule 4.6 Prehearing Issue Narrowing and Settlement Conference; Order ....................... 37
Rule 4.7 Pre-hearing Orders .................................................................................................... 38
Rule 4.8 Briefs ......................................................................................................................... 38
Rule 4.9 Mediation .................................................................................................................. 38

Title 5 — Disciplinary Hearing Procedure ........................................................................... 39
Rule 5.1 Evidence And Procedure ........................................................................................ 39
Rule 5.2 Burden Of Proof ....................................................................................................... 39
Rule 5.3 Location Of Hearing; Subpoenas; Testimony ......................................................... 39
Rule 5.4 Hearing Date; Continuances .................................................................................... 40
Rule 5.5 Prior Record ............................................................................................................ 40
Rule 5.6 Evidence Of Prior Acts Of Misconduct ................................................................. 40
Rule 5.7 Consideration Of Sanctions .................................................................................... 40
Rule 5.8 Default ..................................................................................................................... 41
Rule 5.9 Attorney Assistance Evidence ................................................................................. 41

Title 6 — Sanctions And Other Remedies .......................................................................... 42
Rule 6.1 Sanctions .................................................................................................................. 42
Rule 6.2 Probation .................................................................................................................. 43
Rule 6.3 Duties Upon Disbarment Or Suspension .............................................................. 44
Rule 6.4 Ethics School .......................................................................................................... 44
Title 7 — Suspension for Failure to Respond in a Disciplinary Investigation .......................... 45
  Rule 7.1 Suspension for Failure to Respond to a Subpoena ........................................ 45

Title 8 — Reinstatement ................................................................................................. 46
  Rule 8.1 Reinstatement — Formal Application Required ............................................... 46
  Rule 8.2 Reinstatement — Informal Application Required ........................................... 48
  Rule 8.3 Reinstatement — Compliance Affidavit ......................................................... 50
  Rule 8.4 Reinstatement — Financial or Trust Account Certification Matters ................... 51
  Rule 8.5 Reinstatement — Noncompliance With Minimum Continuing Legal Education,
    New Lawyer Mentoring Program or Ethics School Requirements .............................. 52
  Rule 8.6 Other Obligations Upon Application .......................................................... 52
  Rule 8.7 Board Investigation And Recommendation ................................................. 53
  Rule 8.8 Petition To Review Adverse Recommendation ............................................. 53
  Rule 8.9 Procedure On Referral By Supreme Court. .................................................... 54
  Rule 8.10 Answer To Statement Of Objections ......................................................... 54
  Rule 8.11 Hearing Procedure ..................................................................................... 54
  Rule 8.12 Burden Of Proof ....................................................................................... 54
  Rule 8.13 Burden Of Producing Evidence .................................................................. 54
  Rule 8.14 Reinstatement and Transfer--Active Pro Bono .............................................. 55

Title 9 — Resignation ..................................................................................................... 55
  Rule 9.1 Resignation .................................................................................................... 55
  Rule 9.2 Acceptance Of Resignation ........................................................................... 55
  Rule 9.3 Duties Upon Resignation ............................................................................. 56
  Rule 9.4 Effect of Form B Resignation ....................................................................... 56
  Rule 9.5 Effect of Form A Resignation after November 30, 2019 ............................... 56

Title 10 — Review By Supreme Court ........................................................................... 56
  Rule 10.1 Disciplinary Proceedings .......................................................................... 56
  Rule 10.2 Request for Review ................................................................................... 57
  Rule 10.3 Contested Reinstatement Proceeding ......................................................... 57
  Rule 10.4 Filing In Supreme Court ........................................................................... 57
  Rule 10.5 Procedure In Supreme Court ................................................................... 58
  Rule 10.6 Nature Of Review ..................................................................................... 58
  Rule 10.7 Costs And Disbursements ....................................................................... 58

Title 11 — Time Requirements ...................................................................................... 59
  Rule 11.1 Failure To Meet Time Requirements ........................................................... 59

Title 12 — Unlawful Practice of Law Committee .............................................................. 59
  Rule 12.1 Appointment ............................................................................................ 59

Current versions of this document are maintained on the OSB website: www.osbar.org
Rule 12.2 Investigative Authority ................................................................. 59
Rule 12.3 Public Outreach and Education ................................................... 59
Rule 12.4 Enforcement. .............................................................................. 60

Title 13 — Forms ....................................................................................... 60
Rule 13.1 Formal Complaint ........................................................................ 60
Rule 13.2 Notice to Answer .......................................................................... 61
Rule 13.3 Answer ......................................................................................... 62
Rule 13.4 [Reserved for expansion] .............................................................. 63
Rule 13.5 Statement Of Objections To Reinstatement .................................. 63
Rule 13.6 Form A Resignation ...................................................................... 64
Rule 13.7 Form B Resignation ...................................................................... 65
Rule 13.8 Request For Review ...................................................................... 67
Rule 13.9 Compliance Declaration .............................................................. 67
Rule 13.10 Compliance Declaration ............................................................. 68

Title 1 — General Provisions

Rule 1.1 Definitions.

In these rules, unless the context or subject matter requires otherwise:

(a) “Adjudicator” means the Disciplinary Board statewide adjudicator, one or more of whom is appointed by the Supreme Court to chair all trial panels and any attorney appointed to serve in the Adjudicator’s role in a particular proceeding pursuant to BR 2.4(e)(14) or BR 2.4(f)(2).

(b) “Applicant” means an applicant for reinstatement to the practice of law in Oregon.

(c) “Attorney” means a person who has been admitted to the practice of law in Oregon.

(d) “Bar” means Oregon State Bar created by the Bar Act.

(e) “Bar Act” means ORS Chapter 9.

(f) “Bar Counsel” means counsel appointed by Disciplinary Counsel to represent the Bar.

(g) “BBX” means Board of Bar Examiners appointed by the Supreme Court.

(h) “Board” means Board of Governors of the Bar.

(i) “Chief Executive Officer” means the chief administrative employee of the Bar.

(j) “Intake Office” means a department designated by the Bar separate from Disciplinary Counsel that reviews and responds to inquiries from the public about the conduct of attorneys and LPs.

(k) “Complainant” means a person who question or raises concerns about the conduct of an attorney or LP through the Intake Office.

(l) “Contested Admission” means a proceeding in which the BBX is objecting to the admission of an applicant to the practice of law after a character review proceeding.
(m) “Contested Reinstatement” means a proceeding in which the Bar is objecting to the reinstatement of an attorney or a former attorney or LP or former LP to the practice of law.

(n) “Disciplinary Board” means the board appointed by the Supreme Court to hear and decide disciplinary and contested reinstatement proceedings pursuant to these rules.

(o) “Disciplinary Board Clerk” means the person or persons designated in General Counsel’s Office of the Bar to receive and maintain records of disciplinary and reinstatement proceedings on behalf of the Disciplinary Board.

(p) “Disciplinary Counsel” means disciplinary counsel retained or employed by, and in the office of, the Bar and shall include such assistants as are from time to time employed by the Bar to assist disciplinary counsel.

(q) “Disciplinary proceeding” means a proceeding in which the Bar is charging an attorney or LP with misconduct in a formal complaint.

(r) “Examiner” means a member of the BBX.

(s) “Formal complaint” means the document that initiates a formal lawyer or LP discipline proceeding alleging misconduct and violations of disciplinary rules or statutory provisions.

(t) “General Counsel” means the General Counsel of the Bar or their designee.

(u) “Grievance” means an instance of alleged misconduct by an attorney or LP that may be investigated by the Intake office and/or Disciplinary Counsel.

(v) “Inquiry” means a communication received by the Intake Office pertaining to an attorney or LP that may or may not allege professional misconduct.

(w) “Licensed Paralegal” or “LP” means a person who has been admitted to practice in Oregon under a Licensed Paralegal license.

(x) “Misconduct” means any conduct which may or does subject an attorney or LP to discipline under the Bar Act or the rules of professional conduct adopted by the Supreme Court.

(y) “Regulatory Counsel” means regulatory counsel retained or employed by, and in the office of, the Bar and shall include such assistants as are from time to time employed by the Bar to assist regulatory counsel.

(z) “Respondent” means an attorney or LP who is charged with misconduct by the Bar in a formal complaint or who is the subject of proceedings initiated pursuant to BR 3.1, BR 3.2, BR 3.3, BR 3.4, or BR 3.5.

(aa) “Rule of Professional Conduct” means the corresponding Rules of Professional Conduct for attorneys, or the Rules of Professional Conduct for Licensed Paralegals for LPs.

(bb) “State Court Administrator” means the person who holds the office created pursuant to ORS 8.110.

(cc) “Supreme Court” and “court” mean the Oregon Supreme Court.

(dd) “SPRB” means State Professional Responsibility Board appointed by the Supreme Court.

(ee) “Trial Panel” means a three-member panel of the Disciplinary Board.

(ff) “Unlawful Practice of Law Committee” means the committee appointed by the Supreme Court to carry out the committee’s functions on behalf of the Bar pursuant to ORS 9.164.

(Rule 1.1 amended by Order dated November 10, 1987.)
Rule 1.2 Authority.

These “Rules of Procedure” are adopted by the Board and approved by the Supreme Court pursuant to ORS 9.005(8) and ORS 9.542, and govern exclusively the proceedings contemplated in these rules except to the extent that specific reference is made herein to other rules or statutes. These rules may be amended or repealed and new rules may be adopted by the Board at any regular meeting or at any special meeting called for that purpose. No amendment, repeal or new rule shall become effective until approved by the Supreme Court.

Rule 1.3 Nature of Proceedings.

Disciplinary and contested reinstatement proceedings are neither civil nor criminal in nature but are sui generis, and are designed as the means to determine whether an attorney or LP should be disciplined for misconduct, or whether an applicant’s conduct should preclude the applicant from being reinstated to membership in the Bar.

Rule 1.4 Jurisdiction; Choice of Law.

(a) Jurisdiction after Adoption of Rules of Professional Conduct. Conduct occurring on or after January 1, 2005, by an attorney or LP is governed by Rule of Professional Conduct 8.5.

(b) Jurisdiction. For conduct occurring on or before December 31, 2004, a attorney admitted to the practice of law in Oregon, and any attorney specially admitted by a court or agency in Oregon for a particular case, is subject to the Bar Act and these rules, regardless of where the attorney’s conduct occurs. The Supreme Court’s jurisdiction over matters involving the practice of law by an attorney shall continue whether or not the attorney or LP retains the authority to practice law in Oregon, and regardless of the residence of the attorney or LP. An attorney may be subject to the disciplinary authority of both Oregon and another jurisdiction in which the attorney is admitted for the same conduct.

(c) Choice of Law. In any exercise of the disciplinary authority of Oregon involving conduct occurring on or before December 31, 2004, the rules of professional conduct to be applied shall be as follows:

(1) For conduct in connection with a proceeding in a court before which an attorney or LP has been admitted to practice, either generally or for purposes of that proceeding, the rules to be applied shall be the rules of the jurisdiction in which the court sits, unless the rules of the court provide otherwise; and

(2) For any other conduct,
(A) If the attorney is licensed to practice only in Oregon, the rules to be applied shall be the Oregon Code of Professional Responsibility and the Bar Act; and

(B) If the attorney is licensed to practice in Oregon and another jurisdiction, the rules to be applied shall be the rules of the jurisdiction in which the attorney principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the attorney is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.

(Rule 1.4 amended by Order dated September 30, 1996.)
(Rule 1.4(c) added by Order dated April 26, 2007.)
(Rule 1.4(c) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.4(a) through (c) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.5 Effective Date.

(a) These rules apply to all disciplinary and contested reinstatement proceedings initiated by the service of a formal complaint or statement of objections on a respondent or an applicant on or after January 1, 1984.

(b) The provisions of BR 1.5(a) apply except to the extent that in the opinion of the Supreme Court their application in a particular matter or proceeding would not be feasible or would work an injustice. In that event, the former or current rule most consistent with the fair and expeditious resolution of the matter or proceeding under consideration shall be applied.

(Rule 1.5(a) amended by Order dated July 22, 1991.)
(Rule 1.5(a) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 1.5(a) and (b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 1.6 Citation of Rules.

These Rules of Procedure may be referred to as Bar Rules and cited, for example, as BR 1.1(a).

Rule 1.7 Bar Records.

(a) Property of Bar. The records of the Bar and of its officers, governors, employees and committees, in contested admission, disciplinary and reinstatement proceedings are the property of the Bar.

(b) Public Records Status. Except as exempt or protected by law from disclosure, the records of the Bar relating to contested admission, disciplinary, and reinstatement proceedings are available for public inspection.

Rule 1.8 Service Methods.

(a) Except as provided in Rule 4.2 and Rule 8.9, any pleading or document required under these rules to be served on a respondent, applicant, attorney, or LP shall be

(1) Sent to the respondent, applicant, attorney, or LP, or their attorney if the respondent, applicant, attorney, or LP is represented, by first class mail addressed to the intended recipient at the recipient’s last designated business or residence address on file with the Bar, or

(2) Sent to the respondent, applicant, attorney, or LP or their attorney if the respondent, applicant, or attorney is represented, by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

(b) Any pleading or document required under these rules to be served on the Bar shall be sent by first class mail addressed to Disciplinary Counsel at the Bar’s business address or served by personal or office service as provided in ORCP 7 D(2)[a]-(c) or sent by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

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(c) A copy of any pleading or document served on Bar Disciplinary Counsel shall also be provided to Bar Counsel, if one has been appointed, by first class mail addressed to their last designated business address on file with the Bar or by personal or office service as provided in ORCP 7 D(2)(a)-(c) or sent by email addressed to the intended recipient at the recipient’s last designated email address on file with the Bar.

(d) Service by mail shall be complete on deposit in the mail except as provided in BR 1.12.

The parties may by mutual agreement serve any document other than the formal complaint and answer by email delivery to the email address identified in the Bar’s membership records for the respondent, applicant, or attorney or LP, or their attorney if represented.

(Rule 1.8 amended by Order dated June 30, 1987.)
(Rule 1.8(a) amended by Order dated February 23, 1988.)
(Rule 1.8(a), (b) and (c) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 1.8(d) amended by Order dated April 26, 2007.)
(Rule 1.8(a) amended by Order dated August 12, 2013, effective November 1, 2013.)
(Rule 1.8(a), (b), (c) amended; Rule 1.8(e) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.8(a)(1), (a)(2), (b), and (c) amended by Order dated November 22, 2021.)
(Rule 1.8(a) and (c) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.9 Time.

In computing any period of time prescribed or allowed by these rules, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday or legal holiday. As used in this rule, “legal holiday” means legal holiday as defined in ORS 187.010 (which includes each Sunday) and ORS 187.020.

(Rule 1.9 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 1.10 Filing.

(a) Any pleading or document to be filed with the Disciplinary Board Clerk shall be delivered in person to the Disciplinary Board Clerk, Oregon State Bar, 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, or by mail to the Disciplinary Board Clerk, Oregon State Bar, P. O. Box 231935, Tigard, Oregon 97281-1935 or by email to dbc clerk@osbar. org. Any pleading or document to be filed with the Supreme Court shall be delivered to the State Court Administrator, Appellate Courts Records Section, 1163 State Street, Salem, Oregon 97301-2563, consistently with the requirements of the Oregon Rules of Appellate Procedure, including Chapter 16 (filing and service by electronic means). Any pleading or document to be filed with the Adjudicator or a regional chair shall be delivered to the intended recipient at their last designated business or residence address on file with the Bar, or by email address on file with the Bar.

(b) Filing by mail is complete on deposit in the mail in the following circumstances: All pleadings or documents, including requests for review, required to be filed within a prescribed time, if mailed on or before the due date by first class mail through the United States Postal Service.

(c) If filing is not done as provided in subsection (b) of this rule, the filing is not timely unless the pleading or document is actually received by the intended recipient within the time fixed for filing.

(d) A copy of any pleading or document filed under these Rules must also be served by the party or attorney delivering it on other parties to the case by first class mail through the United States Postal Service or by email to the address on file with the Bar. All service copies must include a certificate showing the date of filing. “Parties” for the purposes of this rule shall be the respondent or applicant, or their attorney if represented; Disciplinary Counsel; and Bar Counsel, if any.

(e) Proof of service shall appear on or be affixed to any pleading or document filed. Such proof shall be either
an acknowledgement of service by the person served or be in the form of a statement of the date of personal delivery or deposit in the mail or email and the names and addresses of the persons served, certified by the person who has made service.

(Rule 1.10 amended by Order dated June 30, 1987.)
(Rule 1.10(d) amended by Order dated February 23, 1988.)
(Rule 1.10(d) amended by Order dated February 5, 2001.)
(Rule 1.10(a), (b), (d) and (e) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 1.10(a) amended by Order dated April 26, 2007.)
(Rule 1.10(a) amended by Order dated March 20, 2008.)
(Rule 1.10(f) added by Order dated October 19, 2009.)
(Rule 1.10(a), (b), (c), (d) amended; Rule 1.10(f) deleted by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.10(a), (d), and (e) amended by Order dated November 22, 2021.)

Rule 1.11 Service by Email

Service on attorneys and LPs may be effectuated by emailing documents or pleadings to the email address an attorney or LP has on file with the Bar, unless the attorney or LP has obtained an exemption from the CEO for having an email address on file.

(Rule 1.11 amended by Order dated April 18, 1984, effective June 1, 1984. Amended by Order dated June 30, 1987.)
(Rule 1.11(a) and (b) amended by Order dated August 23, 2010, effective January 1, 2011.)
(Rule 1.11(a) amended, (b) and (c) added and former (b) now (d) redesignated by Order dated July 21, 2011.)
(Rule 1.11(a), (b), (c), and (d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.11(a) amended by Order dated January 26, 2021.)
(Rule 1.11 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.12 Service of Bar Pleadings or Documents on Out-of-State Attorney or LP.

(a) If an attorney or LP has designated to the Bar an address that is not located within the State of Oregon, a formal complaint filed under BR 4.1 or a statement of objections filed under BR 8.9 may be:

1. personally served upon the attorney or LP; or
2. served on the attorney or LP by certified mail, return receipt requested, to the attorney’s or LP’s last designated address on file with the Bar, in which case service shall be complete on the date on which the attorney or LP signs a receipt for the mailing.

(b) If service under either BR 1.12(a)(1) or BR 1.12(a)(2) is attempted but cannot be completed, a formal complaint or a statement of objections may be served on the attorney or LP by first class mail to the attorney’s or LP’s last designated address on file with the Bar, in which case service shall be complete seven days after such mailing. Proof of such service by mail shall be by certificate showing the date of deposit in the mail.

(c) Service of all other pleadings or documents on an attorney or LP who has designated an address that is not located within the State of Oregon shall comply with BR 1.8(a).

(Rule 1.12 amended by Order dated April 18, 1984, effective June 1, 1984. Amended by Order dated June 30, 1987.)
(Rule 1.12 amended by Order dated April 26, 2007.)
(Rule 1.12(a) and (c) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.12 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.13 Electronic Signature and Submission.

(a) For purposes of this rule, “Form” means only a form made available by the Bar on its website for electronic submission to the Bar through the Bar’s website and “filer” means the attorney using the Form and

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self-identified in the completed Form.

As to any Form obtainable or accessible only by means of a login, the use of a filer’s login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required. In lieu of a signature, the document shall include an electronic symbol intended to substitute for the signature, such as a scan of the filer’s handwritten signature or a signature block that includes the typed name of the filer proceeded by an “s” in the space where the signature would otherwise appear. Example of a signature block with “s/”:

s/ Jane Q. Attorney or LP
JANE Q. ATTORNEY or LP
OSB #____________________
Email address________________

(b) When a Form requires a signature under penalty of perjury, in addition to signing and submitting the Form electronically, the filer shall sign a printed version of the Form and retain the signed Form in its original paper form for no less 30 days.

(c) An attorney or LP may submit a Form through the Bar’s website at any time, except when the Bar’s electronic filing system is temporarily unavailable.

(d) Filing a Form pursuant to this rule shall be deemed complete at the time of electronic submission.

(Rule 1.13 added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 1.13(b) and (d) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 1.14 Declarations May Replace Affidavits.

With the exception of the requirement contained in BR 13.7, Form B Resignation, all Bar Rules of Procedure that require documents or pleadings be supported by a notarized affidavit are amended to allow parties, as an alternative to notarization, to support the documents or pleadings with a declaration that includes the following language:

“I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.”

(Rule 1.14 added by Order dated November 22, 2021.)

Title 2 — Structure And Duties

Rule 2.1 Qualifications of Counsel.

(a) Definition of Respondent. Notwithstanding BR 1.1(a), for the purposes of this rule, “respondent” means an attorney or LP who is the subject of an allegation of misconduct that is under investigation by the Bar, or who has been charged with misconduct by the Bar in a formal complaint.

(b) Bar Counsel. Any attorney admitted to practice law at least three years in Oregon may serve as Bar Counsel unless the attorney:

(1) currently represents any respondent or applicant;

(2) is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;

(3) served as a member of the Disciplinary Board at a time when the formal complaint against the respondent was filed.
(c) Counsel for Respondent. Any attorney admitted to practice law in Oregon may represent a respondent unless the attorney:

(1) is a current member of the Board or the SPRB;

(2) served as a member of the Board or the SPRB at a time when the allegations about which the respondent seeks representation were under investigation by the Bar or were authorized to be charged in a formal complaint;

(3) currently is serving as Bar Counsel;

(4) is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;

(5) served as a member of the Disciplinary Board at a time when the formal complaint against the respondent was filed.

(d) Counsel for Applicant. Any attorney admitted to practice law in Oregon may represent an applicant unless the attorney:

(1) is a current member of the Board, the BBX, or the SPRB;

(2) served as a member of the Board, the BBX, or the SPRB at a time when the investigation of the reinstatement application was conducted by the Bar;

(3) currently is serving as Bar Counsel;

(4) is a current member of the Disciplinary Board or has a firm member currently serving on the Disciplinary Board;

(5) served as a member of the Disciplinary Board at a time when the statement of objections against the applicant was filed.

(e) Vicarious Disqualification. The disqualifications contained in BR 2.1(b), (c), and (d) also apply to firm members of the disqualified attorney’s firm.

(f) Exceptions to Vicarious Disqualification.

(1) Notwithstanding BR 2.1(b), (c), and (d), an attorney may serve as Bar Counsel or represent a respondent or applicant even though a firm member is currently serving on the Disciplinary Board, provided the firm member recuses himself or herself from participation as a trial panel member or regional chairperson in any matter in which a member of the firm is Bar Counsel or counsel for a respondent or applicant.

(2) Subject to the provisions of RPC 1.7, and notwithstanding the provisions of BR 2.1(b), (c), and (d), an attorney may serve as Bar Counsel or represent a respondent or applicant even though a firm member is currently serving as Bar Counsel or representing a respondent or applicant, provided firm members are not opposing counsel in the same proceeding.

(3) Notwithstanding BR 2.1(b), (c), and (d), an attorney in a Board member’s firm may represent a respondent provided the Board member is screened from any form of participation or representation in the matter. To ensure such screening:

(A) The Board member shall prepare and file an affidavit with the Chief Executive Officer attesting that, during the period their firm is representing a respondent, the Board member will not participate in any manner in the matter or the representation and will not discuss the matter or representation with any other firm member;
(B) The Board member’s firm shall also prepare and file an affidavit with the Chief Executive Officer attesting that all firm members are aware of the requirement that the Board member be screened from participation in or discussion of the matter or representation;

(C) The Board member and firm shall also prepare, at the request of the Chief Executive Officer, a compliance affidavit describing the Board member’s and the firm’s actual compliance with these undertakings;

(D) The affidavits required under subsections (A) and (B) of this rule shall be filed with the Chief Executive Officer no later than fourteen (14) days following the acceptance by a Board member’s firm of a respondent as a client, or the date the Board member becomes a member of the Board.

(g) Investigators. Disciplinary Counsel may, from time to time, appoint a suitable person, or persons, to act as an investigator, or investigators, for the Bar with respect to grievances, allegations, or instances of alleged misconduct by attorneys or LPs, and matters of reinstatement of attorneys or LPs. Such investigator or investigators shall perform such duties in relation thereto as may be required by Disciplinary Counsel.

(Rule 2.1(b) amended by Order dated May 31, 1984, July 27, 1984, nunc pro tunc May 31, 1984.)
(Rule 2.1 amended by Order dated June 30, 1987.)
(Rule 2.1 amended by Order dated October 1, 1990.)
(Rule 2.1(d) amended by Order dated November 6, 1995.)
(Rule 2.1 deleted and new Rule 2.1 added by Order dated October 3, 1997.)
(Rule 2.1(f)(2) amended by Order dated April 26, 2007.)
(Former Rule 2.1(c)(3) and 2.1(c)(4) deleted; former Rule 2.1(c)(5), 2.1(c)(6), and 2.1(c)(7) redesignated Rule 2.1(c)(3), 2.1(c)(4), and 2.1(c)(5); Rule 2.1(a), 2.1(b)(1), 2.1(b)(2), 2.1(b)(3), 2.1(c), 2.1(c)(2), 2.1(c)(3), 2.1(c)(4), 2.1(c)(5), 2.1(d)(4), 2.1(e), 2.1(f)(1), 2.1(f)(2), 2.1(f)(3), 2.1(f)(3)(A), 2.1(f)(3)(B), 2.1(f)(3)(C), and 2.1(f)(3)(D) amended; and Rule 2.1(g) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.1(a) and (g) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.2 Disciplinary Counsel.

(a) Appointment. Disciplinary Counsel is retained and employed by the Bar.

(b) Duties.

(1) Disciplinary Counsel shall review and investigate, as appropriate, allegations or instances of alleged misconduct on the part of attorneys or LPs, including grievances referred by the Intake Office or the General Counsel and matters arising out of notifications from financial institutions that an instrument drawn against an attorney’s or LP’s Lawyer Trust Account has been dishonored. In the absence of a grievance or notification through these channels, Disciplinary Counsel may initiate investigation of the conduct of an attorney or LP based upon reasonable belief that misconduct has occurred, that an attorney or LP is disabled from continuing to practice law, or that an attorney or LP has abandoned a law practice or died leaving no attorney or LP who has undertaken the responsibility of either managing or winding down the law practice.

(2) Disciplinary Counsel has authority to issue and seek the enforcement of subpoenas to compel the attendance of witnesses, including the attorney or LP being investigated, and the production of books, papers, documents, and other records pertaining to the matter under investigation. Subpoenas issued pursuant to this rule may be enforced by application to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(3) For those grievances not dismissed pursuant to BR 2.6(b), Disciplinary Counsel may, in its discretion, offer diversion pursuant to BR 2.10.
(4) Disciplinary Counsel shall provide advice and counsel to the SPRB on the disposition of all grievances neither dismissed pursuant to BR 2.6(b) nor resolved by diversion pursuant to BR 2.10.

(5) Disciplinary Counsel shall seek, as appropriate, relief provided for in BR 3.1, 3.2, 3.3, 3.4, and 3.5.

(6) Disciplinary Counsel shall prosecute formal proceedings as directed by the SPRB, including any review or other proceeding before the Supreme Court.

(7) Disciplinary Counsel shall represent the Bar in all contested reinstatement proceedings.

(8) Disciplinary Counsel shall represent the Bar before the court in all contested admission proceedings.

(Rule 2.2 amended by Order dated October 19, 2009.)
(Former Rule 2.2 deleted; current Rule 2.2 added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.2(b)(2) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 2.2(b)(1) and (b)(2) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.3 State Professional Responsibility Board.

(a) Appointment. Members of the SPRB are nominated by the Board and appointed by the Supreme Court. The SPRB shall be composed of eight resident attorneys and two members of the public who are not attorneys. Two attorney members shall be from Board Region 5 and one attorney member shall be from each of the remaining Board regions located within the state of Oregon. The public members shall be at-large appointees. Members of the SPRB shall be appointed for terms of not more than four years and shall serve not more than four years consecutively. Members are eligible for reappointment to a nonconsecutive term not to exceed four years. Each year the Board shall nominate and the court shall appoint one attorney member of the SPRB as chairperson. In the event the chairperson is unable to carry out any responsibility given to them by these rules, the chairperson may designate another attorney member of the SPRB to do so.

(b) Duties of SPRB. The SPRB shall supervise the investigation of grievances, allegations, or instances of alleged misconduct on the part of attorneys and LPs and act on such matters as it may deem appropriate. A grievance from a client or other aggrieved person shall not be a prerequisite to the investigation of alleged misconduct by attorneys or LPs or the institution of disciplinary proceedings against any attorney or LP.

(c) Authority.

(1) The SPRB has the authority to dismiss grievances, allegations, or instances of alleged misconduct against attorneys or LPs; refer matters to Disciplinary Counsel for further investigation; issue admonitions for misconduct; refer attorneys or LPs to the State Lawyers Assistance Committee; direct Disciplinary Counsel to institute disciplinary proceedings against any attorney or LP; or take other action within the discretion granted to the SPRB by these rules.

(2) The SPRB has the authority to adopt rules dealing with the handling of its affairs, subject to the Board’s approval.

(d) Resignation and Replacement. The court may remove, at its discretion, or accept the resignation of, any officer or member of the SPRB and appoint a successor who shall serve the unexpired term of the member who is replaced.

(Rule 2.3(b)(3) amended by Order dated April 4, 1991, effective April 15, 1991.)
(Rule 2.3(b)(1) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 2.3(b)(3) amended by Order dated July 9, 2003, effective August 1, 2003.)
(Rule 2.3(a) amended by Order dated December 8, 2003, effective January 1, 2004.)
(Rule 2.3(b)(1) amended by Order dated August 23, 2010, effective January 1, 2011.)

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Rule 2.4 Disciplinary Board.

(a) Composition. The Supreme Court appoints members of the Disciplinary Board. The Disciplinary Board shall consist of the Adjudicator, 7 regional chairpersons, along with the following additional attorney members and public members (who are not attorneys or LPs) for each Board region located within the state of Oregon:

1. Region 1: 15 attorney members and 3 public members;
2. Region 2: 6 attorney members and 2 public members;
3. Region 3: 6 attorney members and 2 public members;
4. Region 4: 16 attorney members and 4 public members;
5. Region 5: 29 attorney members and 8 public members;
6. Region 6: 17 attorney members and 4 public members; and
7. Region 7: 6 attorney members and 2 public members.

(b) The regional chairpersons shall be attorneys. The attorney members of the Disciplinary Board, including the Adjudicator and the regional chairpersons, shall be resident attorneys admitted to practice in Oregon for at least 3 years. Except for the Adjudicator, members of each regional panel shall either maintain their principal office within their respective region or maintain their residence therein. The members of each region shall constitute a regional panel. Trial panels shall consist of the Adjudicator, 1 additional attorney member, and 1 public member, except as provided in BR 2.4(f)(3).

(c) Term.

1. The Adjudicator shall serve pursuant to appointment of the court. Disciplinary Board members other than the Adjudicator shall serve terms of 3 years and may be reappointed. Regional chairpersons shall serve in that capacity for terms of 1 year, subject to reappointment by the court.

2. Notwithstanding BR 2.4(a) and 2.4(b)(1), the powers, jurisdiction and authority of Disciplinary Board members other than the Adjudicator shall continue beyond the expiration of their appointment or after their relocation to another region for the time required to complete the cases assigned to them during their term of appointment or prior to their relocation, and until a replacement appointment has been made by the court. The regional chairpersons shall serve until a replacement appointment has been made by the court.

(b) Resignation and Replacement. The court may remove, at its discretion, or accept the resignation of, any member of the Disciplinary Board and appoint a successor. Any person so appointed to serve in a position that has time remaining in the unexpired term shall serve the time remaining in the unexpired term of the member who is replaced.

(e) Conduct. Disqualifications and Suspension of Service.

1. Disciplinary Board members are subject to the Disciplinary Board Code of Conduct, including the rules for disqualifications contained in the Disciplinary Board Code of Conduct.

2. The following individuals shall not serve on the Disciplinary Board:

   (A) A member of the Board or the SPRB shall not serve on the Disciplinary Board during the member’s
term of office. This disqualification also precludes an attorney or public member from serving on the Disciplinary Board while any member of their firm is serving on the Board or the SPRB.

(8) No member of the Disciplinary Board shall sit on a trial panel with regard to a subject matter considered by the Board or the SPRB while they were a member thereof or with regard to subject matter considered by any member of their firm while a member of the Board or the SPRB.

(3) A member of the Disciplinary Board against whom charges of misconduct have been approved for filing by the SPRB is suspended from service on the Disciplinary Board until those charges have been resolved by final decision or order. If a Disciplinary Board member is suspended from the practice of law as a result of a final decision or order in a disciplinary proceeding, the member may not resume service on the Disciplinary Board until the member is once again authorized to practice law. For the purposes of this rule, charges of misconduct include authorization by the SPRB to file a formal complaint pursuant to BR 2.4(g), the determination by the SPRB to file a formal complaint pursuant to BR 2.4(9), and Disciplinary Counsel’s notification to the court of a criminal conviction pursuant to BR 3.4(a), and Disciplinary Counsel’s notification to the court of an attorney’s discipline in another jurisdiction pursuant to BR 3.5(a).

(f) Duties of Adjudicator.

(1) The Adjudicator shall coordinate and supervise the activities of the Disciplinary Board.

(2) Unless disqualified after a challenge for cause pursuant to BR 2.4(g), the Adjudicator shall serve as trial panel chairperson for each trial panel adjudicating a formal proceeding, a contested reinstatement proceeding, or a proceeding brought pursuant to BR 3.5; and shall preside in every proceeding brought pursuant to BR 3.1 or 3.4. Upon the stipulation of the bar and a respondent or applicant, the Adjudicator shall serve as the sole adjudicator in a disciplinary proceeding, a contested reinstatement proceeding, or a proceeding brought pursuant to BR 3.5 and shall have the same duties and authority under these rules as a three-member trial panel. In the event the Adjudicator is disqualified or otherwise unavailable to serve as trial panel chairperson, the regional chairperson shall appoint another attorney member of the Disciplinary Board to serve on the trial panel, with all the duties and responsibilities as the Adjudicator as to that proceeding from the date of appointment forward.

(3) The Adjudicator shall rule on all motions for default filed pursuant to BR 5.8.

(4) The Adjudicator shall determine the timeliness of both peremptory challenges and challenges for cause, including challenges for cause as to the Adjudicator, and, as appropriate, grant or deny peremptory challenges and resolve all challenges for cause to the qualifications of all trial panel members other than the Adjudicator appointed pursuant to BR 2.4(e)(2), BR 2.4(e)(9), and BR 2.4(f).

(5) Upon receipt of written notice from the Disciplinary Board Clerk of a Supreme Court referral pursuant to BR 8.8, the Adjudicator shall appoint an attorney member and a public member from an appropriate region to serve on the trial panel with the Adjudicator. The Adjudicator shall give written notice to Disciplinary Counsel, Bar Counsel, and the applicant of such appointments and a copy of the notice shall be filed with the Disciplinary Board Clerk.

(6) The Adjudicator shall appoint an attorney member of the Disciplinary Board to conduct prehearing conferences as provided in BR 4.6.

(7) The Adjudicator may appoint Disciplinary Board members from any region to conduct prehearing conferences pursuant to BR 4.6, to participate with the Adjudicator in a show cause hearing pursuant to BR 6.2(d), to serve on trial panels to resolve matters submitted to the Disciplinary Board for consideration by the court, or when an insufficient number of members is available within a region for a particular proceeding.

(8) Upon receiving notice from the Disciplinary Board Clerk of a regional chairperson’s appointment of an attorney member and a public member pursuant to BR 2.4(f)(1), and upon determining that either no

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timely challenge pursuant to BR 2.4(g) was filed or that a timely-filed challenge pursuant to BR 2.4(g) has either been denied or resulted in the appointment of a substitute member or members, the Adjudicator shall promptly establish the date and time of hearing pursuant to BR 5.4 and notify, in writing, the Disciplinary Board Clerk and the parties of the date and place of hearing. The Disciplinary Board Clerk shall provide to the trial panel members a copy of the formal complaint or statement of objections and, if one has been filed, the answer of the respondent or applicant.

(9) The Adjudicator shall rule on all questions of procedure and discovery, including such questions that may arise prior to the filing of a formal complaint, except as specifically provided elsewhere in these rules. The Adjudicator may convene the parties or their counsel before the hearing, to discuss the parties’ respective estimates of time necessary to present evidence, the availability and scheduling of witnesses, the preparation of trial exhibits, and other issues that may facilitate an efficient hearing. The Adjudicator may thereafter issue an order regarding agreements or rulings made at such prehearing meeting.

(10) The Adjudicator shall convene the trial panel hearing, oversee the orderly conduct of the same and timely file with the Disciplinary Board Clerk the written opinion of the trial panel. In all trial panels in which the Adjudicator is a member of the majority, the Adjudicator shall author the trial panel opinion. In the event the Adjudicator is not a member of the majority, the attorney member of the panel shall author and timely file the trial panel opinion.

(11) In matters involving final decisions of the Disciplinary Board under BR 10.1, the Adjudicator shall review statements of costs and disbursements and objections thereto and shall fix the amount of actual and necessary costs and disbursements to be recovered by the prevailing party.

(12) The Adjudicator shall preside in all matters involving the filing of a petition for suspension pursuant to BR 7.1.

(13) Upon appointment by the court, the Adjudicator shall perform the duties of the court set forth in BR 3.2.

(14) In the event of the Adjudicator’s unavailability to perform the functions set forth above, and upon written request made by General Counsel, the regional chairperson shall exercise the duties and responsibilities of the Adjudicator during the Adjudicator’s unavailability. The regional chairperson’s authority under this subsection shall cease upon order of the Adjudicator or the court. Unavailability for the purposes of this rule means the Adjudicator has taken a planned leave of more than fourteen (14) days, or is unavailable because of death or then existing physical or mental illness or infirmity.

(15) Notwithstanding requirements for in-person proceedings contained in BR 3.1, 3.2, 3.4, 3.5, 5.3, and 8.8, the Adjudicator may order that any disciplinary hearings or proceedings take place by videoconference, or such other means that allow for remote participation of all parties, if the Adjudicator determines remote participation is necessary to comply with local, state, or national public health orders or recommendations. Such hearings or proceedings may also take place by remote participation by agreement of the parties with the approval of the Adjudicator.

(g) Duties of Regional Chairperson.

(1) Upon receipt of written notice from Disciplinary Counsel pursuant to BR 4.1(f) or written notice from the Adjudicator pursuant to BR 3.5(g) or 5.8(a), the regional chairperson shall appoint an attorney member and a public member to serve with the Adjudicator on the trial panel from the members of the regional panel. The regional chairperson shall give written notice to Disciplinary Counsel, Bar Counsel, and the respondent of such appointments, and a copy of the notice shall be filed with the Disciplinary Board Clerk. In the event a member is disqualified pursuant to BR 2.4(g) or becomes unavailable to serve, the regional chairperson shall appoint a replacement member, giving written notice of such appointment as is given of initial appointments.

(2) The regional chairperson shall rule on all timely challenges for cause to the Adjudicator or to any attorney appointed to the role of Adjudicator pursuant to this paragraph brought pursuant to BR 2.4(g).
In the event the Adjudicator is disqualified for cause or is otherwise unavailable to chair a trial panel, the regional chairperson shall appoint an attorney member from within the region to serve in place of the Adjudicator who has all the duties and responsibilities of the Adjudicator in that proceeding. In the event no attorney member from within the region is available to serve in place of the Adjudicator, the regional chairperson shall so notify the Disciplinary Board Clerk, who will ask another regional chairperson to appoint an attorney member pursuant to the authority granted the Adjudicator in BR 2.4(e)(9). The attorney member so appointed shall have all the duties and responsibilities of the Adjudicator in that proceeding.

(3) The regional chairperson may serve on trial panels during their term of office.

(4) Upon written request from the General Counsel pursuant to BR 2.4(e)(14), the regional chairperson shall exercise the duties and responsibilities of the Adjudicator until such authority is terminated by order of the Adjudicator or the court.

(h) Challenges. The Bar and a respondent or applicant shall be entitled to one peremptory challenge of either the attorney member who is not the Adjudicator or the public member. A peremptory challenge shall be timely if filed in writing within ten days following that member’s appointment to the trial panel with the Disciplinary Board Clerk. A challenge for cause as may arise under the Disciplinary Board Code of Conduct may be filed by the Bar, the respondent, or an applicant as to any member of the trial panel. A challenge for cause shall state the reason for the challenge and is timely if filed in writing within ten days following the date of the member’s appointment to the trial panel or the date the Bar, the respondent, or an applicant discovers the information raising a disqualification issue, whichever is later. For purposes of this paragraph, the Adjudicator is deemed appointed to the trial panel on the same date that the regional chairperson appoints the other two members of the trial panel pursuant to BR 2.4(f)(1). A copy of the challenge for cause shall be immediately provided by email to the challenged panel member by the Disciplinary Board Clerk.

The opposing party and the challenged panel member may file a response to the challenge within 10 days of receipt of a copy of the challenge from the Disciplinary Board Clerk. No further written submissions are allowed unless requested by the Adjudicator or the regional chair.

The ruling on any challenge for cause must be in writing. The written ruling shall identify specific findings of fact and conclusions of law if the challenge is allowed. The written ruling on a challenge shall be filed with the Disciplinary Board Clerk, who shall send copies of the ruling to all parties. The Bar and a respondent or applicant may waive a disqualification of a member in the same manner as in the case of a judge under the Code of Judicial Conduct.

(i) Duties of Trial Panel.

(1) Trial. The trial panel to which a disciplinary or contested reinstatement proceeding has been referred has a duty to promptly try the issues.

(2) (A) Opinions. The trial panel shall issue a written opinion identifying the concurring members of the trial panel. A dissenting member shall be identified and may file a dissenting opinion attached to the majority opinion. The majority opinion shall include specific findings of fact, conclusions of law, and a disposition. In any matter in which the Adjudicator is not a member of the majority, the other attorney member shall author the trial panel opinion. The author of any opinion shall file the original opinion with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies of the opinion to the parties. The opinion shall be filed within 28 days after the conclusion of the hearing, the settlement of the transcript if required under BR 5.3(e), or the filing of briefs if requested by the Adjudicator pursuant to BR 4.8, whichever is later.

(B) Extensions of Time to File Opinions. If the trial panel requires additional time to issue its opinion,
the Adjudicator may so notify the parties, indicating the anticipated date by which an opinion shall be issued, not to exceed 90 days after the date originally due. If no opinion has been issued within 90 days after the date originally due, either party may file a motion with the Disciplinary Board, seeking issuance of an opinion. Upon the filing of such a motion, the Adjudicator shall enter an order establishing a date by which the opinion shall be issued, not to exceed 120 days after the date it was originally due. If no opinion has been issued by 120 days after the date originally due, either party may petition the court to enter an order compelling the Disciplinary Board to issue an opinion by a date certain.

(3) Record. The trial panel shall keep a record of all proceedings before it, including a transcript of the proceedings and exhibits offered and received, and shall promptly file the record with the Disciplinary Board Clerk, after the hearing concludes.

(4) Notice. The Disciplinary Board Clerk shall promptly notify the parties of receipt of the trial panel opinion.

(j) Publications.

(1) Disciplinary Counsel shall cause to be prepared, on a periodic basis, a reporter service containing the full text of all Disciplinary Board decisions not reviewed by the court.

(2) Disciplinary Counsel shall have printed in the Bar Bulletin, on a periodic basis, summaries of the court’s disciplinary proceeding, contested admission, and contested reinstatement decisions, and summaries of all Disciplinary Board decisions not reviewed by the court.
Rule 2.5 Intake and Review of Inquiries and Complaints by the Intake Office.

(a) Intake Office. The Bar shall maintain an Intake Office, separate from that of Disciplinary Counsel. The Intake Office shall, to the extent possible and resources permitting, receive, review, and respond to all inquiries received by the Bar concerning the conduct of attorneys and LPs. The Client Assistance Office will determine the manner and extent of review required for the appropriate disposition of any inquiry, and may refer inquiries to other resources as it deems appropriate.

(b) Disposition by Intake Office.

1. If the Intake Office determines that, even if true, an inquiry does not allege misconduct, it shall dismiss the inquiry with written notice to the complainant and to the attorney or LP named in the inquiry.

2. If the Intake Office determines, after reviewing the inquiry and any other information deemed relevant, that there is sufficient evidence to support a reasonable belief that misconduct may have occurred, the inquiry shall be referred to Disciplinary Counsel as a grievance. Otherwise, the inquiry shall be dismissed with written notice to the complainant and the attorney or LP.
(3) The Intake Office may, as it deems appropriate, contact the involved attorney or LP and attempt to assist the parties in resolving the complainant’s concerns upon receipt of an inquiry. The provision of such assistance does not preclude a referral of a grievance to Disciplinary Counsel.

c) Review by General Counsel. Any dismissed inquiry may be reviewed by General Counsel upon written request of the complainant. General Counsel may request additional information from the complainant or the attorney or LP and, after review, shall either affirm the dismissal or refer the inquiry to Disciplinary Counsel as a grievance. General Counsel may affirm the dismissal by adopting the reasoning of the Intake Office without additional discussion. The decision of General Counsel is final.

(Rule 2.5 amended by Order dated January 17, 1992.)
(Rule 2.5(g) amended by Order dated October 10, 1994.)
(Rule 2.5(c), (f), (g), and (h) amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 2.5(a), (b), (c), (d), (f), (h) and (i) amended by Order dated February 5, 2001.)
(Rule 2.5(a) and (b) added and former Rule 2.5(b) through (l) renumbered 2.6 by Order dated July 9, 2003, effective August 1, 2003.)
(Rule 2.5(a) and (b) amended and 2.5(c) added by Order dated August 29, 2007.)
(Rule 2.5(a), 2.5(b)(1), 2.5(b)(2), and 2.5(c) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.5(c) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 2.5 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.6 Investigations

(a) Review of Grievance by Disciplinary Counsel.

(1) For grievances referred to Disciplinary Counsel by the Intake Office, Disciplinary Counsel shall, within fourteen (14) days after receipt of the grievance, mail a copy of the grievance to the attorney or LP, if the Intake Office has not already done so, and notify the attorney or LP that they must respond to the grievance in writing to Disciplinary Counsel within 21 days of the date Disciplinary Counsel requests such a response. Disciplinary Counsel may grant an extension of time to respond for good cause shown upon the written request of the attorney or LP. An attorney or LP need not respond to the grievance if Disciplinary Counsel notifies the attorney or LP that further information from the attorney or LP is not necessary.

(2) If the attorney or LP fails to respond to Disciplinary Counsel or to provide records requested by Disciplinary Counsel within the time allowed, Disciplinary Counsel may file a petition with the Disciplinary Board to suspend the attorney or LP from the practice of law, pursuant to the procedure set forth in BR 7.1. Notwithstanding the filing of a petition under this rule, Disciplinary Counsel may investigate the grievance.

(3) Disciplinary Counsel may, if appropriate, offer to enter into a diversion agreement with the attorney or LP pursuant to BR 2.10. If Disciplinary Counsel chooses not to offer a diversion agreement to the attorney or LP pursuant to BR 2.10 and does not dismiss the grievance pursuant to BR 2.6(b), Disciplinary Counsel shall refer the grievance to the SPRB at a scheduled meeting.

(b) Dismissal of Grievance by Disciplinary Counsel. If, after considering a grievance, the response of the attorney or LP, and any additional information deemed relevant, Disciplinary Counsel determines that probable cause does not exist to believe misconduct has occurred, Disciplinary Counsel shall dismiss the grievance. Disciplinary Counsel shall notify the complainant and the attorney or LP of the dismissal in writing. A complainant may contest in writing the action taken by Disciplinary Counsel in dismissing their grievance, in which case Disciplinary Counsel shall submit a report on the grievance to the SPRB at a scheduled meeting. The SPRB shall thereafter take such action as it deems appropriate.

(c) Review of Grievance by SPRB.
(1) The SPRB shall evaluate a grievance based on the report of Disciplinary Counsel to determine whether probable cause exists to believe misconduct has occurred. The SPRB shall either dismiss the grievance, admonish the attorney or LP, direct Disciplinary Counsel to file a formal complaint by the Bar against the attorney or LP, or take action within the discretion granted to the SPRB by these rules.

(A) If the SPRB determines that probable cause does not exist to believe misconduct has occurred, the SPRB shall dismiss the grievance and Disciplinary Counsel shall notify the complainant and the attorney or LP of the dismissal in writing.

(B) If the SPRB determines that the attorney or LP should be admonished, Disciplinary Counsel shall so notify the attorney or LP within fourteen (14) days of the SPRB’s meeting. If an attorney or LP refuses to accept the admonition within the time specified by Disciplinary Counsel, Disciplinary Counsel shall file a formal complaint against the attorney or LP on behalf of the bar. Disciplinary Counsel shall notify the complainant in writing of the admonition of the attorney or LP.

(C) If the SPRB determines that the complaint should be investigated further, Disciplinary Counsel shall conduct the investigation and notify the complainant and the attorney or LP in writing of such action.

(d) Reconsideration; Discretion to Rescind.

(1) An SPRB decision to dismiss a grievance or allegation of misconduct against an attorney or LP shall not preclude reconsideration or further proceedings on such grievance or allegation, if evidence that is not available or submitted at the time of such dismissal justifies, in the judgment of not less than a majority of SPRB, such reconsideration or further proceedings.

(2) The SPRB may rescind a decision to file a formal complaint against an attorney or LP only when, to the satisfaction of a majority of the entire SPRB, good cause exists. Good cause is:

(A) new evidence that would have clearly affected the SPRB’s decision to file a formal complaint; or

(B) legal authority, not known to the SPRB at the time of its last consideration of the matter, that establishes that the SPRB’s decision to file a formal complaint was incorrect.

(e) Approval of Filing of Formal Complaint.

(1) If the SPRB determines that a formal complaint should be filed against an attorney or LP, or if an attorney or LP rejects an admonion offered by the SPRB, Disciplinary Counsel may appoint Bar Counsel. Disciplinary Counsel shall notify the attorney or LP and the complainant in writing of such action.

(2) Notwithstanding an SPRB determination that probable cause exists to believe misconduct has occurred, the SPRB shall have the discretion to direct that the Bar take no further action on a grievance or allegation of misconduct if one or more of the following circumstances exist:

(A) the attorney or LP is no longer an active member of the Bar or is not engaged in the practice of law, and is required under BR 8.1 to demonstrate good moral character and general fitness to practice law before resuming active membership status or the practice of law in Oregon;

(B) other disciplinary proceedings are pending that are likely to result in the attorney’s or LP’s disbarment;

(C) other disciplinary charges are authorized or pending and the anticipated sanction, should the Bar prevail on those charges, is not likely to be affected by a finding of misconduct in the new matter or on an additional charge; or

(D) formal disciplinary proceedings are impractical in light of the circumstances or the likely outcome of the proceedings.

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An exercise of discretion under this rule to take no further action on a grievance or allegation of misconduct shall not preclude further SPRB consideration or proceedings on such grievance or allegation in the future.

(3) Notwithstanding an SPRB determination that probable cause exists to believe misconduct has occurred, the SPRB shall have the discretion to dismiss a grievance or allegation of misconduct if the SPRB, considering the facts and circumstances as a whole, determines that dismissal would further the interests of justice and would not be harmful to the interests of clients or the public. Factors the SPRB may take into account in exercising that discretion include, but are not limited to:

(A) the attorney’s or LP’s mental state;
(B) whether the misconduct is an isolated event or part of a pattern of misconduct;
(C) the potential or actual injury caused by the attorney’s or LP’s misconduct;
(D) whether the attorney or LP fully cooperated in the investigation of the misconduct; and
(E) whether the attorney or LP previously was admonished or disciplined for misconduct.

Misconduct that adversely reflects on the attorney’s or LP’s honesty, trustworthiness, or fitness to practice law shall not be subject to dismissal under this rule.

(f) Investigation of Inquiries Involving Disciplinary Counsel, General Counsel, or other Bar agents. Inquiries that allege misconduct concerning Disciplinary Counsel or General Counsel of the Bar, or agents thereof; or that Bar Counsel has engaged in misconduct while acting on the Bar’s behalf, shall be referred to the chairperson of the SPRB within seven days of their receipt by the Bar.

(1) If the SPRB chairperson determines that probable cause does not exist to believe misconduct has occurred, the SPRB chairperson shall dismiss the inquiry and notify the parties of the dismissal in writing. A complainant may contest the dismissal in writing, in which case the matter shall be submitted to the SPRB at a scheduled meeting. The SPRB shall thereafter take such action as it deems appropriate.

(2) If the SPRB chairperson determines the inquiry should be investigated, the SPRB chairperson may appoint an investigator of their choice to investigate the matter and to report on the matter directly to the SPRB. The same procedure shall, as far as practicable, apply to the investigation of such grievances as apply to members of the Bar generally.

(Rule 2.6 amended and 2.6(g)(3) added by Order dated July 9, 2003, effective August 1, 2003.)
(Rule 2.6 amended by Order dated December 8, 2003, effective January 1, 2004.)
(Rule 2.6(g)(1) amended by Order dated March 20, 2008.)
(Rule 2.6(f)(2) amended by Order dated October 19, 2009.)
(Rule 2.6(a)(2) amended by Order dated August 12, 2013, effective November 1, 2013.)
(Former Rule 2.6(e), 2.6(f), and 2.6(g) redesignated as 2.6(d), 2.6(e), and 2.6(f); former Rule 2.6(d) deleted; Rule 2.6(a)(3), Rule 2.6(e)(2)(A), 2.6(e)(2)(B), 2.6(e)(2)(C), 2.6(e)(2)(D), 2.6(e)(3)(A), 2.6(e)(3)(B), 2.6(e)(3)(C), 2.6(e)(3)(D), and 2.6(e)(3)(E) added; and 2.6(a), 2.6(a)(1), 2.6(a)(2), 2.6(b), 2.6(c), 2.6(c)(1), 2.6(c)(1)(A), 2.6(c)(1)(B), 2.6(c)(1)(C), 2.6(d)(1), 2.6(d)(2), 2.6(d)(2)(A), 2.6(d)(2)(B), 2.6(e), 2.6(e)(1), 2.6(e)(2), 2.6(e)(2)(C), 2.6(e)(3), 2.6(e)(3)(D), 2.6(f), 2.6(f)(1), and 2.6(f)(2) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.6(a) through (e) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 2.7 Investigations of Alleged Misconduct Other Than by Inquiry.

Allegations or instances of alleged misconduct that are brought or come to the attention of the Bar other than through the receipt of a written inquiry shall be evaluated using the procedure specified in BR 2.6 except as that rule may be inapplicable due to the lack of a written grievance or a complainant with whom to communicate.

(Rule amended and renumbered by Order dated July 9, 2003, effective August 1, 2003.)

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Rule 2.8 Proceedings Not to Stop On Compromise.

Neither unwillingness nor neglect of the complainant to pursue a grievance or to participate as a witness, nor settlement, compromise or restitution of any civil claim, shall, in and of itself, justify any failure to undertake or complete the investigation or the formal resolution of a disciplinary or contested reinstatement matter or proceeding.

Rule 2.9 Requests For Information And Assistance.

The Bar may request a complainant or applicant to supply and disclose to the investigating authorities of the Bar all documentary and other evidence in their possession, and the names and addresses of witnesses relating to their inquiry, and may otherwise request the complainant to assist such investigating authorities in obtaining evidence in support of the facts surrounding their inquiry.

Rule 2.10 Diversion.

(a) Diversion Offered by Disciplinary Counsel. As an alternative to seeking authority from the SPRB to offer an attorney or LP an admonition or to file a formal complaint, Disciplinary Counsel may offer to the attorney or LP to divert a grievance on the condition that the attorney or LP enter into a diversion agreement in which the attorney or LP agrees to participate in a remedial program as set forth in the agreement. An attorney or LP does not have a right to have a grievance diverted under this rule.

(b) Diversion Eligibility. Disciplinary Counsel may consider diversion of a grievance if:

1. The misconduct does not involve the misappropriation of funds or property; fraud, dishonesty, deceit or misrepresentation; or the commission of a misdemeanor involving moral turpitude or a felony under Oregon law;

2. The misconduct appears to be the result of inadequate law office management, chemical dependency, a physical or mental health condition, negligence, or a lack of training, education or other similar circumstance; and

3. There appears to be a reasonable likelihood that the successful completion of a remedial program will prevent the recurrence of conduct by the attorney or LP similar to that under consideration for diversion.

(c) Offer of Diversion.

1. If, after investigation, Disciplinary Counsel determines that an attorney or LP may have committed misconduct and that the matter is appropriate for diversion under this rule, Disciplinary Counsel may offer a diversion agreement to the attorney or LP. The attorney or LP has 30 days from the date diversion is offered to accept and enter into the diversion agreement. Disciplinary Counsel may grant an extension of time to the attorney or LP for good cause shown.

2. An attorney or LP may decline to enter into a diversion agreement, in which case Disciplinary Counsel shall refer the grievance to the SPRB for review pursuant to Rule 2.6.

(d) Diversion Agreement.
(1) A diversion agreement shall require the attorney or LP to participate in a specified remedial program to address the apparent cause of the misconduct. Such a remedial program may include, but is not limited to: appointment of a diversion supervisor; assistance or training in law office management; chemical dependency treatment; counseling or peer support meetings; oversight by an experienced practicing attorney; voluntary limitation of areas of practice for the period of the diversion agreement; restitution; or a prescribed course of continuing legal education. The attorney or LP shall pay the costs of a remedial program.

(2) A diversion agreement shall require the attorney or LP to stipulate to a set of facts concerning the complaint or allegation of misconduct being diverted and to agree that, in the event the attorney or LP fails to comply with the terms of the diversion agreement, the stipulated facts shall be deemed true in any subsequent disciplinary proceeding.

(3) A diversion agreement may be amended at any time by agreement between Disciplinary Counsel and the attorney or LP. Disciplinary Counsel is not obligated to amend a diversion agreement to incorporate additional complaints or allegations of misconduct made against the attorney or LP subsequent to the date of the original agreement.

(4) The term of a diversion agreement shall be no more than 24 months following the date of the last amendment to the agreement.

(5) In a diversion agreement, the attorney or LP shall agree that a diversion supervisor, treatment provider or any other person to whom the attorney or LP has been referred pursuant to the remedial program specified in the agreement shall report to Disciplinary Counsel any failure by the attorney or LP to comply with the terms of the agreement.

(6) If a diversion agreement is entered into between Disciplinary Counsel and the attorney or LP, Disciplinary Counsel shall so notify the complainant in writing.

(e) Compliance and Disposition.

(1) If it appears to Disciplinary Counsel that an attorney or LP has failed to comply with the terms of a diversion agreement and Disciplinary Counsel determines that the allegation of noncompliance, if true, warrants the termination of the diversion agreement, Disciplinary Counsel shall provide the attorney or LP an opportunity to be heard, through written submission, concerning the alleged noncompliance. Thereafter, Disciplinary Counsel shall determine whether to terminate the diversion agreement and, if so, shall refer the matter to the SPRB for review pursuant to BR 2.6.

(2) If an attorney or LP fulfills the terms of a diversion agreement, Disciplinary Counsel thereafter shall dismiss the grievance with written notice to the complainant and the attorney or LP. The dismissal of a grievance after diversion shall not be considered a prior disciplinary offense in any subsequent proceeding against the attorney or LP.

(f) Public Records Status. The Bar shall treat records relating to a grievance diverted under this rule, a diversion agreement, or a remedial program as official records of the Bar, subject to the Oregon Public Records Law and also subject to any applicable exemption.

(Rule 2.10 added by Order dated July 9, 2003, effective August 1, 2003.)
(Rule 2.10(a), 2.10(c)(2), and 2.10(d)(4) amended by Order dated October 19, 2009.)
(Rule 2.10(a), 2.10(b), 2.10(c)(1), 2.10(c)(2), 2.10(d)(1), 2.10(d)(2), 2.10(d)(3), 2.10(d)(6), 2.10(e)(1), 2.10(e)(2), and 2.10(f) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 2.10(a) and (d) amended by Order dated August 17, 2022, effective July 1, 2023.)
Title 3 — Special Proceedings

Rule 3.1 Interim Suspension During Pendency of Disciplinary Proceedings.

(a) Petition for Interim Suspension. At any time after Disciplinary Counsel has determined probable cause exists that an attorney or LP has engaged in misconduct, has evidence sufficient to establish a probable violation of one or more rules of professional conduct or the Bar Act, and reasonably believes that clients or others will suffer immediate and irreparable harm by the continued practice of law by the attorney or LP, Disciplinary Counsel shall petition the Adjudicator for an order for interim suspension of the attorney’s or LP’s license to practice law pending the outcome of the disciplinary proceeding.

(b) Contents of Petition; Notice to Answer; Service. A petition for the suspension of an attorney or LP under this rule shall set forth the acts and violations of the rules of professional conduct or statutes submitted by the Bar, together with an explanation of why interim suspension is warranted under BR 3.1(a). If a formal complaint has been filed against the attorney or LP, a copy shall be attached. The petition may be supported by documents or affidavits. The notice to answer shall provide that an answer to the petition must be filed with the Disciplinary Board Clerk within fourteen (14) days of service and that, absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought can be obtained. Disciplinary Counsel shall file the petition with the Disciplinary Board Clerk and shall serve a copy, along with the notice of answer, on the attorney or LP pursuant to BR 1.8.

(c) Answer by Attorney or LP. The attorney or LP shall file an answer to the Bar’s petition with the Disciplinary Board Clerk within fourteen (14) days of service. The attorney or LP shall mail a copy of the answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(d) Default; Entry of Order. The failure of the attorney or LP to answer the Bar’s petition within the time provided in BR 3.1(c) constitutes a waiver of the attorney’s or LP’s right to contest the Bar’s petition, and all factual allegations contained in the petition shall be deemed true. Not earlier than fourteen (14) days after service of the petition and in the absence of an answer filed by the attorney or LP named in the petition, the Adjudicator shall review the sufficiency of the petition. If the petition establishes a probable violation of one or more rules of professional conduct or statutes submitted by the Bar, the Adjudicator shall enter an appropriate interim order suspending the attorney’s or LP’s license to practice law until further order of the Adjudicator or the Supreme Court. The Disciplinary Board Clerk shall send copies of the order to the parties.

(e) Answer filed; Setting hearing on interim suspension. Upon the timely filing of the attorney’s or LP’s answer pursuant to BR 3.1(c), the Adjudicator shall hold a hearing on the Bar’s petition not less than 30 days nor more than 60 days after the date the answer is filed. The Disciplinary Board Clerk shall promptly notify Disciplinary Counsel and the attorney or LP named in the petition of the date, time, and location of the hearing. The hearing shall take place consistently with BR 5.3(a), (b), (c), and (d). At the hearing, the Bar must prove by clear and convincing evidence that one or more rules of professional conduct or provision of the Bar Act has been violated by the attorney or LP named in the petition and that clients or others will suffer immediate or irreparable harm by the continued practice of law by the attorney or LP. Proof that clients or others will suffer immediate or irreparable harm by the continued practice of law by the attorney or LP may include, but is not limited to, establishing within the preceding 12-month period:

1. theft or knowing conversion of funds held by the attorney or LP in any fiduciary capacity, including but not limited to funds that should have been maintained in a lawyer or LP trust account;
2. three or more instances of failure to appear in court on behalf of a client notwithstanding having notice of the setting; or
3. abandoning a practice with no provision of new location or contact information to three (3) or more clients.

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If the attorney or LP, having been notified of the date, time, and location of the hearing, fails to appear, the Adjudicator may enter an order finding the attorney or LP in default, deeming the allegations contained in the petition to be true, proceed on the basis of that default consistent with BR 3.1(d), and enter an appropriate order. The Disciplinary Board Clerk shall send copies of the order to the parties.

(f) Order of Adjudicator; Suspension; Restrictions on Trust Account; Notice to Clients; Custodian; Other Orders. The Adjudicator, upon the record pursuant to BR 3.1(d) or after the hearing provided in 3.1(e), shall enter an appropriate order. If the Adjudicator grants the Bar’s petition and grants an interim suspension of the attorney’s or LP’s license to practice law, the order of suspension shall state an effective date. The suspension shall remain in effect until further order of the Adjudicator or the court. The Adjudicator may enter such other orders as appropriate to protect the interests of the suspended attorney or LP, the suspended attorney’s or LP’s clients, and the public, including, but not limited to:

1. an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney’s or LP’s trust account or accounts except in accordance with restrictions set forth in the Adjudicator’s order.

2. an order directing the attorney or LP to notify current clients and any affected courts of the attorney’s or LP’s suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.

3. an order appointing another attorney or LP as custodian to take possession of and inventory the files of the suspended attorney or LP and take such further action as necessary to protect the interests of the suspended attorney’s or LP’s clients. Any attorney or LP so appointed by the court shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator.

The Disciplinary Board Clerk shall send copies of the order to the parties.

(g) Costs and Expenses. The Adjudicator may direct that the costs and expenses associated with any proceeding under this rule be allowed to the prevailing party. The procedure for the recovery of such costs shall be governed by BR 10.7 as practicable.

(h) Duties of Attorney or LP. An attorney or LP suspended from practice under this rule shall comply with the requirements of BR 6.3(a) and (b). An attorney or LP whose suspension under this rule exceeds 6 months must comply with BR 8.1 to be reinstated. An attorney or LP whose suspension under this rule is 6 months or less must comply with BR 8.2 in order to be reinstated.

(i) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.1.

(j) Accelerated Proceedings Following Interim Suspension. When an attorney or LP has been suspended by order entered pursuant to BR 3.1(f), the related formal complaint filed by the Bar shall thereafter proceed and be determined as an accelerated case, without unnecessary delay. If no formal complaint has been filed against the attorney subject to suspension under this Rule, notwithstanding the provisions of this Rule, the interim suspension shall expire 45 days after date of entry. If a formal complaint has been filed, and the attorney files a timely answer contesting the charges in the formal complaint, the Adjudicator shall direct the Disciplinary Board Clerk to schedule the trial on the Bar’s formal complaint (and any amendments thereto) within 120 days of the filing of the attorney’s answer to the formal complaint.

(k) Supreme Court Review. No later than fourteen (14) days after the entry of an order pursuant to BR 3.1(f), Disciplinary Counsel or the attorney or LP who is the subject of an order entered pursuant to BR 3.1(f) may request the Supreme Court to review the Adjudicator’s order, including conducting a de novo review on the record, on an expedited basis. Unless otherwise ordered by the court, an interim order of suspension, if entered, shall remain in effect until the court issues its decision.

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(l) Termination of Interim Suspension. An order for interim suspension will only terminate upon further order of the Adjudicator or the Supreme Court, or upon the final disposition of the Bar’s charges in the formal complaint as determined by the Disciplinary Board or the Supreme Court, if the Bar or the attorney appeals the Disciplinary Board’s decision as provided in BR 10.2. For purposes of this rule, “final disposition” means the date upon which the time to appeal the Disciplinary Board’s decision has expired, or, in the case of an appeal, the effective date of the Supreme Court’s decision.

(Rule 3.1(h) amended by letter dated December 10, 1987.)
(Rule 3.1 amended by Order dated February 13, 1988.)
(Rule 3.1(f) amended by Order dated March 13, 1989, effective April 1, 1989, corrected June 1, 1989.)
(Rule 3.1(a) and (g) amended by Order dated May 15, 1995.)
(Rule 3.1(g)(3) added and 3.1(h)-3.1(j) amended by Order dated October 19, 2009.)
(Former Rule 3.1(d), 3.1(f), 3.1(g) and 3.1(g)(1) deleted; former Rule 3.1(c), 3.1(e), 3.1(g)(2), 3.1(g)(3), 3.1(h), 3.1(i), and 3.1(j) redesignated 3.1(e), 3.1(f), 3.1(f)(1), 3.1(f)(3), 3.1(g), 3.1(j), and 3.1(l); Rule 3.1(c), 3.1(d), 3.1(e)(1), 3.1(e)(2), 3.1(e)(3), 3.1(f)(2), 3.1(h), 3.1(l), and 3.1(k) added; and Rule 3.1(a), 3.1(b), 3.1(e), 3.1(f), 3.1(f)(1), 3.1(f)(3), 3.1(g), 3.1(l), and 3.1(l) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.1(a) through (j) and (k) through (H)(a) and (e) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.2 Mental Incompetency or Addiction—Involuntary Transfer to Inactive Membership Status.

(a) Summary Transfer to Inactive Status.

(1) The Supreme Court may summarily order, upon ex parte application by the Bar, that an attorney or LP be placed on inactive membership status until reinstated by the court if the attorney or LP has been adjudged by a court of competent jurisdiction to be mentally ill or incapacitated.

(2) A copy of the order shall be personally served on the attorney or LP in the same manner as provided by the Oregon Rules of Civil Procedure for service of summons and mailed to their guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding.

(b) Petition by Bar.

(1) The Bar may petition the court to determine whether an attorney or LP is disabled from continuing to practice law due to:

   (A) a personality disorder; or
   
   (B) mental infirmity or illness; or
   
   (C) diminished capacity; or
   
   (D) addiction to drugs, narcotics or intoxicants.

The Bar’s petition shall be mailed to the attorney or LP and to their guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding.

(2)

   (A) On the filing of such a petition, the court may take or direct such action as it deems necessary or proper to determine whether an attorney or LP is disabled. Such action may include, but is not limited to, examination of such attorney or LP by qualified experts as the court shall designate.

   (B) A copy of an order requiring an attorney or LP to appear, for examination or otherwise, shall be mailed by the State Court Administrator to the attorney or LP and to their guardian, conservator and attorney of record in any guardianship or conservatorship proceeding and to Disciplinary Counsel.
(C) In the event of a failure by the attorney or LP to appear at the appointed time and place for examination, the court may place the attorney or LP on inactive membership status until further order of the court.

(D) If, upon consideration of the reports of the designated experts or otherwise, the court finds that probable cause exists that the attorney or LP is disabled under the criteria set forth in BR 3.2(b)(1) from continuing to practice law, the court may order the attorney or LP to appear before the court or its designee to show cause why the attorney or LP should not be placed by the court on inactive membership status until reinstated by the court. The State Court Administrator shall mail such a show cause order to the attorney or LP and their guardian, conservator and attorney of record in any guardianship or conservatorship proceeding and to Disciplinary Counsel.

(E) After any show cause hearing as the court deems appropriate, if the court finds that the attorney or LP is disabled from continuing to practice law, the court may order the attorney or LP placed on inactive membership status. The State Court Administrator shall mail a copy of an order placing the attorney or LP on inactive membership status to the attorney or LP and their guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding, and to Disciplinary Counsel.

(3) Any disciplinary investigation or proceeding pending against an attorney or LP placed by the court on inactive membership status under this rule shall be suspended and held in abeyance until further order of the court.

(c) Disability During Disciplinary Proceedings.

(1) The court may order that an attorney or LP placed on inactive membership status until reinstated by the court if, during the course of a disciplinary investigation or disciplinary proceeding, the attorney or LP files a petition with the court, with notice to Disciplinary Counsel, alleging that they are disabled from understanding the nature of the proceeding against them, assisting and cooperating with their attorney, or from participating in their defense due to:

(A) a personality disorder; or

(B) mental infirmity or illness; or

(C) diminished capacity; or

(D) addiction to drugs, narcotics or intoxicants.

(2) The court shall take or direct such action as it deems necessary or proper as provided in BR 3.2(b) to determine if the attorney or LP is disabled.

(3) The State Court Administrator shall mail a copy of the court’s order to Disciplinary Counsel, Bar Counsel, and the attorney or LP and their guardian, conservator, and attorney of record in any guardianship or conservatorship proceeding, and the attorney of record in the Bar’s disciplinary proceeding.

(4) Any disciplinary investigation or proceeding against an attorney or LP who the court places on inactive membership status under this rule shall be suspended and held in abeyance until further order by the court.

(5) If the court determines that the attorney or LP is not disabled under the criteria set forth in BR 3.2(c)(1), it may take such action as it deems necessary or proper, including the issuance of an order that any disciplinary investigation or proceeding against the attorney or LP that is pending or held in abeyance be continued or resumed.
(d) Appointment of Attorney. In any proceeding under this rule, the court may, on such notice as the court shall direct, appoint an attorney or attorneys to represent the attorney or LP if they are without representation.

(e) Custodians. In any proceeding under this rule, the court may, on such notice as the court shall direct, appoint an attorney or attorneys to inventory the files of the attorney or LP and to take such action as seems necessary to protect the interests of their clients. Any attorney so appointed by the court shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the court.

(f) Costs and Expenses. The court may direct that the costs and expenses associated with any proceeding under this rule be paid by the attorney or LP, or their estate, including compensation fixed by the court to be paid to any attorney or expert appointed under this rule. The court may order such hearings as it deems necessary or proper to determine the costs and expenses to be paid under this rule.

(g) Waiver of Privilege.

(1) Under this rule, an attorney’s or LP’s claim of disability in a disciplinary investigation or disciplinary proceeding, or the filing of an application for reinstatement as an active member by an attorney or LP placed on inactive membership status under this rule for disability, shall be deemed a waiver of any privilege existing between the attorney or LP and any doctor or hospital treating them during the period of the alleged disability.

(2) The attorney or LP shall, in their claim of disability or in their application for reinstatement, disclose the name of every doctor or hospital by whom they have been treated during their disability or since their placement on inactive membership status and shall furnish written consent to divulge all such information and all such doctor and hospital records as the Bar or the court may request.

(h) Application of Other Rules.

(1) The Rules of Procedure that apply to the resolution of a formal complaint or statement of objections do not apply to transfers from active to inactive membership status under BR 3.2. The placement of an attorney or LP on inactive membership status under BR 3.2 does not preclude the Bar from filing a formal complaint against the attorney or LP. An attorney or LP placed on inactive membership status under BR 3.2 must comply with the applicable provisions of Title 8 of these rules to obtain reinstatement to active membership status.

(2) An attorney or LP transferred to inactive status under this rule shall not practice law after the effective date of the transfer. This rule shall not preclude the attorney or LP from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(3) An attorney or LP transferred to inactive status under this rule shall immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(C) Notwithstanding BR 3.2(b)(3) and BR 3.2(c)(4), Disciplinary Counsel may petition the court to hold an attorney or LP transferred to inactive status under this rule in contempt for failing to comply with the provisions of BR 3.2(h)(2)(i) and (ii). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

(i) At the direction of the court, the duties of the court set forth in this rule may be fulfilled by the Adjudicator. In such instances the duties of the State Court Administrator shall be performed by the Disciplinary Board.

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Rule 3.3 Allegations of Criminal Conduct Involving Attorneys and LPs.

(a) If the SPRB directs the filing of a formal complaint that alleges acts involving the possible commission of a crime that do not appear to have been the subject of a criminal prosecution, Disciplinary Counsel shall report the possible crime to the appropriate investigatory authority.

(b) On the filing of an accusatory instrument against an attorney or LP for the commission of a misdemeanor that may involve moral turpitude or of a felony, Disciplinary Counsel shall determine whether a disciplinary investigation should be initiated against such attorney or LP.

(Rule 3.3 amended by Order dated March 31, 1989.)
(Rule 3.3(a) and 3.3(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Title for Rule 3.3 and 3.3(b) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.4 Conviction of Attorneys or LPs.

(a) Petition for Interim Suspension; Notice to Answer. Upon learning that an attorney or LP has been convicted in any jurisdiction of an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States and determining that immediate and irreparable harm to the attorney’s or LP’s clients or the public is likely to result if a suspension of the attorney’s or LP’s license to practice law is not ordered, Disciplinary Counsel shall petition the Disciplinary Board to suspend the attorney’s or LP’s license to practice law on an interim basis. The petition shall describe the conviction and explain the basis upon Disciplinary Counsel believes that immediate and irreparable harm to the attorney’s or LP’s clients or the public is likely to result if a suspension is not ordered. The petition shall include a copy of the documents that show the conviction and may be supported by documents or affidavits. A “conviction” for purposes of this rule shall be considered to have occurred upon entry of a plea of guilty or no contest or upon entry of a finding or verdict of guilty. The notice to answer shall provide that an answer to the petition must be filed with the Disciplinary Board Clerk within fourteen (14) days of service and that, absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought can be obtained. Disciplinary Counsel shall file the petition with the Disciplinary Board Clerk and shall serve a copy, along with the notice to answer, on the attorney or LP pursuant to BR 1.8.

(b) Answer by Attorney or LP. The attorney or LP shall file an answer to the Bar’s petition with the Disciplinary Board Clerk within fourteen (14) days of service. The attorney or LP shall mail a copy of the answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(c) Default; Entry of Order. The failure of the attorney or LP to answer the Bar’s petition within the time provided in BR 3.4(b) constitutes a waiver of the attorney’s or LP’s right to contest the Bar’s petition, and all factual allegations contained in the petition shall be deemed true. Not earlier than fourteen (14) days after service of the petition and in the absence of an answer filed by the attorney or LP named in the petition, the Adjudicator shall review the sufficiency of the petition. If the petition establishes the attorney’s or LP’s conviction of a category of offense described in BR 3.4(a) and a reasonable belief that clients or others will
suffer immediate or irreparable harm by the attorney’s or LP’s continued practice of law, the Adjudicator shall enter an appropriate interim order suspending the attorney’s or LP’s license to practice law until further order of the Adjudicator or the Supreme Court. The Disciplinary Board Clerk shall send copies of the order to the parties.

(d) Answer filed; Setting hearing on interim suspension. Upon the timely filing of the attorney’s or LP’s answer pursuant to BR 3.4(b), the Adjudicator shall hold a hearing on the Bar’s petition not less than 30 days nor more than 60 days after the date the answer is filed. The Disciplinary Board Clerk shall promptly notify Disciplinary Counsel and the attorney or LP of the date, time, and location of the hearing. The hearing shall take place consistently with BR 5.3(a), (b), (c), and (d). At the hearing, the Bar must prove by clear and convincing evidence that the attorney or LP has been convicted of a category of offense described in BR 3.4(a) and that clients or others will suffer immediate or irreparable harm by the attorney’s continued practice of law. Proof that clients or others will suffer immediate or irreparable harm by the attorney’s or LP’s continued practice of law may include, but is not limited to, establishing that a period of incarceration was imposed on the attorney or LP as a result of the conviction. If the attorney or LP, having been notified of the date, time, and location of the hearing, fails to appear, the Adjudicator may enter an order finding the attorney or LP in default, deeming the allegations contained in the petition to be true, proceed on the basis of that default consistent with BR 3.4(c), and enter an appropriate order.

(e) Order of Adjudicator; Suspension; Restrictions on Trust Account; Notice to Clients; Custodian; Other Orders. The Adjudicator, upon the record pursuant to BR 3.4(c) or after the hearing provided in BR 3.4(d), shall enter an appropriate order. If the Adjudicator grants the Bar’s petition and suspends the attorney’s license to practice law, the order of suspension shall state an effective date. The suspension shall remain in effect until further order of the Adjudicator or the court. The Adjudicator may enter such other orders as appropriate to protect the interests of the suspended attorney, the suspended attorney’s clients, and the public, including, but not limited to:

(1) an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney’s trust account or accounts except in accordance with restrictions set forth in the Adjudicator’s order.

(2) an order directing the attorney to notify current clients and any affected courts of the attorney’s suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.

(3) an order appointing an attorney as custodian to take possession of and inventory the files of the suspended attorney and take such further action as necessary to protect the interests of the suspended attorney’s clients. Any attorney so appointed by the Adjudicator shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator.

The Disciplinary Board Clerk shall send copies of the order to the parties.

(f) Costs and Expenses. The Adjudicator may direct that the costs and expenses associated with any proceeding under this rule be allowed to the prevailing party. The procedure for the recovery of such costs shall be governed by BR 10.7 as practicable.

(g) Duties of Attorney or LP. An attorney or LP suspended from practice under this rule shall comply with the requirements of BR 6.3(a), (b), and (c). An attorney or LP whose suspension under this rule exceeds 6 months must comply with BR 8.1 to be reinstated. An attorney or LP whose suspension under this rule is 6 months or less must comply with BR 8.2 to be reinstated.

(h) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.4.

(i) Supreme Court Review. No later than fourteen (14) days of the entry of an order pursuant to BR 3.4(e), Disciplinary Counsel or the attorney or LP who is the subject of an order entered pursuant to BR 3.4(e) may
request the Supreme Court to review the Adjudicator’s order, including conducting a de novo review on the record, on an expedited basis. Unless otherwise ordered by the court, an interim order of suspension, if entered, shall remain in effect until the court issues its decision.

(j) Independent Charges. Whether or not an interim suspension is sought pursuant to BR 3.4(a), the SPRB may direct Disciplinary Counsel to file a formal complaint against the attorney or LP based upon the fact of the attorney’s or LP’s conviction or the underlying conduct.

(k) Relief From Suspension. If an attorney’s or LP’s conviction is reversed on appeal, and such reversal is not subject to further appeal or review, or the attorney or LP has been granted a new trial and the order granting a new trial has become final, any suspension or discipline previously ordered based solely on the conviction shall be vacated upon the Disciplinary Board’s receipt of the judgment of reversal or order granting the attorney or LP a new trial. Reversal of the attorney’s or LP’s conviction on appeal or the granting of a new trial does not require the termination of any disciplinary proceeding based upon the same facts which gave rise to the conviction.

(Rule 3.4(d) amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 3.4(e) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 3.4(e) amended by Order dated October 19, 2009.)
(Former Rule 3.4(d), 3.4(e), 3.4(g), and 3.4(h) deleted; former Rule 3.4(f) and 3.4(i) redesignated as 3.4(j) and 3.4(k); Rule 3.4(d), 3.4(e), 3.4(f), 3.4(g), 3.4(h), and 3.4(i) added; Rule 3.4(a), 3.4(b), 3.4(c), 3.4(j), and 3.4(k) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.4(a) through (e), (g), and (i) through (k) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 3.5 Reciprocal Discipline.

(a) Petition; Notice to Answer. Upon learning that an attorney or LP has been disciplined for misconduct in another jurisdiction not predicated upon a prior discipline of the attorney or LP pursuant to these rules, Disciplinary Counsel shall file with the Disciplinary Board Clerk a petition seeking reciprocal discipline of the attorney or LP. The petition shall include a copy of the judgment, order, or determination of discipline in the other jurisdiction; may be supported by other documents or affidavits; and shall contain a recommendation as to the imposition of discipline in Oregon, based on the discipline in the jurisdiction whose action is reported, and such other information as the Bar deems appropriate. A plea of no contest, a stipulation for a new trial has become final, any suspension or discipline previously ordered based solely on the conviction entered, or LP’s conduct for which the attorney or LP was disciplined in the other jurisdiction is conduct that

(1) The procedure in the jurisdiction which disciplined the attorney or LP was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(2) The conduct for which the attorney or LP was disciplined in the other jurisdiction is conduct that

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should subject the attorney or LP to discipline in Oregon; and

(3) The imposition of a sanction equivalent to the sanction imposed in the other jurisdiction would result in grave injustice or be offensive to public policy.

The attorney or LP shall mail a copy of their answer to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk.

(d) Default; Hearing. If no answer is timely filed, the Adjudicator may proceed to the entry of an appropriate judgment based upon review of the record. If an answer is timely filed that asserts a defense pursuant to BR 3.5(c)(1), (2), or (3), the Adjudicator, in their discretion, based upon a review of the petition, answer, and any supporting documents filed by either the Bar or the attorney or LP, may either determine on the basis of the record whether the attorney or LP should be disciplined in Oregon for misconduct in another jurisdiction and if so, in what manner, or may determine that testimony will be taken solely on the issues set forth in the answer pertaining to BR 3.5(c)(1), (2), and (3). The Adjudicator shall enter an appropriate order. The Disciplinary Board Clerk shall send copies of the order to the parties. The Adjudicator’s decision shall be subject to review by the Supreme Court, as authorized in Title 10 of these rules. On review by the court, the sanction imposed in the other jurisdiction may be a factor for consideration but does not operate as a rebuttable presumption.

(e) Burden of Proof. The attorney or LP has the burden of proving in any hearing held pursuant to BR 3.5(f) that due process of law was not afforded the attorney in the other jurisdiction.

(f) Hearing by Trial Panel; Review by Supreme Court. If the Adjudicator decides to take testimony pursuant to BR 3.5(e), the Adjudicator shall request the regional chairperson to appoint an attorney member and a public member to serve on the trial panel. Upon receiving notice from the Disciplinary Board Clerk of a regional chairperson’s appointment of an attorney member and a public member pursuant to BR 2.4(f)(1), and upon determining that either no timely challenge pursuant to BR 2.4(g) was filed or that a timely filed challenge pursuant to BR 2.4(g) has either been denied or resulted in the appointment of a substitute member or members, the Adjudicator shall promptly establish the date and place of the evidentiary hearing no less than 21 days and no more than 42 days thereafter. BR 5.1 and BR 5.3 apply to the evidentiary hearing. The trial panel shall make a decision concerning the issues submitted to it. The Disciplinary Board Clerk shall send copies of the order to the parties. The trial panel’s decision shall be subject to review by the Supreme Court as authorized in Title 10 of these rules. On review by the court, the sanction imposed in the other jurisdiction may be a factor for consideration but does not operate as a rebuttable presumption.

(g) Application of Other Rules. Except as specifically provided herein, Title 4, Title 5, and Title 6 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 3.5.

(h) Suspension or Disbarment. An attorney or LP suspended or disbarred under this rule shall comply with the requirements of BR 6.3(a), (b), and (c).

(i) Reinstatement Rules Apply. The rules on reinstatement apply to attorneys or LPs suspended or disbarred pursuant to the procedure set forth in BR 3.5(d), (e), and (f).

(j) Independent Charges. Nothing in this rule precludes the Bar from filing a formal complaint against an attorney or LP for misconduct in any jurisdiction.

(Rule 3.5 amended by Order dated July 16, 1984, effective August 1, 1984.)
(Rule 3.5(h) amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 3.5(e) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 3.5(d) deleted; former Rule 3.5(e), 3.5(f), and 3.5(g) redesignated 3.5(d), 3.5(e), and 3.5(f); Rule 3.5(c)(3) and 3.5(g) added; Rule 3.5(a), 3.5(b), 3.5(c), 3.5(c)(1), 3.5(c)(2), 3.5(d), 3.5(e), 3.5(f), 3.5(h), 3.5(i), and 3.5(j) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 3.5(e) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 3.5(a) through (e), and (h) through (j) amended by Order dated August 17, 2022, effective July 1, 2023.)

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Rule 3.6 Discipline By Consent.

(a) Application. Any allegation of misconduct that is neither dismissed nor disposed of pursuant to BR 2.10 may be disposed of by a no contest plea, or by a stipulation for discipline, entered into at any time after the SPRB finds probable cause that misconduct has occurred.

(b) No Contest Plea. A plea of no contest to all causes or any cause of a formal complaint, or to allegations of misconduct if a formal complaint has not been filed, shall be verified by the respondent and shall include:

1. A statement that the respondent freely and voluntarily make the plea;

2. A statement that the respondent does not desire to defend against the formal complaint or any designated cause thereof, or against an allegation of misconduct not yet pled;

3. A statement that the respondent agrees to accept a designated form of discipline in exchange for the no contest plea; and

4. A statement of the respondent’s prior record of reprimand, suspension or disbarment, or absence of such record.

(c) Stipulation for Discipline. A stipulation for discipline shall be verified by the respondent and shall include:

1. A statement that the respondent has freely and voluntarily entered into the stipulation;

2. A statement that explains the particular facts and violations to which the Bar and the respondent are stipulating;

3. A statement that the respondent agrees to accept a designated form of discipline in exchange for the stipulation; and

4. A statement of the respondent’s prior record of reprimand, suspension or disbarment, or absence of such record.

(d) Approval of SPRB. Pleas of no contest and stipulations shall be approved as to form by Disciplinary Counsel and approved in substance by the chairperson of the SPRB or a member of the SPRB designated by the chairperson. If the plea or stipulation is acceptable to the respondent and the SPRB chairperson or designated member, and if the full term of the discipline agreed upon does not exceed a 6-month suspension, Disciplinary Counsel shall submit it to the Disciplinary Board Clerk for review by the Adjudicator, acting on behalf of the Disciplinary Board. Otherwise, Disciplinary Counsel shall file the stipulation with the State Court Administrator for review by the Supreme Court.

(e) Review by Adjudicator or Supreme Court. The Adjudicator or the court, as the case may be, shall review the plea or stipulation. If the Adjudicator approves the plea or stipulation, an order shall be issued so stating and filed with the Disciplinary Board Clerk, and the Clerk shall provide copies to Disciplinary Counsel and the respondent. If the court approves the plea or stipulation, an order shall be issued so stating. If the plea or stipulation is rejected by the Adjudicator or the court, it may not be used as evidence of misconduct against the respondent in the pending or in any subsequent disciplinary proceeding.

(f) Costs. In matters submitted under this rule that are resolved by a decision of the Disciplinary Board, the Bar may file a cost bill with the Disciplinary Board Clerk within 21 days of the filing of the decision of the Disciplinary Board. The Bar must serve a copy of the cost bill on the respondent pursuant to BR 1.8. To contest the Bar’s statement of costs, the respondent must file an objection supported by a declaration under penalty of perjury with the Disciplinary Board Clerk within 7 days from the date of service. The respondent shall mail a copy of the objection to Disciplinary Counsel and file proof of mailing with the Disciplinary Board Clerk. If the matter is resolved by a decision of the court, the Bar’s cost bill and the respondent’s objections must be filed.
with the court within the same time period, accompanied by proof of service on the other party. The Adjudicator or the court, as the case may be, may fix the amount of the Bar’s actual and necessary costs and disbursements incurred in the proceeding to be paid by the respondent.

(g) Supplementing Record. If the Adjudicator or the court concludes that facts are not set forth in sufficient detail to enable forming an opinion as to the propriety of the discipline agreed upon, the Adjudicator or the court may request that additional stipulated facts be submitted or may disapprove the plea or stipulation.

(h) Confidentiality. A plea or stipulation prepared for the Adjudicator or the court’s consideration shall not be subject to public disclosure or used as evidence in a disciplinary proceeding:

(1) prior to Adjudicator or court approval of the plea or stipulation; or

(2) if rejected by the Adjudicator or court.

(Rule 3.6(d) and (e) amended by Order dated February 23, 1988.)
(Rule 3.6(d) amended by Order dated December 13, 1993. Amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 3.6(a), (b), (d) and (e) amended by Order dated February 5, 2001.)
(Rule 3.6(d), (e) and (f) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 3.6(b)(i), 3.6(b)(ii), 3.6(b)(iii), 3.6(b)(iv), 3.6(c)(i), 3.6(c)(ii), 3.6(c)(iii), 3.6(c)(iv), and 3.6(h) redesignated as Rule 3.6(b)(1), 3.6(b)(2), 3.6(b)(3), 3.6(c)(1), 3.6(c)(2), 3.6(c)(3), 3.6(c)(4), 3.6(h)(1), and 3.6(h)(2); Rule 3.6(a), 3.6(b), 3.6(b)(1), 3.6(b)(2), 3.6(b)(3), 3.6(c)(1), 3.6(c)(2), 3.6(c)(3), 3.6(c)(4), 3.6(d), 3.6(e), 3.6(f), 3.6(g), 3.6(h), 3.6(h)(1), and 3.6(h)(2) amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 4 — Prehearing Procedure

Rule 4.1 Formal Complaint.

(a) Designation of Counsel and Region. If the SPRB determines that probable cause exists to believe an attorney or LP has engaged in misconduct and that formal proceedings are warranted, it shall refer the matter to Disciplinary Counsel with instructions to file a formal complaint against the attorney or LP, who then becomes the respondent. Disciplinary Counsel, being so advised, may appoint Bar Counsel.

(b) Filing. Disciplinary Counsel shall prepare and file with the Disciplinary Board Clerk a formal complaint against the respondent on behalf of the Bar. The formal complaint shall be in substantially the form set forth in BR 13.1.

(c) Substance of Formal Complaint. A formal complaint shall be signed by Disciplinary Counsel, or their designee, and shall set forth succinctly the acts or omissions of the respondent, including the specific statutes or rules of professional conduct violated, so as to enable the respondent to know the nature of the charge or charges against the respondent. When more than one act or transaction is relied upon, the allegations shall be separately stated and numbered. The formal complaint need not be verified.

(d) Amendment of Formal Complaint. Disciplinary Counsel may amend the formal complaint on behalf of the Bar subject to the requirements of BR 4.4(b) as to any grievance the SPRB has instructed Disciplinary Counsel to file a formal complaint pursuant to BR 4.1(a) and BR 4.1(e).

(e) Consolidation of Charges and Proceedings. The Bar, at the SPRB’s direction, may consolidate in a formal complaint two or more causes of complaint against the same attorney or LP or attorneys or LPs, but shall file a separate formal complaint against each respondent. The findings and conclusions thereon may be either joint or separate, as the trial panel, in its discretion, may determine. The Bar, at the discretion of the SPRB, may also consolidate formal complaints against two or more attorneys or LPs for hearing before one trial panel.

(f) Appointment of Trial Panel. Within 30 days following respondent’s timely filing of an answer pursuant to BR 4.3, Disciplinary Counsel shall file a request with the Disciplinary Board Clerk that the regional chairperson appoint an attorney and a public member to serve on the trial panel with the Adjudicator.

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(Rule 4.1(a) amended by Order dated January 5, 1988. Amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 4.1(b) amended by Order dated February 23, 1988.)
(Rule 4.1(a) and (c) amended by Order dated February 5, 2001.)
(Rule 4.1(b) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.1(d) redesignated as Rule 4.1(e); Rule 4.1(a), 4.1(b), 4.1(c) and 4.1(e) amended; Rule 4.1(d) and 4.1(f) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 4.1(a), (e), and (f) amended by Order dated August 17, 2022, effective July 1, 2023.)
Rule 4.2 Service of Formal Complaint.

(a) Manner of Service of Formal Complaint. A copy of the formal complaint, accompanied by a notice to file an answer within fourteen (14) days, may be personally served on the respondent or as otherwise permitted by BR 1.12. The notice to answer shall be in substantially the form set forth in BR 13.2.

(b) Alternative Service of Formal Complaint. The Bar may request the Adjudicator to authorize the service of a formal complaint and notice to answer on the respondent pursuant to ORCP 7 D(6).

(c) Proof of Service of Complaint. Proof of personal service shall be made in the same manner as in a case pending in a circuit court.

(d) Service of Amended Formal Complaint. An amended formal complaint may be served by mail, provided the original formal complaint was served on the respondent in the manner provided by BR 4.2(a) or (b).

(e) Disregard of Error. Failure to comply with any provision of this rule or BR 1.12 shall not affect the validity of service if the respondent received actual notice of the substance and pendency of the disciplinary proceedings.

(Rule 4.2 amended by Order dated June 30, 1987.)
(Rule 4.2(d) added by Order dated February 5, 2001.)
(Rule 4.2(a) amended by Order dated April 26, 2007.)
(Rule 4.2(a), 4.2(b), 4.2(d), and 4.2(e) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.3 Answer.

(a) Time to Answer. The respondent shall answer the formal complaint within fourteen (14) days of service of the formal complaint.

(b) Extensions. The respondent may, in writing, request an extension of time to file their answer from the Adjudicator. The request for extension must be received by the Adjudicator within the time the respondent is required to file an answer. The Adjudicator shall respond to the request in writing and shall file a copy of the response with the Disciplinary Board Clerk. Alternatively, if Respondent and Disciplinary Counsel stipulate to one or more extensions of time, such extension is deemed granted by the Adjudicator upon submission of the stipulation to the Disciplinary Board Clerk, unless the Adjudicator files a response within two(2) days.

(c) Form of Answer. The respondent’s answer shall be responsive to the formal complaint filed. General denials are not allowed. The answer shall be substantially in the form set forth in BR 13.3 and shall be supported by a declaration under penalty of perjury by the respondent. The original shall be filed with the Disciplinary Board Clerk with proof of service on Disciplinary Counsel.

(Rule 4.3(b) and (c) amended by Order dated February 5, 2001.)
(Rule 4.3(b) and (d) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.3(c) deleted; former Rule 4.3(d) redesignated as Rule 4.3(c); Rule 4.3(a), 4.3(b), and 4.3(c) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.4 Pleadings, Amendments, and Motions .

(a) Pleadings. The only permissible pleadings shall be a formal complaint and an answer, and amendments thereto. The Adjudicator may request additional pleadings from parties if deemed necessary.

(b) Amendments.

(1) Disciplinary Counsel may amend a formal complaint at any time after filing, subject to any limitation that may be imposed by the Adjudicator as to timing or content in any prehearing order entered pursuant to BR 4.7, in amplification of the original charges, to add new charges, or to withdraw charges. If an amendment is made, the respondent shall file an answer to the amended formal complaint within fourteen (14) days of service. Upon request by respondent for good cause shown, the Adjudicator may give the respondent a

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reasonable time to procure evidence and to prepare to meet the matters raised by the amended formal complaint.

(2) The respondent may amend an answer at any time after filing, subject to any limitations that may be imposed by the Adjudicator as to timing or content in any prehearing order entered pursuant to BR 4.7. If an answer is amended, the Bar shall be given a reasonable time, set by the Adjudicator, to procure evidence and to prepare to meet the matters raised by the amended answer.

(c) Motions.

(1) An application for an order from the Adjudicator shall be submitted as a motion. Every motion, unless made during the trial, shall state with particularity the reason for the motion and the relief or order sought.

(2) Parties shall not submit motions seeking to dismiss a formal complaint, motion for judgment on the pleadings, motion to make more definite and certain, and motion seeking summary judgment without leave of the Adjudicator.

(3) All motions, and any responses, shall be filed with the Disciplinary Board Clerk with proof of service on the other Party. Upon expiration of the time for response, the Adjudicator shall promptly rule on the motion. The Adjudicator shall file rulings on motions with the Disciplinary Board Clerk, and the Clerk shall mail copies to the parties.

(4) Oral Argument. The Adjudicator shall decide whether to hear oral argument on motions. Oral argument on any motion may be conducted in person, or by conference telephone/video call.

(5) If a party objects to a non-discovery motion, the opposing party may submit a written opposition within fourteen (14) days of service of the motion unless the Adjudicator shortens the time for good cause shown. Opposing parties must submit a written opposition to discovery motions within seven (7) days of service of the motion.

(6) No reply is allowed unless ordered by the Adjudicator.

(7) Discovery motions, including motions for limitation of discovery, shall be in writing and shall state “Discovery Motion” in the caption.

(8) Unopposed motions shall include “unopposed” in the caption heading. Stipulated motions shall include “stipulated” in the caption heading.

(9) Motions seeking immediate action or expedited relief shall state in the caption: “Expedited Consideration Requested.” If the Adjudicator grants expedited consideration, the Adjudicator shall set an expedited time for filing written opposition to the motion and notify all parties.

(d) Adjudicator Authority. Upon application of either the Bar or the respondent, the Adjudicator may extend or shorten the time for filing any pleading, motion, or any document required or permitted to be submitted, except as otherwise provided in these rules.

(Rule 4.4(b) amended by Order dated February 5, 2001.)
(Rule 4.4(b)(1) and 4.4(b)(2) amended; Rule 4.4(c) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 4.4(a) and 4.4(b)(1) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 4.5 Discovery.

(a) General. Discovery shall be conducted expeditiously by the parties, and shall be completed within fourteen (14) days prior to the date of hearing, unless the Adjudicator extends the time either by stipulated motion, or for good cause shown.

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(b) Permitted Discovery.

(1) Requests for admission, requests for production of documents, and depositions may be utilized in disciplinary proceedings.

(2) The manner of taking depositions shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Subpoenas may be issued when necessary by the Adjudicator, Bar Counsel, Disciplinary Counsel, the respondent or their attorney of record. Depositions may be taken any time after service of the formal complaint.

(3) Transcripts of depositions in disciplinary proceedings shall comply with the Oregon Rules of Appellate Procedure as to form. A person who is deposed may request at the time of deposition to examine the person’s transcribed testimony. In such case, the procedure set forth in the Oregon Rules of Civil Procedure shall be followed as practicable.

(4) The manner of making requests for the production of documents shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Requests for production may be served any time after service of the formal complaint with responses due within 21 days.

(5) The manner of making requests for admission shall conform as nearly as practicable to the procedure set forth in the Oregon Rules of Civil Procedure. Requests for admission may be served any time after service of the formal complaint with responses due within 21 days.

(c) Discovery Procedure. The Adjudicator shall resolve all discovery questions.

(d) Limitations on Discovery. In the exercise of their discretion, the Adjudicator shall impose such terms or limitations on the exercise of discovery as may appear necessary to prevent undue delay or expense in bringing the matter to hearing and to promote the interests of justice.

(e) Discovery Sanctions. For failure to provide discovery as required under Rule 4.5, the Adjudicator may make such rulings as are just, including, but not limited to, the following:

(1) A ruling that the matters regarding which the ruling was made or any other designated fact are taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the ruling; or

(2) A ruling refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the disobedient party from introducing designated matters in evidence.

Any witness who testifies falsely, fails to appear when subpoenaed, or fails to produce any documents pursuant to subpoena is subject to the same orders and penalties to which a witness before a circuit court is subject. Subpoenas issued pursuant to this rule may be enforced by application of the Bar or the respondent to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(f) Rulings Interlocutory. Discovery rulings are interlocutory.

(Rule 4.5(c) amended by Order dated February 23, 1988. Rule 4.5(b) amended by Order April 4, 1991, effective April 15, 1991.)
(Rule 4.5(a) and (c) amended by Order dated February 5, 2001.)
(Rule 4.5(c) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.5(a), 4.5(b)(2), 4.5(b)(3), 4.5(c), 4.5(d), 4.5(e), 4.5(e)(1), and 4.5(e)(2) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.6 Prehearing Issue Narrowing and Settlement Conference; Order.

(a) Within 28 days of written notice that the Adjudicator has set the date and place of the trial panel hearing pursuant to Rule 2.4(e)(8), either party may file with the Disciplinary Board Clerk a request for a single prehearing issue narrowing and settlement conference pursuant to this rule. Upon notification from the
Disciplinary Board Clerk that a timely request for a BR 4.6 conference has been filed, the Adjudicator shall appoint a member of the Disciplinary Board to serve as the presiding member and conduct the BR 4.6 conference. A conference shall be held no later than 21 days before the scheduled hearing date and shall not exceed one business day in length. The respondent, counsel for the respondent, if any, and Disciplinary Counsel must attend. The purpose of the conference is to narrow factual and legal issues in dispute for trial and to facilitate discussion regarding discipline by consent under BR 3.6, if appropriate. Except for those facts admitted and denied in the prehearing order, under BR 4.7, no oral or written statements or admissions made at or in connection with the prehearing conference shall be admitted as evidence in this or any subsequent Bar disciplinary proceeding. No member of the trial panel appointed in the proceeding shall conduct or participate in the prehearing conference.

(b) At the conclusion of the BR 4.6 conference, the presiding member shall enter an order setting forth agreed and disputed facts and elements of the violations alleged. In the absence of any agreement, the presiding member shall enter an order indicating that the BR 4.6 conference was held and that no agreements resulted. The presiding member shall file the order with the Disciplinary Board Clerk, with copies sent by the Disciplinary Board Clerk to the parties. Agreed facts shall be deemed admitted and need not be proven at the hearing before the trial panel.

(Rule 4.6 added by Order dated December 13, 1993.)
(Rule 4.6 amended by Order dated November 6, 1995. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.6 redesignated Rule 4.6(a); Rule 4.6(a) amended; and Rule 4.6(b) added by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.7 Pre-hearing Orders.

(a) At any time after the filing of a formal complaint, BR 2.4(e)(8) the Adjudicator may schedule and convene a prehearing conference that may be conducted by telephone, videoconference, or in person and shall be attended by the respondent, respondent’s counsel, if any, and Disciplinary Counsel, upon notice sent by the Disciplinary Board Clerk not less than fourteen (14) days prior to the scheduled date and time, unless the time is shortened by the Adjudicator. Such prehearing conferences are intended to facilitate the efficient conduct of the proceeding and may include discussing the parties’ respective estimates of time necessary to present evidence, the availability and scheduling of witnesses, and the preparation of trial exhibits; and the scheduling of pleading amendment and discovery deadlines.

(b) At the conclusion of a prehearing conference, the Adjudicator shall enter an order setting forth all matters discussed and addressed, including any deadlines imposed. The Adjudicator shall file the order with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies to the parties.

(Rule 4.7 added by Order dated December 13, 1993.)
(Rule 4.7 amended by Order dated November 6, 1995. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Former Rule 4.7 redesignated as Rule 4.7(b); Rule 4.7(a) added; and Rule 4.7(b) amending by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 4.7(a) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 4.8 Trial Briefs.

Trial Briefs, if any, shall be filed with the Disciplinary Board Clerk with copies served on the trial panel no later than seven (7) days prior to the hearing. Where new or additional issues have arisen, the Adjudicator may grant seven (7) days additional time for the filing of trial briefs on those issues.

(Rule 4.8 (former 2.4(i)(2)) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.8 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 4.9 Mediation

(a) Mediation. The parties may employ the services of a mediator, other than a member of the trial panel, to determine the potential for, and to assist the parties in negotiating a settlement of issues in dispute.

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Mediation is voluntary; both parties must agree to participate in the mediation. The SPRB shall decide for the Bar whether to mediate.

(b) Time of Mediation. Mediation may occur at any time, provided that the mediation shall not delay a hearing before a trial panel scheduled in accordance with BR 5.4. After a trial panel issues a written opinion in the proceeding pursuant to BR 2.4(i)(2), mediation may occur only if authorized by the Adjudicator.

(c) Discipline by Consent. A stipulation for discipline or no contest plea negotiated through mediation is subject to approval by the SPRB, and the Disciplinary Board or the Supreme Court, as the case may be, as set forth in BR 3.6, before it is effective.

(d) Costs. The expense of mediation shall be shared equally by the parties unless the parties agree otherwise.

(e) Confidentiality. Mediation communications, as defined in ORS 36.110, are confidential and may not be disclosed or admitted as evidence in subsequent adjudicatory proceedings, except as provided by ORS 36.226.

(Rule 4.9 added by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 4.9(a) and (e) amended by Order dated April 26, 2007.)
(Rule 4.9(a), 4.9(b) and 4.9(d) amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 5 — Disciplinary Hearing Procedure

Rule 5.1 Evidence And Procedure.

(a) Rules of Evidence. The Oregon Rules of Evidence do not govern admissibility of evidence in Disciplinary Proceedings. The Adjudicator may admit and give effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded at any hearing conducted pursuant to these rules.

(b) Harmless Error. No error in procedure, in admitting or excluding evidence, or in ruling on evidentiary or discovery questions shall invalidate a finding or decision unless upon a review of the record as a whole, a determination is made that a denial of a fair hearing to either the Bar or the respondent has occurred.

(Rule 5.1(a) amended by Order dated February 23, 1988.)
(Rule 5.1(a) and 5.1(b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.2 Burden Of Proof.

The Bar has the burden of establishing misconduct by clear and convincing evidence.

(Rule 5.2 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.3 Location of Hearing; Subpoenas; Testimony.

(a) Location. For respondents that maintain an office or residence in Oregon, the trial panel hearing of any Disciplinary Proceeding shall be held either in the county in which the respondent maintains their office for the practice of law or other business, in which they reside, or in which the misconduct is alleged to have occurred, at the Adjudicator’s discretion. For any proceeding brought pursuant to these rules other than Title 4 in which the attorney or LP the subject of the proceeding maintains an office or residence in Oregon, and for any proceeding brought pursuant to these rules in which the attorney or LP the subject of the proceeding does not maintain an office or residence in Oregon, the Adjudicator shall designate a location for the hearing. With the respondent’s consent, the hearing may be held elsewhere.

(b) Subpoenas. The Chief Executive Officer, the Adjudicator, or regional chairpersons of the Disciplinary Board, Bar Counsel, Disciplinary Counsel and the attorney for the respondent, or the respondent, if appearing without an attorney, shall have the authority to issue subpoenas. Subpoenas shall be issued and served in accordance with the Oregon Rules of Civil Procedure in the same manner as in a case pending in a circuit court. Any witness who testifies falsely, fails to appear when subpoenaed, or fails to produce any documents
pursuant to subpoena, is subject to the same orders and penalties to which a witness before a circuit court is subject. Subpoenas issued pursuant this rule may be enforced by application of either party or the Adjudicator to any circuit court. The circuit court shall determine what sanction to impose, if any, for noncompliance.

(c) Board Members as Witnesses. Current members of the Board of Governors shall not testify as witnesses in any Bar admission, discipline or reinstatement proceeding except pursuant to subpoena.

(d) Testimony. Witnesses shall testify under oath or affirmation administered by any member of the Disciplinary Board or by any person authorized by law to administer an oath.

(e) Transcript of Proceedings; Correction of Errors; Settlement Order. Every disciplinary hearing shall be transcribed and shall comply with the Oregon Rules of Appellate Procedure as to form. The transcription shall be certified by the person preparing it. The reporter shall give written notice to Disciplinary Counsel, Bar Counsel, and the respondent of the filing of the transcripts with the Disciplinary Board Clerk, who shall provide copies to the Adjudicator. Within fourteen (14) days after the transcript is filed, the Bar or the respondent may move the Adjudicator for an order to correct any errors appearing in the transcript, by filing a motion with the Disciplinary Board Clerk and serving the other party. Within 7 days the Bar or the respondent, as the case may be, may file a response to the motion with the Disciplinary Board Clerk, serving a copy on the other party. The Adjudicator shall thereafter either deny the motion or direct the making of such corrections as may be appropriate. Upon the denial of the motion or the making of such corrections, the Adjudicator shall file with the Disciplinary Board Clerk an order settling the transcript and the Disciplinary Board clerk shall send copies to the parties.

(Rule 5.3(b) amended by Order dated April 4, 1991, effective April 15, 1991.)
(Rule 5.3(a) amended by Order dated July 22, 1991.)
(Rule 5.3(c), (d), and (e) amended by Order dated June 5, 1997, effective July 1, 1997.)
(Rule 5.3(a) and (e) amended by Order dated February 5, 2001.)
(Rule 5.3(e) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 5.3(a) amended by Order dated April 26, 2007.)
(Rule 5.3(a), 5.3(b), and 5.3(e) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 5.3(c) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 5.4 Hearing Date; Continuances.

Except in matters of default pursuant to BR 5.8, the Adjudicator shall establish the hearing date, which shall not be less than 91 days nor more than 182 days following the date the Adjudicator notifies the parties of the date and time for hearing pursuant to BR 2.4(e)(8). The Adjudicator may grant continuances of the hearing date at any time prior to the hearing, or upon a showing of compelling necessity therefor, the trial panel may grant continuances at the time of the hearing. In no event shall continuances exceed 56 days in the aggregate.

(Rule 5.4 amended by Order dated October 10, 1994.)
(Rule 5.4 amended by Order dated February 5, 2001.)
(Rule 5.4 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.5 Prior Record.

(a) Defined. “Prior record” means any contested admission, disciplinary or reinstatement decision of the Disciplinary Board or the Supreme Court that has become final.

(b) Restrictions on Admissibility. At the fact-finding hearing in a disciplinary proceeding, a respondent’s prior record or lack thereof shall not be admissible to prove the character of a respondent or to impeach their credibility.

(Rule 5.5(a-b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.6 Evidence of Prior Acts Of Misconduct.

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Evidence of prior acts of misconduct on the part of a respondent is admissible in a disciplinary proceeding for such purposes as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(Rule 5.6 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.7 Consideration of Sanctions.

Trial panels may receive evidence relating to the imposition of a sanction during a hearing, but are not to consider that evidence until after a determination is made that the respondent is in violation of a rule of professional conduct or statute. Only when the Adjudicator considers it appropriate because of the complexity of the case or the seriousness of the charge or charges, the trial panel may be reconvened to consider evidence in aggravation or mitigation of the misconduct found to have occurred.

(Rule 5.7 amended by Order dated February 23, 1988.)
(Rule 5.7 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 5.8 Default.

(a) Failure to Answer or Appear. If a respondent fails to resign or file an answer to a formal complaint within the time allowed by these rules, or if a respondent fails to appear at a hearing set pursuant to BR 2.4(e)(8), the Adjudicator may file with the Disciplinary Board Clerk an order finding the respondent in default under this rule and, if so, shall request the regional chairperson to appoint an attorney member and a public member to serve on the trial panel unless a panel has already been appointed. The Disciplinary Board Clerk shall send copies of the order of default to the parties. The trial panel shall thereafter deem the allegations in the formal complaint to be true and either issue its written opinion based on the formal complaint, or, in its sole discretion, after considering evidence or legal authority limited to the issue of sanction. Following entry of an order of default, the respondent is not entitled to further notice in the disciplinary proceeding under consideration, except as may be required by these rules or by statute. The trial panel shall not, absent good cause, continue or delay proceedings due to a respondent’s failure to answer or appear.

(b) Setting Aside Default. At any time prior to a trial panel’s issuing its written opinion, the trial panel may set aside an order of default upon a showing by the respondent that the respondent’s failure to resign, answer, or appear timely was the result of mistake, inadvertence, surprise, or excusable neglect. If a trial panel has issued its opinion, a respondent must file any motion to set aside an order of default with the Supreme Court.

(Rule 5.8 amended by Order dated June 29, 1993.)
(Rule 5.8(a) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 5.8(a) amended by Order dated October 19, 2009.)
(Rule 5.8(a) and 5.8(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 5.8(a) amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 5.9 Attorney Assistance Evidence.

(a) Definition. For the purposes of this rule, an "attorney assistance program" is any treatment, counseling, training or remedial service, created under ORS 9.568 or otherwise, designed to provide assistance to attorneys or LPs who are suffering from impairment or other circumstances which may adversely affect their professional competence or conduct, or to provide advice and training to attorneys or LPs in practice management.

(b) Use of Evidence by Respondent. Subject to the provisions of BR 5.1(a) and this rule, the respondent may offer evidence at a disciplinary hearing concerning the respondent’s participation in or communication with an attorney assistance program. If the respondent fails to provide timely notice to Disciplinary Counsel as required under BR 5.9(c), the respondent may not offer evidence of the respondent’s participation in or communication with an attorney assistance program at the hearing.

(c) Prior Notice. If the respondent intends to offer evidence at a hearing concerning the respondent’s
participation in or communication with an attorney assistance program, the respondent shall file with the Disciplinary Board Clerk, with proof of service on Disciplinary Counsel, written notice of such intent, not less than 63 days prior to the date the hearing is scheduled to commence. For good cause shown, the Adjudicator may permit the respondent to give the notice within a shorter period of time. The notice shall specify the identity of the attorney assistance program, the nature of the evidence that will be offered, the names of the service providers with whom the respondent dealt, and the names and addresses of witnesses the respondent intends to call to present the evidence. The notice shall also include the consent or waiver required by BR 5.9(d). The respondent shall provide a copy of the notice to the attorney assistance program.

(d) Discovery. In the event the respondent provides a notice to Disciplinary Counsel under BR 5.9(c), Disciplinary Counsel may conduct discovery concerning the respondent’s participation in or communication with the attorney assistance program. The respondent shall provide any consent or waiver necessary to permit Disciplinary Counsel to obtain discovery from the attorney assistance program or its service providers at the time the respondent provides the notice required by BR 5.9(c). Questions regarding the permissible scope of discovery under this rule shall be resolved by the Adjudicator on motion pursuant to BR 4.5(c).

(e) Discovery not Public. Records and information obtained by Disciplinary Counsel through discovery under this rule are not be subject to public disclosure pursuant to BR 1.7(b), consistent with ORS 9.568(3), and may be disclosed by the parties only in the disciplinary proceeding.

(f) Use of Evidence by Bar. The Bar shall have the right to introduce evidence obtained through discovery under this rule only if the respondent introduces evidence of participation in or communication with an attorney assistance program.

(g) Enforcement. The Adjudicator may issue a protective order and impose sanctions to enforce this rule pursuant to BR 4.5(d) and (e).

(Rule 5.9 added by Order dated November 30, 1999.)
(Rule 5.9(a) amended by Order dated February 5, 2001.)
(Rule 5.9(c) amended by Order dated June 17, 200, effective July 1, 2003.)
(Rule 5.9(b), 5.9(c), 5.9(d), 5.9(e), 5.9(f), and 5.9(g) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 5.9(a) amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 6 — Sanctions And Other Remedies

Rule 6.1 Sanctions.

(a) Disciplinary Proceedings. The dispositions or sanctions in disciplinary proceedings or matters brought pursuant to BR 3.4 or 3.5 are

1. dismissal of any charge or all charges;
2. public reprimand;
3. suspension for periods from 30 days to five years;
4. a suspension for any period designated in BR 6.1(a)(3) which may be stayed in whole or in part on the condition that designated probationary terms are met; or
5. disbarment.

In conjunction with a disposition or sanction referred to in this rule, a respondent may be required to make restitution of some or all of the money, property, or fees received by the respondent in the representation of a client, or reimbursement to the Client Security Fund.

(b) Effect of Disbarment. An attorney disbarred as a result of a disciplinary proceeding commenced by formal complaint before January 1, 1996, may not apply for reinstatement until five years have elapsed from the effective date of their disbarment. An attorney or LP disbarred as a result of a disciplinary proceeding commenced by formal complaint after December 31, 1995, shall never be eligible to apply and shall not be.

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considered for admission under ORS 9.220 or reinstatement.


(Rule 6.1(a) amended by Order dated February 5, 2001.)

(Rule 6.1(a)(iii) – 6.1(a)(v) and 6.1(b) – 6.1(d) amended by Order dated October 19, 2009.)


(Rule 6.2(d) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 6.2 Probation.

(a) Authority in Disciplinary Proceedings. In cases of stipulated discipline where a suspension of three years or less is imposed, the execution of the suspension may be stayed, in whole or in part, and the respondent may be placed on probation for a period no longer than three years. Probation, if ordered, may be under such conditions as the parties agree to as appropriate. Such conditions may include, but are not limited to, requiring alcohol or drug treatment; requiring medical care; requiring psychological or psychiatric care; requiring professional office practice or management counseling; and requiring periodic audits or reports. In any case where an attorney or LP is placed on probation pursuant to this rule, the Adjudicator or the court may appoint a suitable person or persons to supervise the probation. Cooperation with any person so appointed shall be a condition of the probation.

(b) Authority in Contested Reinstatement Proceedings. Upon determining that an applicant should be conditionally reinstated to membership in the Oregon State Bar, the court may decide to place the applicant on probation for a period no longer than three years. The probationary terms may include, but are not limited to, those provided in BR 6.2(a). The court may appoint a suitable person or persons to supervise the probation. Cooperation with any person so appointed shall be a condition of the probation. An attorney or LP placed on probation pursuant to this rule may have their probation revoked for a violation of any probationary term by petition of Disciplinary Counsel in accordance with the procedures set forth in BR 6.2(d). An attorney or LP whose probation is revoked shall be suspended from the practice of law until further order of the court.

(c) Disciplinary Board. The Disciplinary Board shall not impose probation in cases decided after a trial or a default and shall not conditionally reinstate an applicant after a contested reinstatement hearing.

(d) Revocation Petition; Service; Trial Panel; Setting Hearing. Disciplinary Counsel may petition the Adjudicator or the court, as the case may be, to revoke the probation of any attorney or LP for violation of any probationary term imposed by a trial panel or the court, serving the attorney or LP with a copy of the petition pursuant to BR 1.8. The Adjudicator or the court, as the case may be, may order the attorney or LP to appear and show cause why probation should not be revoked and the original sanction imposed; the court also may refer the matter to the Disciplinary Board for hearing. When revocation of a trial panel probation is sought or the court has referred the matter to the Disciplinary Board for hearing, the Adjudicator shall appoint trial panel members pursuant to BR 2.4(e)(7) to serve with the Adjudicator on a trial panel that will conduct the show cause hearing and, where applicable, report back to the court. The Disciplinary Board Clerk shall notify the attorney or LP and Disciplinary Counsel in writing of the members to serve on the trial panel. BR 2.4(g) applies. After any timely filed challenges have been ruled upon and any substitute members have been appointed, the Adjudicator shall promptly enter an order that the attorney or LP appear and show cause why probation should not be revoked and the original sanction imposed, and that establishes the date, place, and time of the show cause hearing, which must be held not less than 21 days later. The Disciplinary Board Clerk shall send the parties a copy of the show cause order. At the hearing, Disciplinary Counsel has the burden of proving by clear and convincing evidence that the attorney or LP has violated a material term of probation. If the attorney or LP, after being served with a copy of the petition and sent a copy of the show cause order, fails to appear at the hearing, the trial panel shall deem the allegations in the petition to be true and proceed to issue its written opinion based on the petition. If the revocation matter is within the jurisdiction of the Disciplinary Board, the trial panel’s decision shall be filed with the Disciplinary Board Clerk,

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and the Disciplinary Board Clerk shall send copies to the parties. If the revocation matter is within the court’s jurisdiction, the trial panel appointed to conduct the show cause hearing shall report back to the court, and the court shall thereafter rule on the petition. A petition for revocation of an attorney’s or LP’s probation shall not preclude the Bar from filing independent disciplinary charges based on the same conduct as alleged in the petition.

(e) Application of Other Rules. Except as specifically provided herein, Title 4 and Title 5 of the Rules of Procedure do not apply to proceedings brought pursuant to BR 6.2(d).

(Rule 6.2(b) amended by Order dated July 22, 1991.)
(Rule 6.2(d) amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 6.2(a), 6.2(b), 6.2(c), and 6.2(d) amended and Rule 6.2(e) added by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 6.2(a), (b) and (d) amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 6.3 Duties Upon Disbarment or Suspension.

(a) Attorney or LP to Discontinue Practice. A disbarred or suspended attorney or LP shall not practice law after the effective date of disbarment or suspension. This rule shall not preclude a disbarred or suspended attorney or LP from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(b) Responsibilities. It shall be the duty of a disbarred or suspended attorney or LP to immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(c) Notice; Return of Client Property. When, as a result of the disbarment or suspension, any active client matter will be left for which no other active member of the Bar, with the consent of the client, has agreed to resume responsibility, the disbarred or suspended attorney or LP shall give written notice of the cessation of practice to the affected clients, opposing parties, courts, agencies, and any other person or entity having reason to be informed of the cessation of practice. Such notice shall be given no later than fourteen (14) days after the effective date of the disbarment or suspension. In the case of a disbarment or a suspension of more than 60 days, client property pertaining to any active client matter shall be delivered to the client or an active member of the Bar designated by the client as substitute counsel.

(d) Contempt. Disciplinary Counsel may petition the Supreme Court to hold a disbarred or suspended attorney or LP in contempt for failing to comply with the provisions of BR 6.3(a), (b), or (c). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

(Rule 6.3 amended by Order dated March 13, 1989, effective April 1, 1989.)
(Former Rule 6.3(c) redesignated as Rule 6.3(d); Rule 6.3(c) added; and Rule 6.3(d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 6.3 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 6.4 Ethics School.

(a) An attorney or LP sanctioned under BR 6.1(a)(2), (a)(3) or (a)(4) shall successfully complete a one-day course of study developed and offered by the Bar on the subjects of legal ethics, professional responsibility and law office management. Successful completion requires that the attorney or LP complete the course offered by the Bar within the designated period established by the Bar, and pay the attendance fee established by the Bar.
(b) An attorney or LP reprimanded under BR 6.1(a)(2) who does not successfully complete the course of study when the course is next offered by the Bar following the effective date of the reprimand may be suspended from the practice of law upon order of the Adjudicator, until the attorney or LP successfully completes the course.

(c) An attorney or LP suspended under BR 6.1(a)(iii) or (a)(iv) shall not be reinstated until the attorney or LP successfully completes the course of study, unless the course is not offered before the attorney’s or LP’s term of suspension expires, in which case the attorney or LP may be reinstated if otherwise eligible under applicable provisions of Title 8 of these Rules until the course is next offered by the Bar. If the attorney or LP does not successfully complete the course when it is next offered, the attorney or LP may be suspended from the practice of law upon order of the Adjudicator, until the attorney or LP successfully completes the course.

(d) Notwithstanding the provisions of BR 6.4(b) and (c), an extension of time in which to complete the ethics school requirement may be granted by the Bar or the Adjudicator, as the case may be, for good cause shown.

(e) Reinstatement. Subject to the requirements for reinstatement under Title 8, any attorney or LP who has been a member of the Bar or licensed as an LP but suspended for less than five years under this Rule solely for failure to complete the Ethics School requirement shall apply for reinstatement by filing a form prepared by the Bar and paying a $100 reinstatement fee after the Ethics School requirement has been fulfilled. Upon compliance with the rule, the Chief Executive Officer shall submit a recommendation to the court with a copy to the applicant. No reinstatement is effective until approved by the court. Reinstatement under this rule shall have effect upon any member’s status under any other proceeding under these Rules of Procedure.

(Rule 6.4 added by Order dated December 10, 2010, effective June 1, 2011.)
(Rule 6.4(a), 6.4(b), 6.4(c), and 6.4(d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 6.4(a), (b), and (c) amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 7 — Suspension for Failure to Respond in a Disciplinary Investigation

Rule 7.1 Suspension for Failure to Respond to a Request for Information or a Subpoena.

(a) Petition for Suspension. When an attorney or LP fails without good cause to timely respond to a request from Disciplinary Counsel for information or records, or fails to respond to a subpoena issued pursuant to BR 2.2(b)(2), Disciplinary Counsel may petition the Disciplinary Board for an order immediately suspending the attorney or LP until such time as the attorney or LP responds to the request or complies with the subpoena. A petition under this rule shall allege that the attorney or LP has not responded to requests for information or records or has not complied with a subpoena, and has not asserted a good-faith objection to responding or complying. The petition shall be supported by a declaration setting forth the efforts undertaken by Disciplinary Counsel to obtain the attorney’s or LP’s response or compliance.

(b) Procedure. Disciplinary Counsel shall file a petition under this rule with the Disciplinary Board Clerk. The Adjudicator shall have the authority to act on the matter for the Disciplinary Board. A copy of the petition and declaration shall be served on the attorney or LP as set forth in BR 1.8(a).

(c) Response. Within fourteen (14) calendar days after service of the petition, the attorney or LP may file a response with the Disciplinary Board Clerk, setting forth facts showing that the attorney or LP has responded to the requests or complied with the subpoena, or the reasons why the attorney or LP has not responded or complied. The attorney or LP shall serve a copy of the response upon Disciplinary Counsel pursuant to BR 1.8(b). Disciplinary Counsel may file a reply to any response with the Disciplinary Board Clerk within 2 business days after being served with a copy of the attorney’s or LP’s response and shall serve a copy of the reply on the attorney or LP.

(d) Review by the Disciplinary Board. Upon review, the Adjudicator shall issue an order that either denies the petition or immediately suspends the attorney or LP from the practice of law for an indefinite period. The Adjudicator shall file the order with the Disciplinary Board Clerk, who shall promptly send copies to Disciplinary Counsel and the attorney or LP.

(e) Duties upon Suspension. An attorney or LP suspended from practice under this rule shall comply

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with the requirements of BR 6.3(a) and (b).

(f) Independent Charges. Suspension of an attorney or LP under this rule is not discipline. Suspension or reinstatement under this rule shall not prevent the SPRB from directing Disciplinary Counsel to file a formal complaint against an attorney or LP alleging a violation of RPC 8.1(a)(2), arising from the failure to respond or comply as alleged in the petition for suspension filed under this rule.
(g) Reinstatement. Subject to the requirements for reinstatement, any attorney or LP who has been a member of the Bar or licensed as an LP but suspended under BR 7.1 solely for failure to respond to requests for information or records or to respond to a subpoena shall be reinstated by the Chief Executive Officer to the membership status from which the person was suspended upon the filing of a Compliance Declaration with Disciplinary Counsel as set forth in BR 13.10.

(Rule 7.1 deleted by Order dated October 19, 2009.)
(Rule 7.1 added by Order dated August 12, 2013, effective November 1, 2013.)
(Rule 7.1(a), 7.1(b), 7.1(c), 7.1(d), 7.1(f), and 7.1(g) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 7.1(a) and 7.1(g) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 7.1 amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 8 — Reinstatement

Rule 8.1 Reinstatement — Formal Application Required.

(a) Applicants. Any person who has been a member of the Bar may seek reinstatement under this rule if they have

1. resigned under Form A of these rules prior to December 1, 2019, more than ten years prior to the date of application for reinstatement and who has not been a member of the Bar during such period;
2. resigned under Form B of these rules prior to January 1, 1996;
3. been disbarred as a result of a disciplinary proceeding commenced by formal complaint before January 1, 1996;
4. been suspended for misconduct for a period of more than 6 months;
5. been suspended for misconduct for a period of 6 months or less but has remained in a suspended status for a period of more than 6 months prior to the date of application for reinstatement;
6. been involuntarily transferred to an inactive membership status;
7. been suspended under BR 7.1 for a period of more than five years prior to the date of application for reinstatement; or
8. been suspended for any reason and has remained in that status more than 10 years.

(b) Applicants must file a completed application with the Bar on a form prepared by the Bar. The applicant shall attest that the applicant did not engage in the practice of law except where authorized to do so during the period of the applicant’s suspension, disbarment, or resignation.

1. Reinstatement to inactive status is not allowed under this rule.
2. An applicant who has been suspended for a period exceeding 6 months may not apply for reinstatement any earlier than 3 months before the earliest possible expiration of the period specified in the opinion or order imposing suspension.

(c) Duty to Cooperate. Each applicant has a duty to cooperate and comply with requests from the Bar in its efforts to assess the applicant’s good moral character and general fitness to practice law. Applicants must respond to a lawful demand for information; execute releases necessary to obtain information and records from third parties whose records reasonably bear upon character and fitness; and report promptly any changes, additions or corrections to information provided in the application.

(d) Character and Fitness. Each applicant must show that they have good moral character and general fitness

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to practice law. The applicant must establish that they have reformed from engaging in earlier misconduct, if any; and that the resumption of the practice of law in Oregon by the applicant will not be detrimental to the administration of justice or the public interest.

(1) Notice of and requests for comment on applications shall be published on the Bar’s website for a period of 30 days. The Bar shall consider comments about applicants received in its evaluation of the Applicant’s character and fitness.

(2) In determining whether the applicant has reformed, the applicant may present evidence, such as
   (i) character evidence from people who know and have had the opportunity to observe the applicant;
   (ii) evidence of the applicant’s participation in activities for the public good;
   (iii) evidence of the applicant’s forthrightness in acknowledging earlier wrongdoing;
   (iv) evidence of the applicant’s adequate resolution of any previous substance abuse problem;
   and evidence of the applicant’s willingness to pay restitution to those people harmed by the applicant’s earlier conduct.

(3) Learning and Ability. Each applicant must show that they have the requisite learning and ability to practice law in Oregon. The Bar may recommend and the Supreme Court may require as a condition precedent to reinstatement that the applicant take and pass the bar examination administered by the BBX, or successfully complete a prescribed course of continuing legal education. Factors to be considered in determining an applicant’s learning and ability include, but are not limited to: the length of time since the applicant was an active member of the Bar; whether and when the applicant has practiced law in Oregon; whether the applicant practiced law in any jurisdiction since they were last an active member in Oregon; and whether the applicant has participated in continuing legal education activities since they were last an active member in Oregon.

(e) Fees. In addition to the payments required in BR 8.6, an applicant under this rule shall pay an application fee of $750 at the time the application for reinstatement is filed.

(f) Review by Chief Executive Officer. If, after review of an application filed under this Rule and any information gathered in the investigation of the application, the Chief Executive Officer determines that the applicant has made the showing required by this Rule, the Chief Executive Officer shall recommend to the Supreme Court that the application be granted, conditionally or unconditionally.

(g) Denial of Application. If the Chief Executive Officer determines that the applicant has not made the showing required under this Rule, the CEO shall recommend that the application be denied and direct the Bar to proceed as provided in BR 8.8.

(h) No applicant shall resume the practice of law in Oregon or active membership status unless all the requirements of this Rule are met.

(Rule 8.1(c) and (f) amended by Order dated May 31, 1984, effective July 1, 1984.)
(Rule 8.1(c) amended by Order dated July 27, 1984 non pro tunc May 31, 1984.)
(Rule 8.1 amended by Order dated March 13, 1989, effective April 1, 1989, corrected June 1, 1989.)
(Rule 8.1(a) and (c) amended by Order dated March 20, 1990, effective April 2, 1990.)
(Rule 8.1(a), (c), (d) amended by Order dated December 14, 1995.)
(Rule 8.1(a) amended by Order dated February 5, 2001.)
(Rule 8.1(d) amended by Order dated October 19, 2009.)
(Rule 8.1(c) amended and Rule 8.1(e) and (f) added by Order dated April 5, 2013.)
(Rule 8.1(a)(1) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 8.1(b) amended and redesignated BR 8.1(b)(1), 8.1(b)(2), and 8.1(b)(3) and Rule 8.1(g) added by Order dated October 27, 2019, effective December 1, 2019.)
(Rule 8.1(a)(9) added by Order dated October 15, 2020, effective November 14, 2020.)

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(Rule 8.1(a) amended by Order dated December 8, 2020.)
(Rule 8.1(a), Rule 8.1(a)(1), 8.1(a)(6), 8.1(a)(7), 8.1(a)(8), 8.1(a)(9), 8.1(c), and 8.1(d) amended by Order dated December 14, 2022, effective January 1, 2023.)
(Rule 8.1(b)(3) amended by Order dated August 1, 2023.)

Rule 8.2 Reinstatement — Informal Application Required.

[Reserved. Streamlined Reinstatements moved to Rules of Licensure]
Rule 8.3 Reinstatement — Compliance Affidavit.

(a) Applicants. Subject to the provisions of BR 8.1(a)(5), any person who has been a member of the Bar but who has been suspended for misconduct for a period of six months or less may be reinstated upon the filing of a Compliance Declaration with Disciplinary Counsel as set forth in BR 13.9, unless the court or Disciplinary Board in any suspension order or decision shall have directed otherwise, or new charges have been authorized against the attorney by the State Professional Responsibility Board.

(b) Fees. In addition to the payments required in BR 8.6, an applicant under this rule shall pay an application fee of $250 at the time the application for reinstatement is filed.


[Reserved. Reinstatement for administrative suspensions moved to Rules of Licensure]

Rule 8.5 – Reserved

(Rule 8.4[former BR 8.3] amended by Order dated March 13, 1989, effective January 1, 1988.)
(Rule 8.5[former BR 8.4] amended by Order dated March 13, 1989, effective January 1, 1989.)
Rule 8.6 Other Obligations Upon Application.

(a) Financial Obligations. Each applicant seeking reinstatement shall pay to the Bar, at the time the application for reinstatement is filed, all past due assessments, fees, and penalties owed to the Bar for prior years, and the membership fee and Client Security Fund assessment for the year in which the application for reinstatement is filed, less any active or inactive membership fees or Client Security Fund assessment paid by the applicant previously for the year of application. Each applicant under BR 8.1(a)(1) and BR 8.1(a)(8), shall also pay to the Bar, at the time of application, an amount equal to $100 for each year the applicant remained suspended or resigned, and for which no membership fee has been paid. Each applicant under BR 8.2(a)(1), BR 8.2(a)(3), or (4) shall also pay to the Bar, at the time of application, an amount equal to $100 for each year the applicant remained suspended or resigned and for which no membership fee has been paid. Each applicant shall also pay, upon reinstatement, any applicable assessment to the Professional Liability Fund.

(b) Judgment for Costs; Client Security Fund Claim. Each applicant shall also pay to the Bar, at the time of application:

   (1) any unpaid judgment for costs and disbursements assessed in a disciplinary or contested reinstatement proceeding; and

   (2) an amount equal to any claim paid by the Client Security Fund due to the applicant’s conduct, plus accrued interest thereon.

(c) Refunds. In the event an application for reinstatement is denied, the Bar shall refund to the applicant the membership fees and assessments paid for the year the application was filed, less the membership fees and assessments that applied during any temporary reinstatement under BR 8.7.

(d) Adjustments. In the event an application for reinstatement is filed in one year and not acted upon until the following year, the applicant shall pay to the Bar, prior to reinstatement, any increase in membership fees or assessments since the date of application. If a decrease in membership fees and assessments has occurred, the Bar shall refund the decrease to the applicant.

Rule 8.7 Board Investigation and Recommendation.

(a) Investigation and Recommendation. On the filing of an application for reinstatement under BR 8.1 in which the applicant seeks reinstatement for reasons other than previously imposed discipline, Regulatory Counsel shall conduct such investigation as it deems proper and report to the Chief Executive Officer, as the case may be. For all applications filed pursuant to BR 8.1 in which applicants seek reinstatement as a result of imposed discipline, Disciplinary Counsel shall conduct such investigations as it deems proper and report to the Chief Executive Officer, as necessary. For applications filed under BR 8.1, the Chief Executive Officer, as the case may be, shall recommend to the Supreme Court that the application be granted, conditionally or unconditionally, or denied, and shall mail a copy of its recommendation to the applicant.

(b) Temporary Reinstatements. Except as provided herein, upon making a determination that the applicant is of good moral character and generally fit to practice law, the Chief Executive Officer may temporarily
reinstate an applicant pending receipt of all investigatory materials. A temporary reinstatement shall not exceed a period of four months unless authorized by the court. An applicant who seeks reinstatement following a suspension or disbarment for professional misconduct, or an involuntary transfer to inactive status, shall not be temporarily reinstated pursuant to this rule.

(c) Conditional Reinstatement. The Bar may make a recommendation for voluntary conditional reinstatement to the Court for a formal reinstatement under BR 8.1 if the Bar’s investigation establishes concerns about the applicant’s current or future character and fitness practicing law due to past conduct. The Bar may propose to the applicant to recommend to the court voluntary conditional reinstatement of the applicant with probationary conditions to mitigate concerns about an applicant’s character and fitness. The applicant must agree to voluntary conditional reinstatement for the Bar to submit a recommendation of voluntary conditional reinstatement to the court. All voluntary conditional reinstatements, including probationary conditions, require approval from the court. The Court may modify or deny conditional reinstatement.

(Rule 8.7 amended by Order dated December 28, 1993.)
(Rule 8.7(a) amended by Order dated December 9, 2004, effective January 1, 2005.)
(Rule 8.7(a) and (b) amended by Order dated April 5, 2013.)
(Rule 8.7(a) and 8.7(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.7(a) amended by Order dated December 8, 2020.)

Rule 8.8 Petition to Review Adverse Recommendation.
If the Bar recommends denial of an applicant’s reinstatement, the Bar shall file such adverse recommendation with the Disciplinary Board Clerk with a copy to the applicant. Within 28 days after the Bar notifies the applicant of an adverse recommendation, an applicant who desires to contest the Bar’s recommendation shall file with the Disciplinary Board Clerk and serve a copy on Disciplinary Counsel a petition seeking review of the Bar’s adverse recommendation. The applicant’s resignation, disbarment, suspension, inactive, or retired membership status shall remain in effect. If the Bar does not receive a petition to contest the Bar’s recommendation within 28 days, the Bar shall file the adverse recommendation with the court, and indicate to the court that the adverse recommendation was not contested.

(Rule 8.8 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 8.8 amended by Order dated April 5, 2013.)
(Rule 8.8 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.8 amended and redesignated as Rule 8.8(a) and 8.8(b) by Order dated October 27, 2019, effective December 1, 2019.)

Rule 8.9 Statement of Objections.
On receipt of a petition to review adverse recommendation, Disciplinary Counsel may appoint Bar Counsel to represent the Bar. Disciplinary Counsel or Bar Counsel shall prepare and file with the Disciplinary Board Clerk, with proof of service on the applicant, a statement of objections. The statement of objections shall be substantially in the form set forth in BR 13.5.

(Rule 8.9 amended by Order dated February 5, 2001. Amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 8.9 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 8.10 Answer To Statement Of Objections.
The applicant shall answer the statement of objections within 14 days after service of the statement and notice to answer upon the applicant. The answer shall be responsive to the objections filed. General denials are not allowed. The answer shall be substantially in the form set forth in BR 13.3 and shall be filed with the Disciplinary Board Clerk, with proof of service on Disciplinary Counsel. After the answer is filed or upon the expiration of the time allowed in the event the applicant fails to answer, the matter shall proceed to hearing. Applicant may request an extension in the same manner as in BR 4.3(b).

(Rule 8.10 amended by Order dated July 17, 2003, effective July 1, 2003.)
(Rule 8.10 amended by Order dated May 3, 2017, effective January 1, 2018.)

Current versions of this document are maintained on the OSB website: www.osbar.org
Rule 8.11 Hearing Procedure.

Titles 4, 5, and 10 apply as practicable to reinstatement proceedings.

The trial panel shall make a determination whether the applicant shall be

(1) denied reinstatement;

(2) reinstated conditionally, subject to probationary terms; or

(3) reinstated unconditionally.

(Rule 8.11 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 8.12 Burden Of Proof.

An applicant has the burden of proving the elements of the applicable standard by clear and convincing evidence.

(Rule 8.12 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.12 amended by Order dated October 27, 2019, effective December 1, 2019.)

Rule 8.13 Burden Of Producing Evidence.

While an applicant for reinstatement has the ultimate burden of proof to establish good moral character and general fitness to practice law, the Bar shall initially have the burden of producing evidence in support of its position that the applicant should not be readmitted to the practice of law.
Rule 8.14 Reinstatement and Transfer--Active Pro Bono.

[Reserved].
(Rules 8.5 - 8.11 amended by Order dated November 24, 1987, effective January 1, 1988.)
(Rules 8.6 - 8.13 amended by Order dated March 13, 1989, effective April 1, 1989.)
(Rule 8.14 added by Order dated September 6, 2001, effective September 6, 2001.)
(Rule 8.14(a) and (b) amended by Order dated October 19, 2009.)
(Rule 8.14(a) and 8.14(b) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 8.14(b) amended by Order dated October 15, 2020, effective November 14, 2020.)

Title 9 — Resignation

Rule 9.1 Resignation.

An attorney or LP may resign membership in the Bar by filing a resignation that shall be effective only on acceptance by the Supreme Court. If no inquiries or grievances involving the attorney or LP are under investigation by the Bar, no disciplinary proceedings are pending against the attorney or LP, the attorney or LP is not suspended, disbarred, or on probation pursuant to BR 6.1 or BR 6.2, and the attorney or LP is not charged in any jurisdiction with an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States, the resignation must be on the form set forth in BR 13.6 and shall be filed with Regulatory Counsel. In all other circumstances, the resignation must be on the form set forth in BR 13.7 and shall be filed with Disciplinary Counsel.

(Rule 9.1 amended by Order dated February 5, 2001.)
(Rule 9.1 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.1 amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.1 amended by Order dated December 8, 2020.)
(Rule 9.1 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.2 Acceptance Of Resignation.

Disciplinary or Regulatory Counsel, as the case may be, shall promptly forward the resignation to the State Court Administrator for submission to the Supreme Court. Upon acceptance of the resignation by the court, the name of the resigning attorney or LP shall be stricken from the roll of attorneys or LPs; and they shall no longer be entitled to the rights or privileges of an attorney or LP, but shall remain subject to the jurisdiction of the court with respect to matters occurring while they were an attorney or LP. Unless otherwise ordered by the court, any pending investigation of charges, allegations, or instances of alleged misconduct by the resigning attorney or LP shall, on the acceptance by the court of their resignation, be closed, as shall any pending disciplinary proceeding against the attorney or LP.

(Rule 9.2 amended by Order dated February 5, 2001.)
(Rule 9.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.2 amended by Order dated December 8, 2020.)
(Rule 9.2 amended by Order dated August 17, 2022, effective July 1, 2023.)

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Rule 9.3 Duties Upon Resignation.

(a) Attorney or LP to Discontinue Practice. An attorney or LP who has resigned membership in the Oregon State Bar shall not practice law after the effective date of the resignation. This rule shall not preclude an attorney or LP who has resigned from providing information on the facts of a case and its status to a succeeding attorney or LP, and such information shall be provided on request.

(b) Responsibilities. It shall be the duty of an attorney or LP who has resigned to immediately take all reasonable steps to avoid foreseeable prejudice to any client and to comply with all applicable laws and disciplinary rules.

(c) Notice. When, as a result of an attorney's or LP's resignation, an active client matter will be left for which no other active member of the Bar, with the consent of the client, has agreed to resume responsibility, the resigned attorney or LP shall give written notice of the cessation of practice to the affected clients, opposing parties, courts, agencies, and any other person or entity having reason to be informed of the cessation of practice. Such notice shall be given no later than fourteen (14) days after the effective date of the resignation. Client property pertaining to any active client matter shall be delivered to the client or an active member of the Bar designated by the client as substitute counsel no later than 21 days after the effective date of the resignation.

(d) Contempt. Disciplinary Counsel may petition the Supreme Court to hold an attorney or LP who has resigned in contempt for failing to comply with the provisions of BR 9.3(a), (b), or (c). The court may order the attorney or LP to appear and show cause, if any, why the attorney or LP should not be held in contempt of court and sanctioned accordingly.

(Rule 9.3 amended by Order dated March 13, 1989, effective April 1, 1989.)
(Former Rule 9.3(c) redesignated as Rule 9.3(d); Rule 9.3(c) added; and Rule 9.3(d) amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.3(d) amended by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.3 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.4 Effect of Form B Resignation.

An attorney or LP who has resigned membership in the Bar under Form B of these rules after December 31, 1995, shall never be eligible to apply for reinstatement under Title 8 of these rules and shall not be considered for admission under OR 9.220 or on any basis under the Rules for Admission of Attorneys.

(Rule 9.4 added by Order dated December 14, 1995.)
(Rule 9.4 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 9.4 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 9.5 Effect of Form A Resignation after November 30, 2019.

An attorney or LP who has resigned membership in the Bar under Form A of these rules after November 30, 2019, shall never be eligible to apply for reinstatement under Title 8 of these rules, but may be considered for admission under ORS 9.220 or any basis under the Rules for Admission of Attorneys or Rules for Admission of Licensed Paralegals.

(Rule 9.5 repealed by Order dated January 17, 2008.)
(Rule 9.5 added by Order dated May 22, 2019, effective September 1, 2019.)
(Rule 9.5 amended by Order dated August 17, 2022, effective July 1, 2023.)

Title 10 — Review By Supreme Court

Rule 10.1 Disciplinary Proceedings.

Current versions of this document are maintained on the OSB website: www.osbar.org
Upon the conclusion of a disciplinary hearing, the Adjudicator, pursuant to BR 1.8, shall file the trial panel’s written opinion with the Disciplinary Board Clerk, and the Disciplinary Board Clerk shall send copies to Disciplinary Counsel, Bar Counsel, and the respondent. The Bar or the respondent may seek review of the matter by the Supreme Court; otherwise, the decision of the trial panel shall be final on the 31st day following the notice of receipt of the trial panel opinion by the Disciplinary Board Clerk, pursuant to BR 2.4(h)(4).

(Rule 10.1 amended by Order dated July 8, 1988.)
(Rule 10.1 amended by Order dated August 2, 1991.)
(Rule 10.1 amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.1 amended by Order dated February 5, 2001.)
(Rule 10.1 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.1 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Rule 10.1 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 10.1 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 10.2 Request for Review.

Within 30 days after the Disciplinary Board Clerk has acknowledged, as required by BR 2.4(h)(4), receipt of a trial panel opinion, the Bar or the respondent may file with the Disciplinary Board Clerk and the State Court Administrator a request for review as set forth in BR 13.8. A copy of the request for review shall be served on the opposing party.

(Rule 10.2 amended by Order dated July 22, 1991.)
(Rule 10.2 amended by Order dated February 5, 2001.)
(Rule 10.2 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.2 amended by Order dated October 19, 2009.)
(Rule 10.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 10.2 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 10.3 Contested Reinstatement Proceeding.

Upon the conclusion of a contested reinstatement hearing, the trial panel shall file its written opinion with the Disciplinary Board Clerk and the State Court Administrator, and serve copies on Disciplinary Counsel and the applicant. Each such reinstatement matter shall be reviewed by the Supreme Court.

(Rule 10.3 amended by Order dated July 8, 1988.)
(Rule 10.3 amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.3 amended by Order dated February 5, 2001.)
(Rule 10.3 corrected by Order dated June 28, 2001.)
(Rule 10.3 amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.3 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Rule 10.3 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 10.4 Filing in Supreme Court.

(a) Record. Disciplinary Counsel shall file the record of a proceeding with the State Court Administrator upon the receipt by Disciplinary Counsel of:

(1) a request for review timely filed pursuant to BR 10.2; or

(2) a trial panel opinion in any contested reinstatement proceeding.

The record shall include a copy of the trial panel’s opinion. Upon receipt of the record, the matter shall be reviewed by the court as provided in BR 10.5.

(Rule 10.4(a)(i) amended by Order dated July 22, 1991.)
(Rule 10.4 amended by Order dated June 29, 1993.)
(Rule 10.4(a)(ii) and (b) amended by Order dated August 19, 1997, effective October 4, 1997.)
(Rule 10.4 amended by Order dated June 17, 2003, effective January 1, 2004.)
(Former Rule 10.4(a)(i) and 10.4(a)(ii) redesignated as Rule 10.4(a)(1) and 10.4(a)(2); Rule 10.4(a), 10.4(a)(1), and 10.4(a)(2) redesignated as Rules 10.4(a), 10.4(a)(1), and 10.4(a)(2).)

Rule 10.5 Procedure In Supreme Court.

(a) Briefs. No later than 28 days after the Supreme Court’s written notice to Disciplinary Counsel and the respondent or applicant of receipt of the record, the party who requested review or the applicant, as the case may be, must file an opening brief. The brief must include a request for relief asking the court to adopt, modify, or reject, in whole or in part, the decision of the trial panel. Otherwise, the format of the opening brief and the timing and format of any answering or reply briefs shall be governed by the applicable Oregon Rules of Appellate Procedure. The failure of the Bar or a respondent or applicant to file a brief does not prevent the opposing litigant from filing a brief. Answering briefs are not limited to issues addressed in petitions or opening briefs, and may urge the adoption, modification, or rejection in whole or in part of any decision of the trial panel.

(b) Oral Argument. The Oregon Rules of Appellate Procedure relating to oral argument apply in disciplinary and contested reinstatement proceedings.

(Rule 10.5(b) and (c) amended by Order dated July 22, 1991.)
(Rule 10.5(b), 10.5(c), and 10.5(d) amended by Order dated October 19, 2009.)
(Former Rule 10.5(a) and 10.5(b) deleted; former Rule 10.5(c) and 10.5(d) redesignated as Rule 10.5(a) and 10.5(b); Rule 10.5(a) and 10.5(b) amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 10.6 Nature Of Review.

The Supreme Court shall consider each matter de novo upon the record and may adopt, modify, or reject the decision of the trial panel in whole or in part and thereupon enter an appropriate order. In admission or reinstatement proceedings, the Supreme Court may require an applicant whose admission or reinstatement has been denied to wait a period of time designated by the court before reapplying for admission or reinstatement.

(Rule 10.6 amended by Order dated July 22, 1991.)
(Rule 10.6 amended by Order dated October 19, 2009.)
(Rule 10.6 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 10.6 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 10.7 Costs And Disbursements.

(a) Costs and Disbursements. “Costs and disbursements” are actual and necessary (1) service, filing and witness fees; (2) expenses of reproducing any document used as evidence at a hearing, including perpetuation depositions or other depositions admitted into evidence; (3) expenses of the hearing transcript, including the cost of a copy of the transcript if a copy has been provided by the Bar to a respondent or an applicant without charge; and (4) the expense of preparation of an appellate brief in accordance with ORAP 13.05. Lawyer fees are not recoverable costs and disbursements, either at the hearing or on review. Prevailing party fees are not recoverable by any party.

(b) Allowance of Costs and Disbursements. In any discipline or contested reinstatement proceeding, costs and disbursements as permitted in BR 10.7(a) may be allowed to the prevailing party by the Disciplinary Board or the Supreme Court. A respondent or applicant prevails when the charges against the respondent are dismissed in their entirety or the applicant is unconditionally reinstated to the practice of law in Oregon. The Bar shall be considered to have prevailed in all other cases.

(c) Recovery After Offer of Settlement. A respondent may, at any time up to fourteen (14) days prior to hearing, serve upon Disciplinary Counsel an offer to enter into a stipulation for discipline or no contest plea under BR 3.6. In the event the SPRB rejects such an offer, and the matter proceeds to hearing and results in a final decision of the Disciplinary Board or the court imposing a sanction no greater than that to which the respondent was willing to plead no contest or stipulate based on the charges the respondent was willing to concede or admit, the Bar shall not recover, and the respondent shall recover, actual and necessary costs.
and disbursements as permitted in BR 10.7(a) incurred after the date the SPRB rejected the respondent’s offer.
(d) Procedure for Recovery and Collection. The procedure set forth in the Oregon Rules of Appellate Procedure regarding the filing of cost bills and objections thereto shall apply, except that, in matters involving final decisions of the Disciplinary Board, cost bills and objections thereto shall be resolved by the Adjudicator. The cost bill and objections thereto shall be filed with the Disciplinary Board Clerk, with proof of service on the other party, and shall not be due until 21 days after the date a trial panel’s decision is deemed final under BR 10.1. The procedure for entry of judgments for costs and disbursements as judgment liens shall be as provided in ORS 9.536.

(Rule 10.7(d) amended by Order dated June 17, 2003, effective July 1, 2003.)
(Rule 10.7(a) and (d) amended by Order dated April 26, 2007.)
(Rule 10.7(b) amended by Order dated October 19, 2009.)
(Rule 10.7(a), 10.7(b), 10.7(c), and 10.7(d) amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 11 — Time Requirements

Rule 11.1 Failure To Meet Time Requirements.

The failure of any person or body to meet any time limitation or requirement in these rules shall not be grounds for the dismissal of any charge or objection, unless a showing is made that the delay substantially prejudiced the ability of the respondent or applicant to receive a fair hearing.

(Rule 11.1 amended by Order dated May 3, 2017, effective January 1, 2018.)

Title 12 — Unlawful Practice of Law Committee

Rule 12.1 Appointment.

The Supreme Court may appoint as many members as it deems necessary to carry out the Unlawful Practice of Law Committee’s functions. At least two members of the Unlawful Practice of Law Committee must be members of the general public, and no more than one-quarter of the Unlawful Practice of Law Committee members may be lawyers engaged in the private practice of law.

Rule 12.2 Investigative Authority.

Pursuant to ORS 9.164, the Unlawful Practice of Law Committee shall investigate on behalf of the Bar complaints of the unlawful practice of law. For purposes of this rule, “unlawful practice of law” means (1) the practice of law in Oregon, as defined by the Supreme Court, by a person who is not an active member of the Bar and is not otherwise authorized by law to practice law in Oregon; or (2) holding oneself out, in any manner, as authorized to practice law in Oregon when not authorized to practice law in Oregon.

Rule 12.3 Public Outreach and Education.

(a) The Unlawful Practice of Law Committee may engage in public outreach to educate the public about the potential harm caused by the unlawful practice of law. The Unlawful Practice of Law Committee may cooperate in its education efforts with federal, state, and local agencies tasked with preventing consumer fraud.

(b) The Unlawful Practice of Law Committee may write informal opinions on questions relating to what activities may constitute the practice of law. Opinions must be approved by the Board before publication. The published opinions are not binding, but are intended only to provide general guidance to lawyers and
members of the public about activities that Supreme Court precedent and Oregon law indicate may constitute the unlawful practice of law.

**Rule 12.4 Enforcement.**

The Bar may petition the Supreme Court to hold a disbarred attorney or LP or an attorney or LP whose resignation pursuant to BR 9.1 has been accepted by the court in contempt for engaging in the unlawful practice of law. The court may order the disbarred or resigned attorney or LP to appear and show cause, if any, why the disbarred or resigned attorney or LP should not be held in contempt of court and sanctioned accordingly.

(Former Title 12 redesignated as Title 13; Title 12, Rule 12.1, 12.2, 12.3, and 12.4 added by Order dated May 3, 2017, effective January 1, 2018.)

(Rule 12.4 amended by Order dated May 22, 2019, effective September 1, 2019.)

(Rule 12.4 amended by Order dated August 17, 2022, effective July 1, 2023.)

**Title 13 — Forms**

**Rule 13.1 Formal Complaint.**

A formal complaint in a disciplinary proceeding shall be in substantially the following form:

**IN THE SUPREME COURT**

**OF THE STATE OF OREGON**

In Re: ____________ ) No. ______

___________ )

Complaint as to the conduct of ) FORMAL

___________, Respondent ) COMPLAINT

For its first cause of complaint, the Oregon State Bar alleges:

1. The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to discipline of attorneys or licensed paralegals.

2. The Respondent, _____________, is, and at all times mentioned herein was, an attorney at law or a Licensed Paralegal, duly admitted by the Supreme Court of the State of Oregon to practice law in Oregon and a member of the Oregon State Bar, having his [her] office and place of business in the County of _____________, State of _____________.

3. et seq.

(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

4. (or next number)

The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

AND, for its second cause of complaint against said Respondent, the Oregon State Bar alleges:
5. (or next number)
Incorporates by reference as fully set forth herein Paragraphs _____, _____, _____, and _____ of its first cause of complaint.

6. (or next number)
(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

7. (or next number)
The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

AND, for its third cause of complaint against said Respondent, the Oregon State Bar alleges:

8. (or next number)
Incorporates by reference as fully set forth herein Paragraphs _____, _____, _____, _____, and _____ of its first cause of complaint and Paragraphs _____, _____, _____, and _____ of its second cause of complaint.

9. (or next number)
(State with certainty and particularity the actions of the Respondent alleged to be in violation of the disciplinary rules or statutes, including time, place and transaction, if necessary.)

10. (or next number)
The aforesaid conduct of the Respondent violated the following standard[s] of professional conduct established by law and by the Oregon State Bar: (insert applicable disciplinary rules and statutes).

WHEREFORE, the Oregon State Bar demands that the Respondent make answer to this complaint; that a hearing be set concerning the charges made herein; that the matters alleged herein be fully, properly and legally determined; and pursuant thereto, such action be taken as may be just and proper under the circumstances.

DATED this ___day of ___, 20__.

OREGON STATE BAR
By:
Disciplinary Counsel

(Rule 12.1 amended by Order dated February 5, 2001.)
(Rule 13.1 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 13.2 Notice to Answer.

A copy of the formal complaint (statement of objections), accompanied by a notice to answer it within a designated time, shall be served on the respondent (applicant). Such notice shall be in substantially the following form:

(Heading as in complaint/statement of objections)

NOTICE TO ANSWER

You are hereby notified that a formal complaint against you (statement of objections to your reinstatement) has been filed by the Oregon State Bar, a copy of which formal complaint (statement of objections) is attached.
hereto and served upon you herewith. You are further notified that you may file with the Disciplinary Board Clerk, with a service copy to Disciplinary Counsel, your verified answer within fourteen (14) days from the date of service of this notice upon you. In case of your default in so answering, the formal complaint (statement of objections) shall be heard and such further proceedings had as the law and the facts shall warrant.

(The following paragraph shall be used in a disciplinary proceeding only):

You are further notified that an attorney or LP accused of misconduct may, in lieu of filing an answer, elect to file with Disciplinary Counsel of the Oregon State Bar, a written resignation from membership in the Oregon State Bar. Such a resignation must comply with BR 9.1 and be in the form set forth in BR 12.7. You should consult an attorney of your choice for further information about resignation.

The address of the Oregon State Bar is 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, or by mail at P. O. Box 231935, Tigard, Oregon 97281-1935.

DATED this ___ day of ___, 20__.

OREGON STATE BAR
By:
Disciplinary Counsel

(Rule 12.2 amended by Order dated February 5, 2001.)
(Rule 12.2 amended by Order dated April 26, 2007.)
(Rule 12.2 amended by Order dated March 20, 2008.)
(Rule 12.2 amended by Order dated October 19, 2009.)
(Former Rule 12.2 redesignated as Rule 13.2; Rule 13.2 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.2 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 13.3 Answer.

The answer of the respondent (applicant) shall be in substantially the following form:

(Heading as in complaint/statement of objections)

ANSWER

__________________________, (name of respondent (applicant)), whose residence address is

__________________________, in the County of __________, State of

Oregon, and who maintains his [her] principal office for the practice of law or other business at ____________________________, in the County of __________, State of Oregon, answers the formal complaint (statement of objections) in the above-entitled matter as follows:

1. Admits the following matters charged in the formal complaint (statement of objections) as follows:

2. Denies the following matters charged in the formal complaint (statement of objections) as follows:

3. Explains or justifies the following matters charged in the formal complaint (statement of objections):

4. Sets forth new matter and other defenses not previously stated, as follows:

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5.

WHEREFORE, the accused (applicant) prays that the formal complaint (statement of objections) be dismissed.

DATED this ___day of __, 20__.

RESPONDENT (APPLICANT)
Attorney for Respondent (Applicant)

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in the trial panel hearing and is subject to penalty for perjury.

RESPONDENT (APPLICANT)

(Fomer Rule 12.3 redesignated as Rule 13.3; Rule 13.3 amended by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.4 [Reserved for expansion]

(Rule 12.4 repealed by Order dated July 22, 1991.)
(Former Rule 12.4 redesignated as Rule 13.4 by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.5 Statement Of Objections To Reinstatement.

In a contested reinstatement proceeding, the statement of objections shall be in substantially the following form:

IN THE SUPREME COURT
OF THE STATE OF OREGON

In The Matter Of The)
Application of)

)
STATEMENT
OF
OBJECTIONS
TO
REINSTATEMENT

The Oregon State Bar objects to the qualifications of the Applicant for reinstatement on the ground and for the reason that the Applicant has not shown, to the satisfaction of the Board of Governors, that he [she] has the good moral character or general fitness required for readmission to practice law in Oregon, that his [her] readmission to practice law in Oregon will be neither detrimental to the integrity and standing of the Bar or the administration of justice, nor subversive to the public interest, or that he [she] is, in all respects, able and qualified, by good moral character and otherwise, to accept the obligations and faithfully perform the duties of an attorney in Oregon, in one or more of the following particulars:

1.

The Applicant does not possess good moral character or general fitness to practice law, in that the Applicant, ____________________________ (state the facts of the matter)

2.

(Same)
3.

(Same)

WHEREFORE, the Oregon State Bar requests that the recommendation of the Board of Governors to the Supreme Court of the State of Oregon in this matter be approved and adopted by the Court and that the application of the Applicant for reinstatement as an active member of the Oregon State Bar be denied.

DATED this ___ day of __, 20__.

OREGON STATE BAR
By:
Disciplinary Counsel

(Rule 12.5 amended by Order dated February 5, 2001.)
(Rule 12.5 amended by Order dated October 19, 2009.)
(Former Rule 12.5 redesignated as Rule 13.5 by Order dated May 3, 2017, effective January 1, 2018.)

Rule 13.6 Form A Resignation.

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re: ) FORM A
(No. and Street) ) RESIGNATION
(Name) 

I, ____________________________________________________________, declare that my residence address is ____________________________________________________________, (No. and Street), __________________________, (City), ________ (State), ________ (Zip Code), and that I hereby tender my resignation from membership in the Oregon State Bar and respectfully request and consent to my removal from the roster of those admitted to practice before the courts of this state and from membership in the Oregon State Bar.

I hereby certify that I am not charged in any jurisdiction with an offense that is a misdemeanor that may involve moral turpitude, a felony under the laws of this state, or a crime punishable by death or imprisonment under the laws of the United States.

I hereby certify that all client files and client records in my possession pertaining to active or current clients have been or will be placed promptly in the custody of ____________________________, a resident Oregon attorney, whose principal office address is ____________________________, who has agreed to serve as custodian to take possession of the files and take such further action as necessary to protect the interests of the clients, and that all such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

______________________________________________________________________________________________

OR

I hereby certify that all client files and client records pertaining to active or current clients have been or will be placed promptly in the custody of the Professional Liability Fund, which has agreed to take possession of the files and take such further action as necessary to protect the interests of the clients, and that such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

______________________________________________________________________________________________
OR

I hereby certify that I have no client files or client records pertaining to active or current clients and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

________________________________________

I agree to perform the duties of a resigned attorney set forth in BR 9.3 and that I may be held in contempt of court if I do not.

DATED at __, this ___ day of __, 20__.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

(Signature of Member)

I, ______________________, Chief Executive Officer of the Oregon State Bar, do hereby certify that there are no inquiries or grievances involving the above-name attorney under investigation by the Bar, no disciplinary proceedings are pending against the attorney, and the attorney is not suspended, disbarred, or on probation pursuant to BR 6.1 and BR 6.2.

DATED this _____ day of ________________, 20__.

OREGON STATE BAR

By: ________________________________
Chief Executive Officer

(Former Rule 12.6 redesignated as Rule 13.6; Rule 13.6 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.6 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 13.7 Form B Resignation.

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re: ) FORM B
(Name) ) RESIGNATION

State of ) ss
County of )

I, ______________________, being duly sworn on oath, depose and say that my principal office for the practice of law or other business is located at __________________________ (Building No. and Name, if any, or Box No.), __________________________ (Street address, if any), __________________________ (City), __________________________ (State), __________ (Zip Code); that my residence address is __________________________ (No. and Street), __________________________ (City), __________________________ (State), __________ (Zip Code), and that I hereby tender my resignation from membership in the Oregon State Bar and request and consent to my removal from the roster of those admitted to practice before the courts of this state and from membership in the Oregon State Bar.

I am aware that there is pending against me a formal complaint concerning alleged misconduct and/or that complaints, allegations or instances of alleged misconduct by me are under investigation by the Oregon State Bar and that such complaints, allegations and/or instances include:
(List of formal complaints, proceedings or investigations pending.)

I do not desire to contest or defend against the above-described complaints, allegations or instances of alleged misconduct. I am aware of the rules of the Supreme Court and of the bylaws and rules of procedure of the Oregon State Bar with respect to admission, discipline, resignation and reinstatement of members of the Oregon State Bar. I understand that any future application by me for reinstatement as a member of the Oregon State Bar is currently barred by BR 9.4, but that should such an application ever be permitted in the future, it will be treated as an application by one who has been disbarred for misconduct, and that, on such application, I shall not be entitled to a reconsideration or reexamination of the facts, complaints, allegations or instances of alleged misconduct upon which this resignation is predicated. I understand that, on its filing in this court, this resignation and any supporting documents, including those containing the complaints, allegations or instances of alleged misconduct, will become public records of this court, open for inspection by anyone requesting to see them.

This resignation is freely and voluntarily made; and I am not being, and have not been, subjected to coercion or duress. I am fully aware of all the foregoing and any other implications of my resignation.

I hereby certify that all client files and client records in my possession pertaining to active or current clients have been or will be placed promptly in the custody of ________________________, a resident Oregon attorney, whose principal office address is ________________________________, who has agreed to serve as custodian to take possession of the files and take such further action as necessary to protect the interests of the clients, and that all such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

OR

I hereby certify that all client files and client records pertaining to active or current clients have been or will be placed promptly in the custody of the Professional Liability Fund, which has agreed to take possession of the files and take such further action as necessary to protect the interests of the clients, and that such clients have been or will be promptly notified accordingly, and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

OR

I hereby certify that I have no client files or client records pertaining to active or current clients and that the following arrangements have been made with regard to client files and records pertaining to inactive or former clients, if any:

I agree to perform the duties of a resigned attorney set forth in BR 9.3 and that I may be held in contempt of court if I do not.

DATED at __, this ___ day of __, 20__.

(Signature of Attorney)

Subscribed and sworn to before me this ___ day of __, 20__.

Notary Public for Oregon
My Commission Expires:
Rule 13.8 Request For Review.

A request for review pursuant to BR 10.3 shall be in substantially the following form.

IN THE SUPREME COURT
OF THE STATE OF OREGON

In Re: )
) No. ______
[Complaint as to the )
Conduct of/Application for )
Admission as a Licensed )
Paralegal:]
) REQUEST FOR REVIEW
[Respondent/Applicant] )

[The Respondent/The Oregon State Bar] hereby requests the Supreme Court to review the decision of the [Disciplinary Board trial panel/hearing panel] rendered on [date] in the above matter.

DATED this ___ day of ____, 20__.

[signature of respondent or counsel]

(Rule 13.8 amended by Order dated August 17, 2022, effective July 1, 2023.)

Rule 13.9 Compliance Declaration.

A compliance declaration filed under BR 8.3 shall be in substantially the following form:

COMPLIANCE DECLARATION

In re: Application of

__________________________ (Name of attorney)  (Bar number)

For reinstatement as an active/inactive (circle one) member of the OSB.

1. Full name ______________ Date of Birth ______________

2. Residence address ______ Telephone __________________

3. I hereby attest that during my period of suspension from the practice of law from _________ to _________, (insert dates) I did not at any time engage in the practice of law except where authorized to do so.

4. I also hereby attest that I complied as directed with the following terms of probation: (circle applicable items)

a. abstinence from consumption of alcohol and mind-altering chemicals/drugs, except as prescribed by a physician

b. attendance at Alcoholics Anonymous meetings
c. cooperation with Chemical Dependency Program

d. cooperation with State Lawyers Assistance Committee

e. psychiatric/psychological counseling

f. passed Multi-State Professional Responsibility exam

g. attended law office management counseling and/or programs

h. other - (please specify) ________________________________

i. none required

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

(Name)

(Rule 12.9 established by Order dated March 13, 1989, effective April 1, 1989.)

(Rule 12.9 amended by Order dated February 5, 2001.)

(Former Rule 12.9 redesignated as Rule 13.9: Rule 13.9 amended by Order dated May 3, 2017, effective January 1, 2018.)

(Rule 13.9 amended by Order dated May 22, 2019, effective September 1, 2019.)

Rule 13.10 Compliance Declaration.

A compliance declaration filed under BR 7.1(g) shall be in substantially the following form:

COMPLIANCE DECLARATION

In re: Reinstatement of

(Name of attorney) (Bar number)

For reinstatement as an active/inactive (circle one) member of the OSB.

1. Full name ______________ Date of Birth ______________

2. Residence address ______ Telephone ______________

3. I hereby attest that during my period of suspension from the practice of law from __________ to __________, (insert dates)

☐ I did not at any time engage in the practice of law except where authorized to do so

OR

☐ I engaged in the practice of law under the circumstances described on the attached [attach an explanation of activities relating to the practice of law during suspension].

4. I also hereby attest that I responded to the requests for information or records by Disciplinary Counsel and have complied with any subpoenas issued by Disciplinary Counsel, or provided good cause for not complying to the request.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

(Name)

(Rule 12.10 established by Order dated August 12, 2013, effective November 1, 2013.)

Current versions of this document are maintained on the OSB website: www.osbar.org
(Former Rule 12.10 redesignated as Rule 13.10; Rule 13.10 amended by Order dated May 3, 2017, effective January 1, 2018.)
(Rule 13.10 amended by Order dated May 22, 2019, effective September 1, 2019.)