

Summary of 2014 House of Delegates Actions November 7, 2014

Passed

In Memoriam (BOG Resolution No. 1)

Amend Oregon Rule of Professional Conduct 8.4 (BOG Resolution No. 2)

Amendment of Oregon Rules of Professional Conduct 5.5. (BOG Resolution No. 3)

Veterans Day Remembrance extending gratitude to those serving in the military service and offering condolences to the families of those who have died in service to their country (BOG Resolution No.4)

Amendment of Oregon Rules of Professional Conduct 1.2. (BOG Resolution No. 5) as amended. **[Exhibit A]**

Support for Adequate Funding for Legal Services to Low-Income Oregonians (Delegate Resolution No. 2)

Fair Compensation for Indigent Defense Providers (BOG Resolution No. 6)

Failed

Investigation Regarding Change to Oregon State Bar Logo (Delegate Resolution No. 3)

HOD Agenda Items (Delegate Resolution No. 4)

Exhibit A

7. Amendment of Oregon Rule of Professional Conduct 1.2 (Board of Governors Resolution No. 5)

Whereas, The Board of Governors has formulated the following amendment to the Oregon Rules of Professional Conduct pursuant to ORS 9.490(1); and

Whereas, The Oregon State Bar House of Delegates must approve any changes in the rules of professional conduct before they are presented to the Oregon Supreme Court for adoption pursuant to ORS 9.490(1); now, therefore, be it

Resolved, That the amendment of Oregon Rule of Professional Conduct 1.2 as set forth below is approved and shall be submitted to the Oregon Supreme Court for adoption:

RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to paragraphs (b) and (c), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon's marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.

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