



2006 House of Delegates Handbook

*A reference guide for
House of Delegates members*

Includes:

- House of Delegates Resource Information
- 2006 House of Delegates Meeting Information
- Rules, Regulations, Policies, and Guidelines
- Actions of Past House of Delegates Meetings
- 2006 House of Delegates Members

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**State Bar Act (ORS Chapter 9) and Oregon State Bar Bylaws may be found in their entirety on the Oregon State Bar website at www.osbar.org.*

Resource materials in this handbook include the Oregon State Bar House of Delegates Rules of Procedure, selected provisions from the State Bar Act (ORS Chapter 9), and selected provisions from the Oregon State Bar Bylaws.

Other resources provide communication tools and information for the House of Delegates. These include list serve information, staff contacts, and a list of House of Delegate members. You may also visit the Oregon State Bar website (www.osbar.org) for current information. The documents change frequently and are kept updated in pdf versions on the website.

Website and List Serves

House of Delegates Website

HOD information is available on the bar's website through the following link: **www.osbar.org/leadership/hod.html**. Check the site for the current HOD roster, meeting schedule, staff contacts, and HOD rules and guidelines.

List Serves

The Oregon State Bar has prepared electronic mail distribution lists for members of the House of Delegates, regions, and the house as a whole. The list serve is intended as a vehicle for discussion of proposed resolutions for possible presentation to the house, and items on upcoming house meeting agendas. The list serve can also be used to discuss bar elections such as for the Board of Governors and the House of Delegates. These are private lists and participation is open only to members of the Oregon State Bar House of Delegates who have e-mail addresses registered with the bar. These list serves are not to be used as a vehicle for discussing local, state or federal elections, or political issues that are not part of bar business. Political fundraising messages, position statements, candidate endorsements, and all other announcements or messages of a political nature are not permitted. The list serve is also not to be used for job announcements, requests for business referrals, or solicitations to purchase products or services.

Using a List Serve

A list serve delivers an e-mail message to all members of a given list. Eight different e-mail list serves are available to serve the House of Delegates: the All HOD list serve is available to all members of the HOD, and individual list serves are available for use by members of Regions 1, 2, 3, 4, 5, 6 and out-of state. **You can send messages to the All Hod list and to your own region's list.** You cannot send messages to another region's list serve.

In the interest of virus prevention, graphics and attachments are not accepted by any of the HOD list serves and messages with any attachments will be returned to the sender. As such, **plain text messages with no attachments** are the best format to use for list serve e-mails. Consider copying text from an attachment directly to the body of your list serve e-mail message, or posting more lengthy information on a website and including a link to the website in your list serve e-mail message.

Sending Messages

Address your plain text e-mail to the appropriate address from the following list:

<i>All HOD:</i>	<code>hod@lists.osbar.org</code>
<i>Region 1:</i>	<code>hod1@lists.osbar.org</code>
<i>Region 2:</i>	<code>hod2@lists.osbar.org</code>
<i>Region 3:</i>	<code>hod3@lists.osbar.org</code>
<i>Region 4:</i>	<code>hod4@lists.osbar.org</code>
<i>Region 5:</i>	<code>hod5@lists.osbar.org</code>
<i>Region 6:</i>	<code>hod6@lists.osbar.org</code>
<i>Out-of-State:</i>	<code>hod-oos@lists.osbar.org</code>

Replying to Messages

Replies are directed (by default) to the SENDER of the message ONLY.

If you want to send a reply to the entire list, you must select the "Reply to all" button or change the recipient to your region's list serve address (see above list).

Making Changes to your Subscription

To receive your messages in digest format (i.e., combined into a single message and sent to you once each day): Send a plain text e-mail to **listserv@lists.osbar.org** with the following message for your respective list placed in the body of your e-mail:

<i>All HOD:</i>	<code>set hod digest <your name></code>
<i>Region 1:</i>	<code>set hod1 digest <your name></code>
<i>Region 2:</i>	<code>set hod2 digest <your name></code>
<i>Region 3:</i>	<code>set hod3 digest <your name></code>
<i>Region 4:</i>	<code>set hod4 digest <your name></code>

Region 5: set hod5 digest <your name>
 Region 6: set hod6 digest <your name>
 Out-of-State: set hod-oos digest <your name>

To discontinue digest format (i.e., messages will be delivered to you as they are sent throughout the day): Send a plain text e-mail to **listserver@lists.osbar.org** with the following message for your respective list placed in the body of your e-mail:

All HOD: mail hod<your name>
 Region 1: mail hod1<your name>
 Region 2: mail hod2<your name>
 Region 3: mail hod3<your name>
 Region 4: mail hod4<your name>
 Region 5: mail hod5<your name>
 Region 6: mail hod6<your name>
 Out-of-State: mail hod-oos<your name>

To unsubscribe: Send a plain text e-mail to **listserver@lists.osbar.org** with the following message for your respective list placed in the body of your e-mail:

All HOD: unsubscribe hod<your name>
 Region 1: unsubscribe hod1<your name>
 Region 2: unsubscribe hod2<your name>
 Region 3: unsubscribe hod3<your name>
 Region 4: unsubscribe hod4<your name>
 Region 5: unsubscribe hod5<your name>
 Region 6: unsubscribe hod6<your name>
 Out-of-State: unsubscribe hod oos<your name>

To change your e-mail address or to resubscribe to a list after you have unsubscribed:

Send an e-mail with the new information to Jane Gillespie (jgillespie@osbar.org).

Rules and Guidelines:

1. Include a subject line in messages to the list, for example: "Member Resolution" on the topic line. When replying to a message from the digest version of the list, edit the subject line to indicate the topic of reply.
2. Sign your messages with your full name, firm name, and appropriate contact information. E-mail addresses alone do not provide the necessary identification. Find and use the "auto

signature" feature, available with many e-mail programs.

3. **Do not send attachments.** The list serve software will not accept messages with attachments and will return your message. Consider copying and pasting the material from the attachment into your plain text message. You may want to post the information on the section website, if one is available, and include a link to the web address for the site in your list serve message.

4. Obtain permission from the original sender before forwarding a message from this list to someone who does not subscribe to this list.

5. Avoid using the list to express personal views. The list serve is not to be used for discussing local, state or federal elections, political issues, or endorsements. Job announcements or solicitations for services are not appropriate messages.

6. If you use an autoresponder when you are away from your office, note that your autoreponse will be sent to the sender of the message only, and not to the entire list. Consider changing your subscription to the digest format while you are away from your office for an extended period of time. See above about changing your subscription.

7. Electronic communications are making their way into the courtroom. Keep in mind the following: list serve messages and e-mails are not casual conversation. Pressing delete does not mean that the data has been deleted.

DISCLAIMER: *This distribution list is provided as a service to members of the OSB House of Delegates. Neither the OSB nor the House of Delegates is responsible for the opinions and information distributed through this list. The OSB and the House of Delegates make no warranties with regard to the accuracy or applicability to any particular use of any information distributed through this list. In no event will the OSB or the House of Delegates be liable for any damages resulting from the dissemination or use of any information distributed through this list.*

Oregon State Bar Staff

If you need information related to the House of Delegates, Oregon State Bar staff can provide assistance as follows:

General Information Contacts:

Phone: 503-620-0222, or toll-free in Oregon: 800-452-8260

HOD Agenda Information and HOD Meetings:

Staff: Teresa Wenzel

Phone: 503-431-6386, or toll-free in Oregon: 800-452-8260 ext. 386

Fax: 503-598-6986

E-mail: twenzel@osbar.org

Statutes, Bar Rules, Policies, and Procedures:

Staff: Sylvia Stevens

Phone: 503-431-6359, or toll-free in Oregon: 800-452-8260 ext. 359

Fax: 503-598-6959

E-mail: sstevens@osbar.org

Technical Assistance to Prepare Resolutions:

Staff: Sylvia Stevens

Phone: 503-431-6359, or toll-free in Oregon: 800-452-8260 ext. 359

Fax: 503-598-6959

E-mail: sstevens@osbar.org

HOD Roster, Data Updates, HOD E-mail, and List Serve Information:

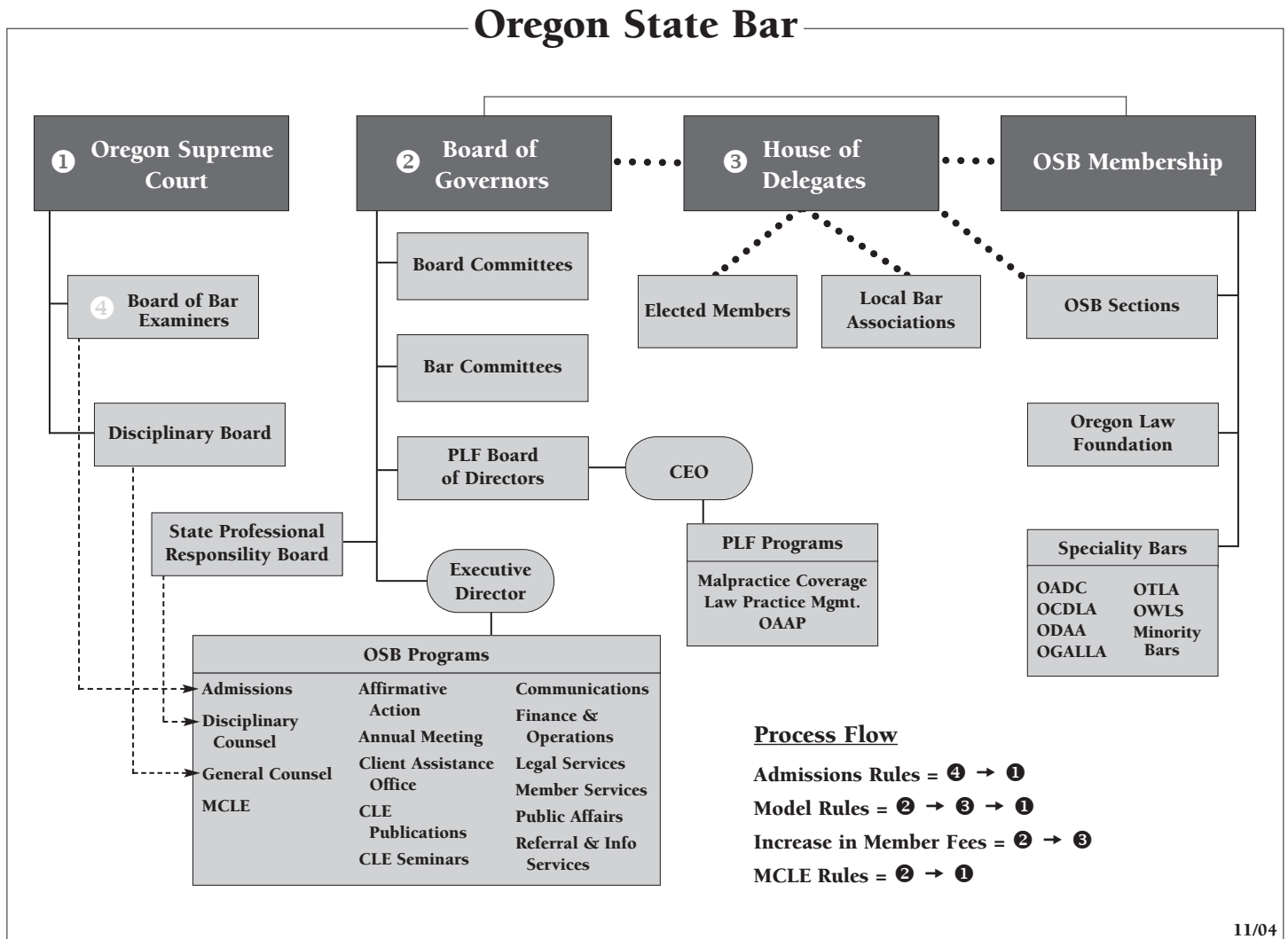
Staff: Jane Gillespie

Phone: 503-431-6308, or toll-free in Oregon: 800-452-8260 ext. 308

Fax: 503-598-6908

E-mail: jgillespie@osbar.org

OSB Organizational Chart



House of Delegates

Calendar of Events

Delegate Resolution
Deadline. August 2, 2006
HOD Regional Meetings . . . August 14-18, 2006
HOD Agenda Mailed to
Oregon State Bar
Members August 21-25-2006
2006 House of Delegates
Annual Meeting
in Eugene September 16, 2006

2006 House of Delegates Meeting

The Oregon State Bar 2006 House of Delegates Annual Meeting will take place September 16, 2006, in Eugene at The Hilton, commencing at 9:00 a.m.

Housing Information

Advanced reservations are encouraged!

You can find housing information for the area by going to www.hotel-guides.us/oregon/or-hotels.html and clicking on Eugene or Springfield. We encourage you to make your reservations as soon as possible to ensure lodging for the 2006 House of Delegates Annual meeting. This is a "football weekend" and rooms will disappear quickly. There will not be special rates available in Eugene due to the "football weekend."

Other areas to consider for rooms, which are within 15 minutes of Eugene are Springfield, Cottage Grove, and Junction City.

Delegate Resolutions

Delegate Resolutions Deadline — 5:00 p.m., August 2, 2006

Delegate resolutions for the 2006 House of Delegates Annual Meeting must be presented in writing to the Oregon State Bar Executive Director on or before 5:00 p.m., August 2, 2006 (45 days prior to the meeting). An agenda for the House of Delegates Annual Meeting will be mailed by the bar to the membership no later than Friday, August 25, 2006.

Each resolution must specify the name of the delegate who is submitting the resolution, background of the resolution, and, if the resolution has a budgetary impact, it must include a detailed evaluation of such impact. A sample format for resolutions follows.

If you have questions concerning the resolution process, please contact Teresa Wenzel, Executive Assistant, at 503-431-6386, toll-free in Oregon at 800-452-8260 extension 386, or via e-mail at twenzel@osbar.org or Sylvia Stevens at 503-431-6359, sstevens@osbar.org.

Sample resolution format:

Resolution (Title)

Whereas ...;
Whereas ...;
Whereas ...; now therefore be it

Resolved, That...

Submitted by:

Print Name:

Bar Number:

Background:

Financial Impact (if any):

Summary of the Functions of the House of Delegates

Board of Governors

The Oregon State Bar is governed by a Board of Governors consisting of twelve lawyers elected from six regions and four public members appointed by the Board. Pursuant to ORS 9.080(1), the board is charged with the executive functions of the state bar and “shall at all times direct its power to the advancement of the science of jurisprudence and the improvement of the administration of justice.” The board has authority to “adopt, alter, amend, and repeal bylaws and to adopt new bylaws containing provisions for the regulation and management of the affairs of the state bar not inconsistent with law.”

House of Delegates

The House of Delegates consists of 1) the Board of Governors; 2) the chairperson of each state bar section; 3) the elected president of each county bar association; 4) elected delegates from each of the six in-state board regions and from the region consisting of all areas outside the state of Oregon; 5) and one public member from each in-state region appointed by the Board of Governors. The enclosed roster shows the distribution of delegates. By a vote of the majority of the delegates attending a meeting, the House of Delegates is authorized to do either of the following: Direct the Board of Governors as to future action and modify or rescind an action or decision of the Board of Governors (subject to certain restrictions described later). The Board of Governors is bound by decisions of the house, pursuant to ORS 9.139(2). The types of matters historically presented to the House of Delegates (and to the membership prior to the creation of the HOD) have included 1) disciplinary rule changes; 2) bar positions on major legislative and policy issues; 3) member resolutions on a variety of topics; and 4) fee increases. The Board of Governors has authority under ORS 9.142(2) to set the time and place for the annual meeting of the House of Delegates and to submit to the house reports of the proceedings by the board

since the last meeting of the house, reports of the officers and committees of the state bar, and recommendations of the Board of Governors.

Restrictions on the Powers of the House of Delegates

The power of the House of Delegates to direct, modify, or rescind an action or decision of the Board of Governors does not include the power to 1) invalidate payments previously made at the direction of the Board of Governors; 2) direct, modify, or rescind any assessment by the board for contributions to the Professional Liability Fund; or 3) direct, modify, or rescind any other action or decision by the board that is subject to control, approval, or review by the Supreme Court ORS 9.139(3). The latter restriction does not affect the ability of the House of Delegates to formulate disciplinary rules under ORS 9.490. ORS 9.490(1) which states that “[the] Board of Governors, with the approval of the House of Delegates given at any regular or special meeting, shall formulate rules of professional conduct, and when such rules are adopted by the Supreme Court, shall have power to enforce the same. Such rules shall be binding upon all members of the bar.”

Membership Initiative

The Board of Governors, the House of Delegates, or the membership, by initiative petition, can call for a vote of the membership by mail ballot. An initiative submitted by active members must be accompanied by a petition signed by at least five percent of all active members. The board has authority to determine if the question or measure submitted by initiative petition is appropriate for a vote of the members. In 2006, the membership submitted an initiative petition to the board for an advisory vote regarding the continuation of MCLE Elimination of Bias requirement. The board approved the petition for a membership vote.

The Board of Governors has submitted seven issues to the membership vote since that

process was established in the early 1980s: 1) whether to establish a minimum continuing legal education program (1987– approved); 2) whether to establish a mandatory interest on lawyer trust accounts program (1988 –approved); 3) whether to establish a specialization program 1988–rejected); 4) whether the bar should place greater emphasis on unlawful practice of law; 5) whether to sponsor legislation establishing the Oregon State Bar House of Delegates (1992–approved); 6) whether to place CLE Publications Online (2005 – approved); and 7) an advisory vote to discontinue the MCLE Elimination of Bias requirement (2006 - passed.)

Rules for the Conduct of the Business of the House of Delegates

In 1996, the House of Delegates approved rules for the conduct of the business of the House of Delegates. A copy of the current rules of the house begins on the following page.

Resolutions

A member of the House of Delegates may submit a question or measure for the house agenda by delivering a copy of the full text of the item to be presented, including a description of any financial impact, to the Executive Director at least forty-five (45) days in advance of the meeting (Resolution deadline – 5:00 p.m., August 2, 2006). In order for a bar member who is not a delegate to submit a resolution, the resolution must be accompanied by a petition signed by at least two percent of all active members.

Participation in and Voting at House of Delegates Meetings

All active members of the state bar may participate in the discussion of matters before the house however, pursuant to ORS 9.148(1), only delegates who are present at the meeting may vote. The House of Delegates is permitted by statute to establish rules restricting participation by members of the bar who are not delegates.

Presiding Officer of the House of Delegates; Calling Meetings of the House

The president of the state bar presides at all meetings of the House of Delegates (ORS 9.070(1)) and may, pursuant to ORS 9.142(1), call special meetings of the house. This latter statute also requires the president to call a special meeting of the house, if 25 or more delegates make a written request for a special meeting. A majority of the total number of delegates constitutes a quorum for any regular or special meeting of the house.

OSB House of Delegates Rules of Procedure

Rule 1-Meetings of the House

1.1 The House of Delegates shall meet at least annually at a time and place set by the Board of Governors. The President of the Oregon State Bar may call special meetings of the house and shall call a special meeting of the house if requested to do so in writing by twenty five (25) or more delegates. See ORS 9.142(1) and (2).

1.2 Notice of meetings of the house shall be given as required in the Bar Act and in the bylaws and policies of the state bar.

Rule 2-Presiding Officer

2.1. The President of the Oregon State Bar shall preside over meetings of the House of Delegates. In the President's absence or inability to act, the President shall designate another officer to preside. See ORS 9.070(1).

2.2 The presiding officer shall preserve order, require observance of the rules of procedure, and decide all questions of order and procedure.

2.3. Proceedings of the House of Delegates shall be governed by the Bar Act, the bylaws and policies of the State Bar, these rules, and Robert's Rules of Order Newly Revised (1990 Edition).

Rule 3-Delegates and Delegations

3.1. Delegates shall be selected as provided in the Bar Act and the bylaws and policies of the State Bar. There shall be no alternate delegates.

3.2 Delegates must register in person at house meetings. Delegates will be provided with special identification for voting.

Rule 4-Record of Proceedings

4.1 Proceedings of the House of Delegates shall be recorded stenographically. Meeting transcripts shall be maintained at the Oregon State Bar Center.

4.2 As soon as practicable after each meeting of the House of Delegates, the Executive Director shall prepare and publish to the Oregon State Bar membership a summary of the actions of the house.

Rule 5-Agenda and Order of Business

5.1 Members of the Oregon State Bar, members of the House of Delegates, and the Board of Governors may submit questions or measures for placement on the agenda of house meetings as set forth in Rules 5.2 through 5.4.

5.2 At meetings of the House of Delegates the Board of Governors shall submit to the house reports of the proceedings by the board since the last meeting of the house, reports of the officers and committees of the State Bar, and recommendations of the board. See ORS 9.142(2).

5.3 Any active member of the Oregon State Bar, by petition signed by at least two percent (2%) of all active members of the State Bar, may submit a question or measure for the agenda of any House of Delegates meeting as provided in the Bar Act. See ORS 9.148(3). The petition must be filed with the Executive Director at least forty-five (45) days before the meeting at which it is to be presented.

5.4 A member of the House of Delegates may submit a question or measure for the agenda of any House of Delegates meeting by delivering a copy of the full text of the item to be presented, including a description of any financial impact, to the Executive Director at least forty-five (45) days in advance of the meeting at which it is to be presented.

5.5 In advance of any meeting of the House of Delegates, the Board of Governors of the Oregon State Bar shall review proposed agenda items for conformity with applicable law and bar policy and propose a preliminary agenda for the meeting. The preliminary agenda, along with notice of the questions or measures the board determined should not be placed on the

agenda, shall be distributed to the membership of the Oregon State Bar at least twenty (20) days prior to the meeting.

5.6 An agenda shall be adopted by the House of Delegates at the commencement of each meeting. Upon motion of a delegate, the house may add to the agenda, prior to its final adoption, any question or measure submitted pursuant to Rules 5.2 to 5.4 above and excluded from the agenda by the board. The order of business at meetings of the house shall be as set forth in the agenda adopted by the house.

5.7 If the presenter of an agenda item is not available when the meeting has reached that point on the agenda, the item will be moved to the end of the agenda. If the presenter is unavailable when the item is subsequently called, it will be considered withdrawn.

Rule 6-Quorum

6.1 A majority of the total number of delegates shall constitute a quorum for the transaction of business by the House of Delegates. See ORS 9.142(1).

Rule 7-Debate

7.1 All active members of the Oregon State Bar may participate in the discussion of matters before the house. See ORS 9.148(1). Only delegates may invoke the house rules and parliamentary procedure during meetings of the house.

7.2 The presenter of an item on the agenda shall have five (5) minutes to open and one (1) minute to close. All other speakers shall have a maximum of three (3) minutes for their presentations. The presiding officer may, with the consent of the house, lengthen the time for a speaker's presentation.

7.3 The presiding officer will recognize "pro" and "con" speakers alternately. Those persons wishing to speak to "other" aspects of an issue will be recognized alternately with the "pro" and "con" speakers.

7.4 All speakers from the floor must state their full names and indicate whether they are

delegates, and must state whether they are speaking "pro," "con," to a privileged motion or inquiry, or otherwise.

7.5 No person who has spoken "pro" or "con" on an issue will be recognized again until all other persons who wish to speak on that issue have been given the opportunity.

Rule 8-Voting

8.1 Only delegates may vote. Each delegate has only one vote. Cumulative voting and voting by proxy are not permitted. A delegate's vote will be counted only if the delegate is within the delegate voting area.

8.2 Votes shall be taken as determined by the presiding officer.

8.3 The presiding officer shall not vote except in the event of a tie.

Rule 9-Attendance

9.1 Meetings of the House of Delegates are open to all members of the Oregon State Bar, the media, and the public, except as provided otherwise by the Public Meetings Law (ORS 192.610 et seq.).

Rule 10-Amendment of Rules

10.1 These rules may be amended by a vote of a majority of the delegates present and voting. Only delegates may propose amendments to these rules. Proposals for amending the rules must be submitted to the executive director at least forty-five (45) days in advance of the meeting.

For complete documentation of the Oregon State Bar House of Delegates Rules of Procedures, see the Oregon State Bar website at www.osbar.org.

State Bar Act (ORS Chapter 9) — Selected Provisions

9.136 House of delegates created; membership; terms.

(1) The House of Delegates of the Oregon State Bar is created. The house consists of elected and ex officio voting delegates. All delegates must be active members of the state bar except for the public members of the Board of Governors and the public members appointed by the board pursuant to ORS 9.145.

(2) The members of the Board of Governors of the Oregon State Bar are ex officio voting delegates.

(3) The chairperson of each Oregon State Bar section is an ex officio voting delegate.

(4) The elected president of each county bar association is an ex officio voting delegate. Not more than one county bar association from each county may be represented by a delegate under this subsection.

(5) Elected delegates shall be elected from the regions established by ORS 9.025 and an additional region composed of all areas not located in this state. Only active members of the bar may vote for delegates. A member who maintains a principal office in one of the regions established by ORS 9.025 may vote for delegates from the region where the member maintains the office. A member who does not maintain a principal office in this state but who has an address on file with the bar may vote for delegates from the region composed of all areas not located in this state.

(6) Each region shall elect at least five delegates. If more than 550 active members maintain their principal offices in the region, the members shall elect delegates as follows:

(a) The members shall elect one delegate for each 100 members who maintain their principal offices in the region.

(b) The members shall elect one additional delegate if more than 50 members who maintain their principal offices in the region are not

accounted for after the allocation provided for in paragraph (a) of this subsection.

(7) Elected delegates shall serve for terms of three years. A vacancy in the office of an elected delegate shall be filled for the remainder of the term by a delegate appointed by the Board of Governors.

(8) An elected delegate may not serve as a member of the Board of Governors, as a section chairperson or as a county bar association president during the delegate's term.

(9) For the purposes of this section, "county bar association" means a general purpose bar association established by the lawyers of one or more counties for the purpose of maintaining good professional relations between members of the bench and of the bar in the county or counties, and for the purpose of improving the administration of justice in the county or counties. [1995 c.302 §7; 2001 c.297 §2]

9.139 Powers of House of Delegates.

(1) The delegates at a meeting of the House of Delegates may, by a vote of the majority of the delegates attending the meeting, do either of the following:

(a) Modify or rescind an action or decision of the Board of Governors.

(b) Direct the Board of Governors as to future action.

(2) The Board of Governors is bound by a decision of the House of Delegates made in the manner prescribed by subsection (1) of this section.

(3) The power of the House of Delegates to direct, modify or rescind an action or decision of the Board of Governors under subsection (1) of this section does not include the power:

(a) To invalidate payments previously made at the direction of the board;

(b) To direct, modify or rescind any assessment by the board for contributions to a professional liability fund established under ORS 9.080; or

(c) To direct, modify or rescind any other action or decision by the board that is subject to control, approval or review by the Supreme Court.

(4) Subsection (3)(c) of this section does not affect the ability of the House of Delegates to formulate disciplinary rules under ORS 9.490. [1995 c.302 §8]

9.142 Rules for conduct of business; meetings.

(1) The Board of Governors shall formulate rules for the conduct of the business of the House of Delegates. Rules adopted by the board become effective upon the adoption of the rules by the House of Delegates. The president of the Oregon State Bar may call special meetings of the house. The president shall call a special meeting of the house if 25 or more delegates make a written request for a special meeting. A majority of the total number of delegates constitutes a quorum for any regular or special meeting of the house.

(2) The Board of Governors shall set a time and place for the annual meeting of the House of Delegates. At the annual meeting, the Board of Governors shall submit to the House of Delegates reports of the proceedings by the board since the last meeting of the house, reports of the officers and committees of the state bar and recommendations of the board. [1995 c.302 §9]

9.145 Public members.

The Board of Governors shall appoint a public member delegate for each region established by ORS 9.025. A public member delegate shall serve a three-year term. A vacant public member delegate position shall be filled for the remainder of the term by a delegate appointed by the Board of Governors. The appointment of public member delegates shall be made by the board before the time set for the election of

delegates under ORS 9.152. The term of a public member delegate shall commence on the same date that the term of an elected delegate commences. [1995 c.302 §10; 2001 c.297 §3]

9.148 Participation by nondelegates; referral of question for mail vote; petition for consideration or mail vote.

(1) Active members of the Oregon State Bar may participate in the discussion of matters before the House of Delegates, but only delegates may vote. The House of Delegates may by rule impose restrictions on participation by members of the state bar who are not delegates.

(2) The Board of Governors or the House of Delegates, acting on its own motion, may refer to the members of the bar by mail ballot any question or measure considered by the board or house to be appropriate for submission to a vote of the members. Referral may be made under this subsection at any time.

(3) Active members of the state bar, by written petition signed by at least two percent of all active members, may have placed on the agenda of a meeting of the House of Delegates any question or measure appropriate for a vote of the house. The petition shall contain the full text of the question or measure proposed. The petition must be filed with the executive director at least 45 days before the annual or special meeting of the house specified in the petition at the meeting when the petitioners seek to have the question or measure considered.

(4) Active members of the state bar, by written petition signed by no fewer than five percent of all active members, may request that the Board of Governors submit to a vote of the members any question or measure. The Board of Governors shall submit the question or measure to a vote of the members of the bar if the question or measure is appropriate for a vote of the members.

The initiative petition must contain the full text of the question or measure proposed. [1995 c.302 §11]

9.150 Termination of delegate's term.

The term of service of any delegate shall end upon the death or resignation of the delegate. If the delegate is an attorney delegate, the term of service shall end on the date that the delegate:

- (1) Terminates the delegate's active membership in the Oregon State Bar for any reason;
- (2) Ceases to maintain the delegate's principal office in the region the delegate was appointed or elected to represent;
- (3) Takes office as a member of the Board of Governors, as a chairperson of a state bar section or as a county bar association president; or
- (4) Is recalled pursuant to ORS 9.155. [1995 c.302 §12; 2001 c.297 §4]

9.152 Election of delegates; rules.

(1) The election of delegates to the House of Delegates shall be held annually on a date set by the Board of Governors. Except as provided in subsection (2) of this section, nominations shall be made by petition signed by at least 10 members of the Oregon State Bar entitled to vote for a delegate in the election. The election shall be by ballot. Nominating petitions must be filed with the executive director of the state bar at least 30 days before the election.

(2) (a) The executive director shall mail ballots containing the nominations for the office of delegate in each region to every active member in the region. Ballots may be delivered in person or by mail to the executive director, but must be received by the executive director on or before the day of the election. The executive director, with any assistants that the executive director may designate, shall canvass the votes and record the results of the election.

(b) The board by rule may provide for electronic elections in lieu of using mailed ballots under paragraph (a) of this subsection. Rules adopted under this paragraph may provide for electronic distribution of election materials and electronic tabulation of votes.

(3) The candidate, or candidates if there is more than one open position, receiving the highest number of votes in each region for the

position or positions being filled shall be declared elected. Balloting shall be conducted in a manner that ensures that only active members of the bar can vote and that the secrecy of the ballots shall be preserved.

(4) The nomination petition for a delegate from the region composed of all areas not located in this state need only be signed by the candidate for the position.

(5) Notwithstanding subsection (1) of this section, an election shall not be held for any position for which only a single candidate has been nominated. If only a single candidate has been nominated, the board shall declare the single candidate elected to the position on a date specified by the board. [1995 c.302 §13; 2001 c.297 §5; 2003 c.192 §2]

9.155 Recall of delegate.

Upon the filing of a petition with the Oregon State Bar signed by 25 percent of the members of the bar from a region for the recall of a delegate elected from that region, the executive director shall serve notice on the delegate of the filing of the petition. If the delegate does not resign within 15 days after the date that the notice is served, the executive director shall mail ballots to each member of the bar within the region. The ballots shall submit the question of whether the delegate should be recalled. If a majority of the members voting in the election vote in favor of the recall, the delegate is recalled and the position held by the delegate becomes vacant upon the executive director's declaration of the results of the election. [1995 c.302 §14; 2001 c.297 §6]

For a complete documentation of the State Bar Act, see the Oregon State Bar website at www.osbar.org

Oregon State Bar Bylaws — Selected Articles

Revised August 19, 2005

Article 1 - Purpose of Bar and Definitions

Section 1.1 Definition

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

(A) “State Bar” and “Bar” mean the Oregon State Bar, as described in ORS Chapter 9.

(B) “State Bar Act” and “Bar Act” mean ORS Chapter 9.

(C) “Board of Governors” and “Board” mean the Board of Governors of the Oregon State Bar.

(D) “House of Delegates” and “House” mean the House of Delegates of the Oregon State Bar created by ORS 9.136.

(E) “President” means the President of the Oregon State Bar.

(F) “President-elect” means the President-elect of the Oregon State Bar.

(G) “Vice President(s)” means the Vice President(s) of the Oregon State Bar.

(H) “Executive Director” means the Executive Director of the Oregon State Bar.

(I) “Governor” means a member of the Board of Governors of the Oregon State Bar.

(J) “Member” means a member of the Oregon State Bar.

Section 1.2 Purposes

The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice.

The four functions of the bar are:

(A) A professional organization. As such, the bar promotes high standards of honor, integrity, professional conduct, professional competence, learning and public service among the members of the legal profession.

(B) A provider of assistance to the public. As such, the bar seeks to ensure the fair administration of justice for all and the advancement of the science of jurisprudence, as well as promoting respect for the law among the general public.

(C) A partner with the judicial system. As such, the bar seeks to ensure a spirit of cooperation between the bench and the Bar.

(D) A regulatory agency providing protection to the public. As such, the bar promotes the competence and enforces the ethical standards of lawyers.

Article 3 - House of Delegates

Section 3.1 Duties and Powers

The House of Delegates ("House") is a forum for the membership of the Bar and representatives of sections and local bars to advise the Board and to debate and decide matters of policy relating to the membership or the administration of justice as provided in the Bar Act, these Bylaws and other rules and regulations of the Bar. (See rules adopted by the House.)

Section 3.2 Delegates

On or before February 1 of each year, the Board must determine the number of delegates each region should have and whether there are vacancies. Once elected, however, a delegate may serve a full term even if the lawyer population of the region falls below the number required to entitle the region to the delegate. Elected delegates are subject to recall as provided in the Bar Act. Public member delegates are subject to removal by the Board on the same grounds that a public member of the Board is subject to removal under the Bar Act and these Bylaws.

Section 3.3 Resolutions

House member or bar member resolutions must include the name of the bar member who

will present the resolution and an estimate of the financial impact, if any, of the resolution. This information must be submitted at least 45 days before the House of Delegates meeting. The Board must independently evaluate the financial impact of the resolution. If the Board's evaluation of the financial impact differs from the sponsor's, both positions must be included when the resolution is presented to the House. Only proposed legislative measures or resolutions that appear in full in the printed agenda may be considered, except that unusually long measures or resolutions may be summarized by bar staff. If this exception applies, then the Bar must provide delegates with copies of the full text of the measures at or before the House meeting at which the proposed measures or resolutions will be discussed and voted on.

Section 3.4 Meeting Agenda

After receiving all resolutions, the Board must prepare an agenda for the House. The Board may exclude resolutions from the agenda that are inconsistent with the Oregon or United States constitutions, are outside the scope of the Bar's statutory mission or are determined by the Board to be outside the scope of a mandatory bar's activity under the U.S. Supreme Court decision in *Keller v. the State Bar of California*. The Board must distribute the House agenda to all active bar members, including any resolutions that the Board has excluded, at least 20 days in advance of the House meeting.

Section 3.5 Parliamentarian

The Board must designate a parliamentarian for each House meeting. The parliamentarian should be knowledgeable about parliamentary procedure and familiar with the Bar's Bylaws. The parliamentarian will serve without compensation; however, the Bar may pay the expenses for the parliamentarian to attend the House meeting as allowed in Subsection 7.501 of the Bar's Bylaws.

Section 3.6 Initiative Petitions and Referenda

An initiative petition of the membership or a referendum from the Board or House, brought under ORS 9.148, must be submitted to a vote of the active members. The proponent's question or measure must be printed or circulated to all members of the Bar, along with statements for and against the proposal. The Board determines the manner of circulating the required material. The Board also writes the ballot title and a factual summary of the proposal. Election procedures outlined in Article 9 of the Bar's Bylaws apply.

Article 4 - Annual Meeting

Section 4.1 Scheduled Activities

(A) Individuals or groups wishing to schedule events or activities as a part of the annual meeting must submit a request to the Bar indicating the nature of the event and any preference for a date and time. Bar staff will coordinate the meeting space needs of events to avoid conflict, as much as possible, with bar-sponsored events including Continuing Legal Education sessions, receptions, luncheons and the House meeting. Assistance from bar staff will not be available for section or other events scheduled at the same time as a bar-sponsored event.

(B) Basic information regarding events other than bar-sponsored events may be included in the Bar News and other bar publications and should include a contact person's name, address and telephone number. Registration forms for events not sponsored by the Bar will not be included with the annual meeting registration mailing.

(C) Section program materials will be distributed to program attendees if the section provides the Bar with a master copy. Bar staff will format all section program materials to the Bar's requirements for style and content. Sections will not be charged for production of program materials included in the annual meeting handbook.

(D) When the Bar co-sponsors a section event, the Bar will provide a meeting room, standard audio/visual equipment and operators, program materials and publicity and marketing for the event.

Section 4.2 Registration Fees

Payment of the annual meeting registration fee entitles a member to attend all bar-sponsored or co-sponsored Continuing Legal Education sessions, special receptions or programs and to receive related program materials. However, a separate fee will be required for any ticketed events specified on the registration form. Tickets for non-sponsored events will not be sold through the bar office.

Section 4.3 Fee Refunds and Transfers

Annual meeting registration fees will be refunded in full, minus an administrative charge, on written request received at least one week before the annual meeting begins. Although the Bar will not refund a registration fee after that date, the Bar will mail any available program materials to an absent registrant on request. Annual meeting registration fees are transferable with the payment of an administrative handling charge. No partial transfers or reductions in fees will be made. Requests for transfers must be made in writing by the date listed on the annual meeting registration form.

Section 4.4 Awards

Subsection 4.400 General Policy

The Board will select award recipients from among the nominations received from local bars, committees, sections, individual members, affiliated groups and bar groups.

Subsection 4.401 President's Membership Service Award

The criteria for the President's Membership Service Award is as follows: The nominee must have volunteered his or her time for the activity in which he or she was involved; the nominee must be an active member of the Bar; the nominee must have made a significant contribution

to other lawyers through efforts involving Continuing Legal Education programs or publications, committees, sections, boards or the Bar's legislative/public affairs process or similar activities through local bar associations or other law-related groups.

Subsection 4.402 President's Public Service Award

The criteria for the President's Public Service Awards is as follows: The nominee must have volunteered his or her time for the activity in which she or he was involved; the nominee must be an active member of the Oregon State Bar; the nominee must have made a significant contribution to the public through efforts involving pro bono services; coordination of local public service law-related events, such as those associated with Law Day; service with community boards or organizations or similar activities that benefit the public.

Subsection 4.403 President's Affirmative Action Award

The criteria for the President's Affirmative Action Award is as follows: The nominee must be an active member of the Bar or be an Oregon law firm; the nominee must have made a significant contribution to the goal of increasing minority representation in the legal profession in Oregon through progressive employment efforts, innovative recruitment and retention programs, advocacy or other significant efforts.

Subsection 4.404 President's Special Award of Appreciation

The President's Special Award of Appreciation is a discretionary award of the President of the Bar, with the concurrence of the Board, to be presented to a person who has made recent outstanding contributions to the bar, the bench and/or the community. The award will be made in conjunction with the Bar's Annual Meeting or House events within the following guidelines. In any given year, there may be no award, one award or more than one award. The recipient may be a lawyer or a non-lawyer. The President will present his

or her proposed award recipient to the Board at the same time the Board considers the Bar's other awards.

Subsection 4.405 Award of Merit

The Award of Merit, the highest honor that the Bar can bestow, is to be awarded in conjunction with the Bar's Annual Meeting. The recipient may be (1) an Oregon lawyer who has made outstanding contributions to the bench, the bar and the community-at-large, and who exhibits the highest standards of professionalism or (2) a non-lawyer who has made outstanding contributions to the bar and/or bench, and who exhibits the highest standards of service to the community-at-large. The award does not have to be granted every year and only one award may be bestowed in any year.

Section 4.5 Location

The meetings of the Bar's House of Delegates and the Bar's Annual Meeting must be held within the geographical boundaries of the State of Oregon.

Article 11 - Communications

Section 11.1 General Policy

Communications of the Bar and its constituent groups and entities, including printed material and electronic communications, should be germane to the law, lawyers, the practice of law, the courts and the judicial system, legal education and the Bar in its role as a mandatory membership organization. Communications, other than permitted advertisements, should advance public understanding of the law, legal ethics and the professionalism and collegiality of the bench and Bar.

Section 11.2 Editorial Policy

The Executive Director may establish editorial standards for bar communications and material permitted by the Bar to be included in its communications concerning such matters as advertising, political communication, profanity and obscenity, letters to the editor, use of artwork, photographs and illustrations, story placement, headlines and scheduling, advertising content

and rates and similar topics. The Executive Director has sole discretion to determine whether material submitted meets the standards set forth in or adopted pursuant to this policy and to accept or reject material submitted to the Bar for publication based on that determination.

Section 11.3 Media Relations

The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar. If public appearances or statements by the chairperson or other officer or member of any bar committee are deemed necessary, prior authority must be obtained in advance from the President.

Section 11.4 Campaign Advertisements

Judicial candidates and candidates for Board of Governors, House of Delegates and American Bar Association positions may advertise at standard charges in the Bar Bulletin, but partisan political advertising is not allowed. Partisan political announcements or endorsements will not be accepted for publication as letters to the editor or feature articles.

Section 11.5 Membership Surveys and Questionnaires

(A) Any survey or questionnaire to all members of the Bar from a section or non-bar person or group must have the prior approval of the Board regarding purpose and content.

(B) A survey to specific groups of the membership from bar staff must have the prior approval of the President or President-elect. A survey to all members of the Bar must have the prior approval of the President or President-elect.

(C) A section may survey its own membership without prior approval.

For a complete documentation of the Oregon State Bar Bylaws, see the Oregon State Bar website at www.osbar.org

Oregon State Bar Guidelines for Legislative and Policy Activities

Article 12 - Legislation and Public Policy

Section 12.1 Guidelines

Bar legislative or policy activities must be reasonably related to any of the following subjects: Regulating and disciplining lawyers; improving the functioning of the courts including issues of judicial independence, fairness, efficacy and efficiency; making legal services available to society; regulating lawyer trust accounts; the education, ethics, competence, integrity and regulation of the legal profession; providing law improvement assistance to elected and appointed government officials; issues involving the structure and organization of federal, state and local courts in or affecting Oregon; issues involving the rules of practice, procedure and evidence in federal, state or local courts in or affecting Oregon; or issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Oregon.

Section 12.2 Initiation of Legislation

Subsection 12.200 House of Delegates and Membership

The Bar must sponsor legislative proposals approved by the House of Delegates or through a membership initiative to the Legislative Assembly directly following the House or membership action. Legislation not enacted may not be sponsored in the following session unless resubmitted by one of the methods set forth above or by action of the Board.

For a complete documentation of the Oregon State Bar Bylaws, see the Oregon State Bar website at www.osbar.org

OREGON RULES OF PROFESSIONAL CONDUCT

Effective January 1, 2005

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RULE 1.0 TERMINOLOGY

(a) “Belief” or “believes” denotes that the person involved actually supposes the fact in question to be true. A person’s belief may be inferred from circumstances.

(b) “Confirmed in writing,” when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (g) for the definition of “informed consent.” If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

(c) “Electronic communication” includes but is not limited to messages sent to newsgroups, listservs and bulletin boards; messages sent via electronic mail; and real time interactive communications such as conversations in internet chat groups and conference areas and video conferencing.

(d) “Firm” or “law firm” denotes a lawyer or lawyers, including “Of Counsel” lawyers, in a law partnership, professional corporation, sole

proprietorship or other association authorized to practice law; or lawyers employed in a private or public legal aid or public defender organization, a legal services organization or the legal department of a corporation or other public or private organization. Any other lawyer, including an office sharer or a lawyer working for or with a firm on a limited basis, is not a member of a firm absent indicia sufficient to establish a de facto law firm among the lawyers involved.

(e) “Fraud” or “fraudulent” denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

(f) “Information relating to the representation of a client” denotes both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

(g) “Informed consent” denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. When informed consent is required by these Rules to be confirmed in writing or to be given in a writing signed by the client, the lawyer shall give and the writing shall reflect a recommendation that the client seek independent legal advice to determine if consent should be given.

(h) “Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in question, except that for purposes of determining a lawyer’s knowledge of the existence of a conflict of interest, all facts which the lawyer knew, or by the exercise of reasonable care should have known, will be attributed to the lawyer. A person’s knowledge may be inferred from circumstances.

(i) “Matter” includes any judicial or other proceeding, application, request for a ruling or

other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and any other matter covered by the conflict of interest rules of a government agency.

(j) “Partner” denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(k) “Reasonable” or “reasonably” when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

(l) “Reasonable belief” or “reasonably believes” when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.

(m) “Reasonably should know” when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.

(n) “Screened” denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.

(o) “Substantial” when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(p) “Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party’s interests in a particular matter.

(q) “Writing” or “written” denotes a tangible or electronic record of a communication or rep-

resentation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and e-mail. A “signed” writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

CLIENT-LAWYER RELATIONSHIP

RULE 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

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.

RULE 1.3 DILIGENCE

A lawyer shall not neglect a legal matter entrusted to the lawyer.

RULE 1.4 COMMUNICATION

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.5 FEES

(a) A lawyer shall not enter into an agreement for, charge or collect an illegal or clearly excessive fee or a clearly excessive amount for expenses.

(b) A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.

(c) A lawyer shall not enter into an arrangement for, charge or collect:

(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of spousal or child support or a property settlement; or

(2) a contingent fee for representing a defendant in a criminal case.

(d) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) the client gives informed consent to the fact that there will be a division of fees, and

(2) the total fee of the lawyers for all legal services they rendered the client is not clearly excessive.

(e) Paragraph (d) does not prohibit payments to a former firm member pursuant to a separation or retirement agreement, or payments to a selling lawyer for the sale of a law practice pursuant to Rule 1.17.

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to disclose the intention of the lawyer's client to commit a crime and the information necessary to prevent the crime;

(2) to prevent reasonably certain death or substantial bodily harm;

(3) to secure legal advice about the lawyer's compliance with these Rules;

(4) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

(5) to comply with other law, court order, or as permitted by these Rules; or

(6) to provide the following information in discussions preliminary to the sale of a law practice under Rule 1.17 with respect to each client potentially subject to the transfer: the client's identity; the identities of any adverse parties; the nature and extent of the legal services involved; and fee and payment information. A potential purchasing lawyer shall have the same responsibilities as the selling lawyer to preserve confidences and secrets of such clients whether or not the sale of the practice closes or the client ultimately consents to representation by the purchasing lawyer.

RULE 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a current conflict of interest. A current conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client;

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer; or

(3) the lawyer is related to another lawyer, as parent, child, sibling, spouse or domestic partner, in a matter adverse to a person whom the lawyer knows is represented by the other lawyer in the same matter.

(b) Notwithstanding the existence of a current conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not obligate the lawyer to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client; and

(4) each affected client gives informed consent, confirmed in writing.

RULE 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, confirmed in writing, except as permitted or required under these Rules.

(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument

giving the lawyer or a person related to the lawyer any substantial gift, unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or individual with whom the lawyer or the client maintains a close familial relationship.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) While representing a client in connection with contemplated or pending litigation, a lawyer shall not advance or guarantee financial assistance to the lawyer's client, except that a lawyer may advance or guarantee the expenses of litigation, provided the client remains ultimately liable for such expenses to the extent of the client's ability to pay.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent;

(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and

(3) information related to the representation of a client is protected as required by Rule 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregate agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

(1) make an agreement prospectively limiting the lawyer's liability to a client for mal-

practice unless the client is independently represented in making the agreement;

(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith;

(3) enter into any agreement with a client regarding arbitration of malpractice claims without informed consent, in a writing signed by the client; or

(4) enter into an agreement with a client or former client limiting or purporting to limit the right of the client or former client to file or to pursue any complaint before the Oregon State Bar.

(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

(1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and

(2) contract with a client for a reasonable contingent fee in a civil case.

(j) A lawyer shall not have sexual relations with a current client of the lawyer unless a consensual sexual relationship existed between them before the client-lawyer relationship commenced; or have sexual relations with a representative of a current client of the lawyer if the sexual relations would, or would likely, damage or prejudice the client in the representation. For purposes of this rule:

(1) "sexual relations" means sexual intercourse or any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the lawyer for the purpose of arousing or gratifying the sexual desire of either party; and

(2) "lawyer" means any lawyer who assists in the representation of the client, but does not include other firm members who provide no such assistance.

(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.

RULE 1.9 DUTIES TO FORMER CLIENTS

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless each affected client gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter, unless each affected client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

RULE 1.10 IMPUTATION OF CONFLICTS OF INTEREST; SCREENING

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer and does not

present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9, unless the personally disqualified lawyer is screened from any form of participation or representation in the matter. For purposes of this rule, screening requires that:

(1) the personally disqualified lawyer shall serve on the lawyer's former law firm an affidavit attesting that during the period of the lawyer's disqualification the personally disqualified lawyer will not participate in any manner in the matter or the representation and will not discuss the matter or the representation with any other firm member; and the personally disqualified lawyer shall serve, if requested by the former law firm, a further affidavit describing the lawyer's actual compliance with these undertakings promptly upon final disposition of the matter or representation;

(2) at least one firm member shall serve on the former law firm an affidavit attesting that all firm members are aware of the requirement that the personally disqualified lawyer be screened from participating in or discussing the matter or the representation and describing the procedures being followed to screen the personally disqualified lawyer; and at least one firm member shall serve, if requested by the former law firm, a further affidavit describing the actual compliance by the firm members

with the procedures for screening the personally disqualified lawyer promptly upon final disposition of the matter or representation; and

(3) no violation of this Rule shall be deemed to have occurred if the personally disqualified lawyer does not know that the lawyer's firm members have accepted employment with respect to a matter which would require the making and service of such affidavits and if all firm members having knowledge of the accepted employment do not know of the disqualification.

(d) A disqualification prescribed by this rule may be waived by the affected clients under the conditions stated in Rule 1.7.

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

RULE 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

(a) Except as Rule 1.12 or law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9 (c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter substantially in accordance with the procedures set forth in Rule 1.10(c); and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter substantially in accordance with the procedures set forth in Rule 1.10(c).

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) use the lawyer's public position to obtain, or attempt to obtain, special advantage in legislative matters for the lawyer or for a client.

(ii) use the lawyer's public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client.

(iii) accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer's action as a public official.

(iv) either while in office or after leaving office use information the lawyer knows is confidential government information obtained while a public official to represent a private client.

(v) participate in a matter in which the lawyer participated personally and substan-

tially while in private practice or nongovernmental employment, unless the lawyer's former client and the appropriate government agency give informed consent, confirmed in writing; or

(vi) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk or staff lawyer to or otherwise assisting in the official duties of a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) Notwithstanding any Rule of Professional Conduct, and consistent with the "debate" clause, Article IV, section 9, of the Oregon Constitution, or the "speech or debate" clause, Article I, section 6, of the United States Constitution, a lawyer-legislator shall not be subject to discipline for words uttered in debate in either house of the Oregon Legislative Assembly or for any speech or debate in either house of the United States Congress.

(f) A member of a lawyer-legislator's firm shall not be subject to discipline for representing a client in any claim against the State of Oregon provided:

(1) the lawyer-legislator is screened from participation or representation in the matter in accordance with the procedure set forth in Rule 1.10(c) (the required affidavits shall be served on the Attorney General); and

(2) the lawyer-legislator shall not directly or indirectly receive a fee for such representation.

RULE 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-PARTY NEUTRAL

(a) Except as stated in Rule 2.4(b) and in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

ator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk or staff lawyer to or otherwise assisting in the official duties of a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter substantially in accordance with the procedures set forth in Rule 1.10(c); and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

RULE 1.13 ORGANIZATION AS CLIENT

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

(b) If a lawyer for an organization knows facts from which a reasonable lawyer, under the circumstances, would conclude that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which

reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, referral to the highest authority that can act on behalf of the organization as determined by applicable law.

(c) Except as provided in paragraph (d),

(1) if despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action or a refusal to act, that is clearly a violation of law, and

(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent may only be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

RULE 1.14 CLIENT WITH DIMINISHED CAPACITY

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

RULE 1.15-1 SAFEKEEPING PROPERTY

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession separate from the lawyer's own property. Funds, including advances for costs and expenses and escrow and other funds held for another, shall be kept in a separate "Lawyer Trust Account" maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Each lawyer trust account shall be an interest bearing account in a financial institution selected by the lawyer or law firm in the exercise of reasonable care. Lawyer trust accounts shall conform to Rule 1.15-2. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

(b) A lawyer may deposit the lawyer's own funds in a lawyer trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.

(c) A lawyer shall deposit into a lawyer trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.

RULE 1.15-2 IOLTA ACCOUNTS AND TRUST ACCOUNT OVERDRAFT NOTIFICATION

(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. A lawyer or law firm establishing an IOLTA account shall so advise the Oregon Law Foundation in writing within 30 days of its establishment.

(b) All client funds shall be deposited in the lawyer's or law firm's IOLTA account unless a particular client's funds can earn net interest. All interest earned by funds held in the IOLTA account shall be paid to the Oregon Law Foundation as provided in this rule.

(c) 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 paragraphs (a) through (d) of Rule 1.15-1 for the principal funds of the client. The interest bearing account shall be either:

(1) a separate account for each particular client or client matter; or

(2) 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.

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

(1) the amount of the funds to be deposited;

(2) the expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held;

(3) the rates of interest at financial institutions where the funds are to be deposited;

(4) 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;

(5) the capability of financial institutions, the lawyer or the law firm to calculate and pay income to individual clients; and

(6) any other circumstances that affect the ability of the client's funds to earn a net return for the client.

(e) The lawyer or law firm shall review the IOLTA account at reasonable intervals to determine whether circumstances have changed that require further action with respect to the funds of a particular client.

(f) If a lawyer or law firm determines that a particular client's funds in an IOLTA account either did or can earn net interest, the lawyer shall transfer the funds into an account specified in paragraph (c) of this rule and request a refund for any interest earned by the client's funds that may have been remitted to the Oregon Law Foundation.

(1) 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.

(2) 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.

(g) No earnings from a lawyer trust account shall be made available to a lawyer or the lawyer's firm.

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

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

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

(3) has entered into an agreement with the Oregon Law Foundation:

(i) to remit to the Oregon Law Foundation, at least quarterly, interest earned on the average daily balance in the lawyer's or law firm's IOLTA account, less reasonable service charges, if any; and

(ii) to 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 account balance 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; and

(4) has 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.

(i) 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:

(1) the identity of the financial institution;

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

(3) the account number; and

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

(j) Agreements between financial institutions and the Oregon State Bar shall apply to all

branches of the financial institution and shall not be canceled except upon a thirty-day notice in writing to Disciplinary Counsel.

(k) 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.

(l) Every lawyer who receives notification from a financial institution that any instrument presented against his or her lawyer trust account was presented against insufficient funds, whether or not the instrument was honored, shall promptly notify Disciplinary Counsel in writing of the same information required by paragraph (i). The lawyer shall include a full explanation of the cause of the overdraft.

RULE 1.16 DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(3) the client has used the lawyer's services to perpetrate a crime or fraud;

(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers, personal property and money of the client to the extent permitted by other law.

RULE 1.17 SALE OF LAW PRACTICE

(a) A lawyer or law firm may sell or purchase all or part of a law practice, including goodwill, in accordance with this rule.

(b) The selling lawyer, or the selling lawyer's legal representative, in the case of a deceased or disabled lawyer, shall provide written notice of the proposed sale to each current client whose legal work is subject to transfer, by certified mail, return receipt requested, to the client's last known address. The notice shall include the following information:

(1) that a sale is proposed;

(2) the identity of the purchasing lawyer or law firm, including the office address(es), and a brief description of the size and nature of the purchasing lawyer's or law firm's practice;

(3) that the client may object to the transfer of its legal work, may take possession of any client files and property, and may retain counsel other than the purchasing lawyer or law firm;

(4) that the client's legal work will be transferred to the purchasing lawyer or law firm, who will then take over the representation and act on the client's behalf, if the client does not object to the transfer within forty-five (45) days after the date the notice was mailed; and

(5) whether the selling lawyer will withdraw from the representation not less than forty-five (45) days after the date the notice was mailed, whether or not the client consents to the transfer of its legal work.

(c) The notice may describe the purchasing lawyer or law firm's qualifications, including the selling lawyer's opinion of the purchasing lawyer or law firm's suitability and competence to assume representation of the client, but only if the selling lawyer has made a reasonable effort to arrive at an informed opinion.

(d) If certified mail is not effective to give the client notice, the selling lawyer shall take such steps as may be reasonable under the circumstances to give the client actual notice of the proposed sale and the other information required in subsection (b).

(e) A client's consent to the transfer of its legal work to the purchasing lawyer or law firm will be presumed if no objection is received within forty-five (45) days after the date the notice was mailed.

(f) If substitution of counsel is required by the rules of a tribunal in which a matter is pending, the selling lawyer shall assure that substitution of counsel is made.

(g) The fees charged clients shall not be increased by reason of the sale except upon agreement of the client.

(h) The sale of a law practice may be conditioned on the selling lawyer's ceasing to engage in the private practice of law or some particular area of practice for a reasonable period within the geographic area in which the practice has been conducted.

RULE 1.18 DUTIES TO PROSPECTIVE CLIENT

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) Representation is permissible if both the affected client and the prospective client have given informed consent, confirmed in writing, or:

(1) the disqualified lawyer is timely screened from any participation in the matter; and

(2) written notice is promptly given to the prospective client.

COUNSELOR

RULE 2.1 ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

RULE 2.2 [RESERVED]

RULE 2.3 EVALUATION FOR USE BY THIRD PERSONS

(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.

(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.

(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

RULE 2.4 LAWYER SERVING AS MEDIATOR

(a) A lawyer serving as a mediator:

(1) shall not act as a lawyer for any party against another party in the matter in mediation or in any related proceeding; and

(2) must clearly inform the parties of and obtain the parties' consent to the lawyer's role as mediator.

(b) A lawyer serving as a mediator:

(1) may prepare documents that memorialize and implement the agreement reached in mediation;

(2) shall recommend that each party seek independent legal advice before executing the documents; and

(3) with the consent of all parties, may record or may file the documents in court.

(c) Notwithstanding Rule 1.10, when a lawyer is serving or has served as a mediator in a matter, a member of the lawyer's firm may accept or continue the representation of a party in the matter in mediation or in a related matter if all parties to the mediation give informed consent, confirmed in writing.

(d) The requirements of Rule 2.4(a)(2) and (b)(2) shall not apply to mediation programs established by operation of law or court order.

ADVOCATE

RULE 3.1 MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not knowingly bring or defend a proceeding, assert a position therein, delay a trial or take other action on behalf of a client, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law, except that a lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration may, nevertheless so defend the proceeding as to require that every element of the case be established.

RULE 3.2 [RESERVED]

RULE 3.3 CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false;

(4) conceal or fail to disclose to a tribunal that which the lawyer is required by law to reveal; or

(5) engage in other illegal conduct or conduct contrary to these Rules.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, unless compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

RULE 3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

(a) knowingly and unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) falsify evidence; counsel or assist a witness to testify falsely; offer an inducement to a witness that is prohibited by law; or pay, offer to pay, or acquiesce in payment of compensa-

tion to a witness contingent upon the content of the witness's testimony or the outcome of the case; except that a lawyer may advance, guarantee or acquiesce in the payment of:

(1) expenses reasonably incurred by a witness in attending or testifying;

(2) reasonable compensation to a witness for the witness's loss of time in attending or testifying; or

(3) a reasonable fee for the professional services of an expert witness.

(c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists;

(d) in pretrial procedure, knowingly make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused;

(f) advise or cause a person to secrete himself or herself or to leave the jurisdiction of a tribunal for purposes of making the person unavailable as a witness therein; or

(g) threaten to present criminal charges to obtain an advantage in a civil matter unless the lawyer reasonably believes the charge to be true and if the purpose of the lawyer is to compel or induce the person threatened to take reasonable action to make good the wrong which is the subject of the charge.

RULE 3.5 IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

(a) seek to influence a judge, juror, prospec-

tive juror or other official by means prohibited by law;

(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;

(c) communicate with a juror or prospective juror after discharge of the jury if:

(1) the communication is prohibited by law or court order;

(2) the juror has made known to the lawyer a desire not to communicate; or

(3) the communication involves misrepresentation, coercion, duress or harassment;

(d) engage in conduct intended to disrupt a tribunal; or

(e) fail to reveal promptly to the court improper conduct by a venireman or a juror, or by another toward a venireman or a juror or a member of their families, of which the lawyer has knowledge.

RULE 3.6 TRIAL PUBLICITY

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;

(2) information contained in a public record;

(3) that an investigation of a matter is in progress;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to subparagraphs (1) through (6):

(i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may:

(1) reply to charges of misconduct publicly made against the lawyer; or

(2) participate in the proceedings of legislative, administrative or other investigative bodies.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

(e) A lawyer shall exercise reasonable care to prevent the lawyer's employees from making an extrajudicial statement that the lawyer would be prohibited from making under this rule.

RULE 3.7 LAWYER AS WITNESS

(a) A lawyer shall not act as an advocate at a trial in which the lawyer is likely to be a witness on behalf of the lawyer's client unless:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case;

(3) disqualification of the lawyer would work a substantial hardship on the client; or

(4) the lawyer is appearing pro se.

(b) A lawyer may act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness on behalf of the lawyer's client.

(c) If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer or a member of the lawyer's firm may be called as a witness other than on behalf of the lawyer's client, the lawyer may continue the representation until it is apparent that the lawyer's or firm member's testimony is or may be prejudicial to the lawyer's client.

RULE 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; and

(b) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

RULE 3.9 ADVOCATE IN NONADJUDICATIVE PROCEEDINGS

A lawyer representing a client before a legislative body or administrative agency in a non-adjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

RULE 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting an illegal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

RULE 4.2 COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

In representing a client or the lawyer's own interests, a lawyer shall not communicate or cause another to communicate on the subject of the representation with a person the lawyer knows to be represented by a lawyer on that subject unless:

(a) the lawyer has the prior consent of a lawyer representing such other person;

(b) the lawyer is authorized by law or by court order to do so; or

(c) a written agreement requires a written notice or demand to be sent to such other person, in which case a copy of such notice or demand shall also be sent to such other person's lawyer.

RULE 4.3 DEALING WITH UNREPRESENTED PERSONS

In dealing on behalf of a client or the lawyer's own interests with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client or the lawyer's own interests.

RULE 4.4 RESPECT FOR THE RIGHTS OF THIRD PERSONS; INADVERTENTLY SENT DOCUMENTS

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, harass or burden a third person, or knowingly use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

LAW FIRMS AND ASSOCIATIONS

RULE 5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

A lawyer shall be responsible for another lawyer's violation of these Rules of Professional Conduct if:

(a) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(b) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

RULE 5.2 RESPONSIBILITIES OF A SUBORDINATE LAWYER

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

RULE 5.3 RESPONSIBILITIES REGARDING NONLAWYER ASSISTANTS

With respect to a nonlawyer employed or retained, supervised or directed by a lawyer:

(a) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(b) except as provided by Rule 8.4(b), a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

RULE 5.4 PROFESSIONAL INDEPENDENCE OF A LAWYER

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer's firm or firm members may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons.

(2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price.

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement.

(4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;

(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation, except as authorized by law; or

(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

(e) A lawyer shall not refer a client to a nonlawyer with the understanding that the lawyer will receive a fee, commission or anything of value in exchange for the referral, but a lawyer may accept gifts in the ordinary course of social or business hospitality.

RULE 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other sys-

tematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or

(5) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

RULE 5.6 RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a direct or indirect restriction on the lawyer's right to practice is part of the settlement of a client controversy.

RULE 5.7 [RESERVED]

PUBLIC SERVICE

RULE 6.1 [RESERVED]

RULE 6.2 [RESERVED]

RULE 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or

(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer's.

RULE 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration, notwithstanding that the reform may affect the interest of a client of the lawyer. When the lawyer knows

that the interest of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

RULE 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rule 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

INFORMATION ABOUT LEGAL SERVICES

RULE 7.1 COMMUNICATION CONCERNING A LAWYER'S SERVICES

(a) A lawyer shall not make or cause to be made any communication about the lawyer or the lawyer's firm, whether in person, in writing, electronically, by telephone or otherwise, if the communication:

(1) contains a material misrepresentation of fact or law, or omits a statement of fact or law necessary to make the communication considered as a whole not materially misleading;

(2) is intended or is reasonably likely to create a false or misleading expectation about results the lawyer or the lawyer's firm can achieve;

(3) except upon request of a client or potential client, compares the quality of the lawyer's or the lawyer's firm's services with the quality of the services of other lawyers or law firms;

(4) states or implies that the lawyer or the lawyer's firm specializes in, concentrates a practice in, limits a practice to, is experienced in, is presently handling or is qualified to handle matters or areas of law if the statement or implication is false or misleading;

(5) states or implies an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law;

(6) contains any endorsement or testimonial, unless the communication clearly and conspicuously states that any result that the endorsed lawyer or law firm may achieve on behalf of one client in one matter does not necessarily indicate that similar results can be obtained for other clients;

(7) states or implies that one or more persons depicted in the communication are lawyers who practice with the lawyer or the lawyer's firm if they are not;

(8) states or implies that one or more persons depicted in the communication are current clients or former clients of the lawyer or the lawyer's firm if they are not, unless the communication clearly and conspicuously discloses that the persons are actors or actresses;

(9) states or implies that one or more current or former clients of the lawyer or the lawyer's firm have made statements about the lawyer or the lawyer's firm, unless the making of such statements can be factually substantiated;

(10) contains any dramatization or recreation of events, such as an automobile accident, a courtroom speech or a negotiation session, unless the communication clearly and conspicuously discloses that a dramatization or recreation is being presented;

(11) is false or misleading in any manner not otherwise described above; or

(12) violates any other Rule of Professional Conduct or any statute or regulation applicable to solicitation, publicity or advertising by lawyers.

(b) An unsolicited communication about a lawyer or the lawyer's firm in which services are being offered must be clearly and conspicuously identified as an advertisement unless it is apparent from the context that it is an advertisement.

(c) An unsolicited communication about a lawyer or the lawyer's firm in which services are being offered must clearly identify the name and post office box or street address of the office of the lawyer or law firm whose services are being offered.

(d) A lawyer may pay others for disseminating or assisting in the dissemination of communications about the lawyer or the lawyer's firm only to the extent permitted by Rule 7.2.

(e) A lawyer may not engage in joint or group advertising involving more than one lawyer or law firm unless the advertising complies with Rules 7.1, 7.2, and 7.3 as to all involved lawyers or law firms. Notwithstanding this rule, a bona fide lawyer referral service need not identify the names and addresses of participating lawyers.

RULE 7.2 ADVERTISING

(a) A lawyer may pay the cost of advertisements permitted by these rules and may hire employees or independent contractors to assist as consultants or advisors in marketing a lawyer's or law firm's services. A lawyer shall not otherwise compensate or give anything of value to a person or organization to promote, recommend or secure employment by a client, or as a reward for having made a recommendation resulting in employment by a client, except as permitted by paragraph (c) or Rule 1.17.

(b) A lawyer shall not request or knowingly permit a person or organization to promote, recommend or secure employment by a client through any means that involves false or misleading communications about the lawyer or the lawyer's firm. If a lawyer learns that employment by a client has resulted from false or misleading communications about the lawyer or the lawyer's firm, the lawyer shall so inform the client.

(c) A lawyer or law firm may be recommended, employed or paid by, or cooperate with, a prepaid legal services plan, lawyer referral service, legal service organization or other similar plan, service or organization so long as:

(1) the operation of such plan, service or organization does not result in the lawyer or the lawyer's firm violating Rule 5.4, Rule 5.5, ORS 9.160, or ORS 9.500 through 9.520;

(2) the recipient of legal services, and not the plan, service or organization, is recognized as the client;

(3) no condition or restriction on the exercise of any participating lawyer's professional judgment on behalf of a client is imposed by the plan, service or organization; and

(4) such plan, service or organization does not make communications that would violate Rule 7.3 if engaged in by the lawyer.

RULE 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or

(2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the prospective client is such that the person could not exercise reasonable judgment in employing a lawyer;

(2) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or

(3) the solicitation involves coercion, duress or harassment.

(c) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall include the words "Advertisement" in noticeable and clearly readable fashion on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraph (a).

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

RULE 7.4 [RESERVED]

RULE 7.5 FIRM NAMES AND LETTERHEADS

(a) A lawyer may use professional announcement cards, office signs, letterheads, telephone and electronic directory listings, legal directory listings or other professional notices so long as the information contained therein complies with Rule 7.1 and other applicable Rules.

(b) A lawyer may be designated "Of Counsel" on a letterhead if the lawyer has a continuing professional relationship with a lawyer or law firm, other than as a partner or associate. A lawyer may be designated as "General Counsel" or by a similar professional reference on stationery of a client if the lawyer or the lawyer's firm devotes a substantial amount of professional time in the representation of the client.

(c) A lawyer in private practice:

(1) shall not practice under a name that is misleading as to the identity of the lawyer or lawyers practicing under such name or under a

name that contains names other than those of lawyers in the firm;

(2) may use a trade name in private practice if the name does not state or imply a connection with a governmental agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1; and

(3) may use in a firm name the name or names of one or more of the retiring, deceased or retired members of the firm or a predecessor law firm in a continuing line of succession. The letterhead of a lawyer or law firm may give the names and dates of predecessor firms in a continuing line of succession and may designate the firm or a lawyer practicing in the firm as a professional corporation.

(d) Except as permitted by paragraph (c), a lawyer shall not permit his or her name to remain in the name of a law firm or to be used by the firm during the time the lawyer is not actively and regularly practicing law as a member of the firm. During such time, other members of the firm shall not use the name of the lawyer in the firm name or in professional notices of the firm. This rule does not apply to periods of one year or less during which the lawyer is not actively and regularly practicing law as a member of the firm if it was contemplated that the lawyer would return to active and regular practice with the firm within one year.

(e) Lawyers shall not hold themselves out as practicing in a law firm unless the lawyers are actually members of the firm.

(f) Subject to the requirements of paragraph (c), a law firm practicing in more than one jurisdiction may use the same name in each jurisdiction, but identification of the firm members in an office of the firm shall indicate the jurisdictional limitations of those not licensed to practice in the jurisdiction where the office is located.

RULE 7.6 [RESERVED]

MAINTAINING THE INTEGRITY OF THE PROFESSION

RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS

(a) An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(1) knowingly make a false statement of material fact; or

(2) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

(b) A lawyer admitted to practice in this state shall, within 30 days after receiving notice thereof, report in writing to the disciplinary counsel of the Oregon State Bar the commencement against the lawyer of any disciplinary proceeding in any other jurisdiction.

(c) A lawyer who is the subject of a complaint or referral to the State Lawyers Assistance Committee shall, subject to the exercise of any applicable right or privilege, cooperate with the committee and its designees, including:

(1) responding to the initial inquiry of the committee or its designees;

(2) furnishing any documents in the lawyer's possession relating to the matter under investigation by the committee or its designees;

(3) participating in interviews with the committee or its designees; and

(4) participating in and complying with a remedial program established by the committee or its designees.

RULE 8.2 JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless

disregard to its truth or falsity concerning the qualifications or integrity of a judge or adjudicatory officer, or of a candidate for election or appointment to a judicial or other adjudicatory office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Oregon State Bar Client Assistance Office.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This rule does not require disclosure of information otherwise protected by Rule 1.6 or ORS 9.460(3), or apply to lawyers who obtain such knowledge or evidence while:

(1) acting as a member, investigator, agent, employee or as a designee of the State Lawyers Assistance Committee;

(2) acting as a board member, employee, investigator, agent or lawyer for or on behalf of the Professional Liability Fund or as a Board of Governors liaison to the Professional Liability Fund; or

(3) participating in the loss prevention programs of the Professional Liability Fund, including the Oregon Attorney Assistance Program.

RULE 8.4 MISCONDUCT

(a) It is professional misconduct for a lawyer to:

(1) violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(2) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law;

(4) engage in conduct that is prejudicial to the administration of justice; or

(5) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(b) Notwithstanding paragraphs (a)(1), (3) and (4) and Rule 3.3(a)(1), it shall not be professional misconduct for a lawyer to advise clients or others about or to supervise lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights, provided the lawyer's conduct is otherwise in compliance with these Rules of Professional Conduct. "Covert activity," as used in this rule, means an effort to obtain information on unlawful activity through the use of misrepresentations or other subterfuge. "Covert activity" may be commenced by a lawyer or involve a lawyer as an advisor or supervisor only when the lawyer in good faith believes there is a reasonable possibility that unlawful activity has taken place, is taking place or will take place in the foreseeable future.

RULE 8.5 DISCIPLINARY AUTHORITY; CHOICE OF LAW

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

RULE 8.6 WRITTEN ADVISORY OPINIONS ON PROFESSIONAL CONDUCT;

CONSIDERATION GIVEN IN DISCIPLINARY PROCEEDINGS

(a) The Oregon State Bar Board of Governors may issue formal written advisory opinions on questions under these Rules. The Oregon State Bar Legal Ethics Committee and

General Counsel's Office may also issue informal written advisory opinions on questions under these Rules. The General Counsel's Office of the Oregon State Bar shall maintain records of both OSB formal and informal written advisory opinions and copies of each shall be available to the Oregon Supreme Court, Disciplinary Board, State Professional Responsibility Board, and Disciplinary Counsel. The General Counsel's Office may also disseminate the bar's advisory opinions as it deems appropriate to its role in educating lawyers about these Rules.

(b) In considering alleged violations of these Rules, the Disciplinary Board and Oregon Supreme Court may consider any lawyer's good faith effort to comply with an opinion issued under paragraph (a) of this rule as:

(1) a showing of the lawyer's good faith effort to comply with these Rules; and

(2) a basis for mitigation of any sanction that may be imposed if the lawyer is found to be in violation of these Rules.

(c) This rule is not intended to, and does not, preclude the Disciplinary Board or the Oregon Supreme Court from considering any other evidence of either good faith or basis for mitigation in a bar disciplinary proceeding.

SUMMARY OF 2005 HOUSE OF DELEGATES ACTIONS

October 1, 2005

PASSED

BOG Resolution No. 1 - increases active membership fees by \$50 for 2006.

BOG Resolution No. 2 - In Memoriam in honor of those bar members who passed away.

BOG Resolution No. 3 - approves changes to the Oregon Rules of Professional Conduct regarding IOLTA accounts.

BOG Resolution No. 4 - expresses appreciation for work of legislators during the 73rd Legislative Assembly.

BOG Resolution No. 5 – directs BOG to explore a subscription model for putting CLE Publications online.

Delegate Resolution No. 1 (part 2) – seeks to eliminate \$40 MCLE fee for programs by local bar associations.

Delegates Resolution No. 2 - adopts aspirational goal of providing more teleconferenced OSB CLE Seminars.

Delegate Resolution No. 3 - adopts goal of using more 100% recycled paper.

Delegate Resolution No. 7 - expresses support for adequate funding for legal services for low-income Oregonians.

FAILED

Delegate Resolution No. 1 (part 1) – amends MCLE programs to provide for automatic accreditation for any program sponsored by a local bar.

Delegate Resolution No. 4 – seeks revisions to statutes governing independent contractors.

Delegate Resolution No. 5 – seeks elimination of the certification requirement in Rule 7A.

Delegate Resolution No. 6 – seeks generation of form pleadings.

Delegate Resolution No. 8 – seeks elimination of “Elimination of Bias” requirement.

Delegate Resolution No. 9 – seeks vote of entire membership concerning “Elimination of Bias” requirement.

SUMMARY OF 2004 HOUSE OF DELEGATES ACTIONS

October 16, 2004

PASSED

Board of Governors Resolution 1 – refers proposal to place CLE publications online for an advisory vote of the full membership.

Board of Governors Resolution 2 – In Memoriam

Board of Governors Resolution 3 – adopts revised Proposed Oregon Rules of Professional Conduct.

House of Delegates Resolution 1 – adopts Oregon State Bar support for adequate funding of public defense.

FAILED

House of Delegates Resolution 2 – adopts discount for certain attendees at Annual Meeting.

SUMMARY OF 2003 HOUSE OF DELEGATES ACTIONS

September 20, 2003

PASSED

BOG Resolution 1 - In Memoriam

BOG Resolution 2 – adopts Proposed Oregon Rules of Professional Conduct.

BOG Resolution 3 – expresses appreciation of the Oregon State Bar to Senate President Peter Courtney, Senator Kate Brown, Senator Charlie Ringo, Representative Rob Patridge, Representative Lane Shetterly, and Representative Max Williams.

SUMMARY OF 2002 HOUSE OF DELEGATES ACTIONS

January 18, 2002

Special Meeting

PASSED

BOG Resolution No. 1 – amends DR 1-102(A) – misconduct responsibility for others.

TABLED

BOG Resolution No. 2 – approves new DR 2-105 – compensation from non-lawyers.

October 5, 2002

PASSED

BOG Resolution No. 1 – increases annual membership fees.

BOG Resolution No. 2 – directs the Board of Governors to pursue and implement recommendations of the Disciplinary Systems Task Force.

BOG Resolution No. 3 - In Memorium.

BOG Resolution No. 4 – supports indigent defense funding.

BOG Resolution No. 5 – opposes initiative Measure 21 regarding new procedure for appointing and electing judges.

BOG Resolution No. 6 – opposes initiative Measure 22 requiring election of appellate judges by district.

BOG Resolution No. 7 – supports adequate funding for legal services for low-income Oregonians.

BOG Resolution No. 8 – supports adequate funding for the Judicial Department.

Delegate Resolution No. 3 – urges Supreme Court to allow for electronic filing projects.

BOG Resolution No. 9 – approves new DR 2-105 – compensation from non-lawyers.

FAILED

Delegate Resolution No. 1 – requests the BOG to seek a legislative amendment making child abuse reporting a one-time Mandatory Continuing Legal Education requirement for all members.

Delegate Resolution No. 2 - requests the BOG to seek a legislative amendment making child abuse reporting a one-time Mandatory Continuing Legal Education requirement for out-of-state members.

Delegate Resolution No. 4 – requests the BOG to ask the Oregon Supreme Court to make “diversity” a one-time Mandatory Continuing Legal Education requirement for all members.

Delegate Resolution No. 5 – requests the BOG to ask the Oregon Supreme Court to make “diversity” a one-time Mandatory Continuing Legal Education requirement for out-of-state members.

SUMMARY OF 2001 HOUSE OF DELEGATES ACTIONS

January 19, 2001

Special Meeting

PASSED

BOG Resolution No. 1 – amends DR 1-102(A) – misconduct responsibility for others.

September 22, 2001

PASSED

BOG Resolution No. 1 – increases inactive membership fees.

HOD Resolution No. 1 – creates disciplinary process study.

BOG Resolution No. 2 – In Memoriam.

BOG Resolution No. 3 – amends DR 1-102 – misconduct responsibility for acts of others.

FAILED

BOG Resolution No. 4 – changes the process used to elect the Oregon State Bar's ABA Delegates.

HOD Resolution No. 2 – amends DR 5-103(B) – recovery of costs from clients.

SUMMARY OF 2000 HOUSE OF DELEGATES ACTIONS

September 23, 2000

PASSED

BOG Resolution No. 1 – adopts 2001 fee resolution.

Delegate Resolution No. 4 - supports Ballot Measure 94.

BOG Resolution No. 4 - amends ORS 9.136-9.152 – removes committee chairs from being delegates of House of Delegates.

BOG Resolution No. 2 - In Memoriam.

BOG Resolution No. 3 - amends DR 5-106 and DR 5-105(G) – vicarious disqualification of affiliates.

BOG Resolution No. 6 - opposes Initiative Measure 8.

BOG Resolution No. 7 - re-establishes Oregon State Bar Annual Meeting.

Delegate Resolution No. 3 - amends DR 5-103(B).

FAILED

Revised BOG Resolution No. 5 - proposes study of Multidisciplinary Practice (MDP).

Delegate Resolution No. 1 - proposes election to HOD of chief delegate and regional delegates.

REFERRED TO COMMITTEE

BOG Resolution No. 8 - amends DR 1-103(E)(2).

Referred to Legal Ethics Committee for further study.

SUMMARY OF 1999 HOUSE OF DELEGATES ACTIONS

September 18, 1999

PASSED

BOG Resolution No. 1 –adopts 2000 fee resolution.

Delegate Resolution No. 4 – conducts membership survey on disability.

BOG Resolution No. 2 – In Memoriam.

BOG Resolution No. 3 – amends HOD Rule of Procedure 10.1.

BOG Resolution No. 4 – amends DR 8.101 – action as a public official and DR 5-105 – conflicts of interest: former and current clients.

BOG Resolution No. 6 – supports adequate funding for low-income legal services.

Delegate Resolution No. 1 – creates HOD list serves.

Delegate Resolution No. 2 – creates BOG/HOD annual meeting study group.

Delegate Resolution No. 3 – expresses appreciation to Senator Kate Brown and Representative Lane Shetterly.

Delegate Resolution No. 6 – opposes constitutional amendments proposed by Ballot Measures 69-75. (added to agenda by two-thirds vote.)

TABLED

BOG Resolution No. 5 – amends DR 5-106 and DR 10-101.

WITHDRAWN

Delegate Resolution No. 5 – directs oversight of PLF lobbying.

SUMMARY OF 1998 HOUSE OF DELEGATES ACTIONS

January 17, 1998

Special Meeting

Follow up meeting pursuant to the September 1997 meeting where the Board of Governors was directed to report to the House of Delegates its recommendations for implementation of Delegate Resolution No. 3.

September 26, 1998

PASSED

Delegate Resolution No. 8 – recognizes Classroom Law Project and directs Board of Governors to provide funding for it.

Delegate Resolution No. 11 – increases compensation of indigent defense lawyers.

BOG Resolution No. 2 – In Memoriam.

BOG Resolution No. 3 – amends DR 2-101, DR 2-102, DR 2-104, and DR 10-101 - advertising rules to include reference to electronic communication.

Delegate Resolution No. 2 – amends DR 5-106(B) and (C) - permits lawyer-mediators to file in court stipulated orders or judgments to implement settlement agreements they drafted.

Delegate Resolution No. 3 – adopts DR 8-101(C) - recognizes legislative immunity as amended - granted state and federal legislators under Article IV, Section 9 of the Oregon Constitution and Article 1, Section 6 of the U.S. Constitution, as amended.

BOG Resolution No. 4 – amends HOD Rule of Procedure 5.4 - changes delegate resolution deadline from 30 to 45 days before meetings of the house.

Delegate Resolution No. 5 – rejects and condemns campaigns to attack trial lawyers.

Delegate Resolution No. 12 – reaffirms the bar's strong support for Oregon's current constitutional and statutory structure for the selection and election of judges.

FAILED

BOG Resolution No. 1 – amends HOD Rule of Procedure 3.12.

Delegate Resolution No. 1 – urges Legislature to submit to voters and voters adopt a Crime Victims' Bill of Rights Amendment to Article 1 of the Oregon Constitution.

Delegate Resolution No. 4 – adopts HOD Rules of Procedure 5.8, 5.9 & 5.10 to create positions of Chief Delegate and Regional Delegates and to establish a schedule of meetings between these delegates, the Board of Governors, and the Chief Justice of the Supreme Court.

Delegate Resolution No. 6 – directs the Board of Governors to prepare and introduce amendments to ORS 9.136 through 9.155 to create positions of Chief Delegate and Regional Delegates.

Delegate Resolution No. 7 – directs the Board of Governors to submit legislation to repeal ORS Section 9.139 to and including ORS 9.155, which would eliminate the House of Delegates.

Delegate Resolution No. 9 – exempts frivolous bar complaints from public disclosure.

Delegate Resolution No. 10 – repeals DR 9-102 (Trust Account Overdraft Notification Program).

PRESENTER UNAVAILABLE (No Action)

Delegate Resolution No. 13 – amends ORS 9.136 to allow for elected alternate delegates.

SUMMARY OF 1997 HOUSE OF DELEGATES ACTIONS

September 27, 1997

PASSED

Fee Resolution:

Two or More Years.....	\$366
Less Than Two Years	\$306
Active Emeritus and Active Retired	\$95
Inactive Members.....	\$80

Delegate Resolution No. 2 – directs Board of Governors to study Trust Account Overdraft Notification Program.

Delegate Resolution No. 3 – supports Independent Judiciary.

BOG Resolution No. 2 - In Memoriam.

BOG Resolution No. 3 – supports Campaign for Equal Justice.

BOG Resolution No. 5 – changes to DR 5-105(G) – conflicts of interest: former and current clients.

Delegate Resolution No. 5 – directs Board of Governors to review Bar Rule 3.2(g).

Delegate Resolution No. 6 – fills vacancies in the Federal Judiciary (motion to suspend House Rule 5.4 and place on agenda passed by two-thirds vote).

Delegate Resolution No. 7 – opposes proposed split of Ninth Circuit (Motion to suspend House Rule 5.4 and place on agenda passed by two-thirds vote).

FAILED

Delegate Resolution No. 1 – reduces OSB Operating Reserve.

Delegate Resolution No. 4 – changes to quorum and voting rules for House of Delegates.

BOG Resolution No. 4 – changes to DR 5-103(B) – avoid acquisition of interest in litigation.

BOG Resolution No. 6 – changes to DR 7-104 – communicating with a person represented by counsel.

Motion to suspend House Rule 5.4 and consider Delegate Resolution to continue annual meetings on a regular basis.

Delegate Resolution No. 8 – establishes conduct regarding management of the HOD between annual meetings of the house (motion to suspend House Rule 5.4 and place on agenda passed by two-thirds).

SUMMARY OF 1996 HOUSE OF DELEGATES ACTIONS

September 28, 1996

PASSED

Adoption of House of Delegates Rules of Procedure.

Resolution No. 2 - shows appreciation for the Honorable Richard S. Springer.

Resolution No. 4 - revises DR 1-103(A) of the Code of Professional Responsibility (disclosure; duty to cooperate) (62/61).

Resolution No. 5 - amends DR 5-101(A) of the Code of Professional Responsibility (conflict of interest; lawyer's self-interest), as amended.

Resolution No. 6 - amends DR 5-105(G) of the Code of Professional Responsibility (conflict of interest: former and current clients).

Resolution No. 7 - amends DR 7-101 of the Code of Professional Responsibility (opinion letters for third parties).

Resolution No. 8 - revises DR 7-107(A) of the Code of Professional Responsibility (trial publicity).

Resolution No. 9 - revises DR 7-110(A) and (B) of the Code of Professional Responsibility (contact with officials).

Resolution No. 10 - revises DR 8-103(A) of the Code of Professional Responsibility (lawyers as candidates for judicial office).

Resolution No. 11 - supports civil legal services programs.

Resolution No. 12 - supports adequate indigent defense funding, as amended.

Resolution No. 13 - studies effects of Ballot Measure 11 (mandatory prison sentences).

Resolution No. 14 - opposes Ballot Measure 40 (victims' rights).

FAILED

A resolution to create a Credentials Committee for the House of Delegates.

A resolution to seek statutory changes to ORS 9.136(3) and (4) to eliminate non-elected delegates to the house.

An amendment to House of Delegates Rules of Procedure 5.4 to eliminate the requirement to include a description of financial impact of a measure to be delivered 30 days in advance of the meeting.

Resolution No. 3 - amends DR 1-102(A) of the Code of Professional Responsibility (discriminatory conduct), as amended.

A motion to refer Resolution No. 3 to committee.

House of Delegates Roster

(Revised April 25, 2006)

House of Delegates – Region 1

Elected Delegates:

Anthony Albertazzi *Exp. 04/14/08*
Philip R. Anderson *Exp. 04/16/07*
Sally Anderson-Hansell *Exp. 04/14/08*
John Hummel *Exp. 04/17/09*
Lung Hung *Exp. 04/17/09*
Dennis C. Karnopp *Exp. 04/16/07*
Nathan J. Ratliff *Exp. 04/18/09*
Eva Jo Temple *Exp. 04/16/07*

Public Member

Gregory A. Sackos *Exp. 04/16/07*

Ex-Officio Voting Delegates

Local Bar Presidents

Bruce E. Anderson (Union) *Exp. 12/06*
Stephen D. Finlayson (Harney) *Exp. 06/06*
Kevin J. Hashizume (Mid-Columbia) *Exp. 10/06*
Annette Hillman (Crook/Jefferson) *Exp. 11/06*
Alison G. Hohengarten (Deschutes) *Exp. 09/06*
Ryan S. Joslin (Grant) *Exp. 05/06*
J. T. Lieuallen, Jr (6th Judicial District) *Exp. 08/06*
Matthew T. Parks (Klamath) *Exp. 05/07*
Rebeca Piedra (Baker) *Exp. 12/06*
David A. Schutt (Lake) *Exp. 02/07*
Alyssa D. Slater (Wallowa) *Exp. 12/06*
William E. Van Atta (Malheur) *Exp. 12/06*

Section Chair

Christopher Linton Burford (Indian Law)

Board of Governors

Carol DeHaven Skerjanec

House of Delegates – Region 2

Elected Delegates

David N. Andrews *Exp. 04/01/08*
James C. Chaney *Exp. 04/14/08*
Andrea M. Davis *Exp. 04/14/09*
Joel DeVore *Exp. 04/14/08*
Hubert Duvall, Jr. *Exp. 04/14/09*
Alan J. Leiman *Exp. 04/16/07*
Thomas M. Orr *Exp. 04/16/07*
Liane I. Richardson *Exp. 04/14/08*
Ross M. Shepard *Exp. 04/14/09*

Public Member

Roger F. Smith *Exp. 04/18/08*

Ex-Officio Voting Delegates

Local Bar President

Marc D. Perrin (Lane) *Exp. 06/06*

Section Chairs

Patricia Lockary Chapman (Real Estate & Land Use)
Marc A. Spence (Litigation)

Board of Governor

Gerry Gaydos

House of Delegates – Region 3

Elected Delegates

William G. Carter *Exp. 04/14/08*
Christopher Cauble *Exp. 04/14/09*
Gary M. Georgeff *Exp. 04/14/08*
William P. Haberlach *Exp. 04/14/08*
Beth Heckert *Exp. 04/14/08*
Timothy L. Jackle *Exp. 04/14/09*
Eugene J. Karandy II *Exp. 04/14/09*
Douglass H. Schmor *Exp. 04/14/08*
David P. A. Seulean *Exp. 04/14/08*

Public Member

Cheryl C. Patten *Exp. 04/18/09*

Ex-Officio Voting Delegates

Local Bar Presidents

Ronald K. Cox (Coos) *Exp. 02/07*
George B. Heilig (Benton) *Exp. 06/06*
M. Gerard Herbage (Curry) *Exp. 04/06*
Mary Landers (Josephine) *Exp. 03/08*
Daniel Robert Lang (Douglas) *Exp. 05/06*
Penelope McCarthy (Lincoln) *Exp. 12/06*
D. Mack Walls (Linn) *Exp. 02/07*
Mark Weaver (Jackson) *Exp. 12/06*

Board of Governors

John A. Enbom (*Public Member*)
Timothy C. Gerking
Jonathan P. Hill (*Public Member*)

House of Delegates – Region 4

Elected Delegates

Robert A. Browning *Exp. 04/14/08*
Catherine P. Coburn *Exp. 04/14/08*
Susan D. Isaacs *Exp. 04/16/07*
Paula Holm Jensen *Exp. 04/18/07*
Paul T. Maloney *Exp. 04/14/08*
Bruce D. McLaughlin *Exp. 04/14/09*
Rebecca Pihl Mehlinger *Exp. 04/14/09*
Sharnel Korala Mesirow *Exp. 04/14/09*
John J. Tyner, III *Exp. 04/14/08*
Craig O. West *Exp. 04/14/09*
Pamela E. Yee *Exp. 04/16/07*

Public Member

Russell Tromley *Exp. 04/18/08*

Ex-Officio Voting Delegates

Local Bar Presidents

Daniel Gallagher (Columbia) *Exp. 12/06*
John F. Orr (Clatsop) *Exp. 01/07*
Michele C. Rini (Washington) *Exp. 06/06*
William K. Sargent (Tillamook) *Exp. 04/06*

Section Chairs

Ann L. Fisher (Administrative Law)
John E. LaVeille (Corporate Counsel)
Danny R. Olsen (Government Law)
Michael J. Tedesco (Labor & Employment)

Board of Governor

Douglas L. Minson

House of Delegates – Region 5

Elected Delegates

Beth A. Allen *Exp. 04/14/08*
Phillip M. Bender *Exp. 04/14/09*
Ruth A. Beyer *Exp. 04/16/07*
David A. Bledsoe *Exp. 04/16/07*
Thomas M. Christ *Exp. 04/14/09*
Thomas D'Amore *Exp. 04/14/09*
Nicholas L. Dazer *Exp. 04/14/09*
Brian B. Doherty *Exp. 04/16/07*
C. Marie Eckert *Exp. 04/14/09*
Susan K. Eggum *Exp. 04/16/07*
Dana M. Forman *Exp. 04/14/08*
Susan C. Glen *Exp. 04/16/07*
Bruce C. Hamlin *Exp. 04/14/08*
Edwin A. Harnden *Exp. 04/14/08*
James D. Hennings *Exp. 04/14/08*

Charles F. Hinkle *Exp. 04/16/07*
Janet Lee Hoffman *Exp. 04/14/09*
Hong N. Huynh *Exp. 04/16/07*
Mark Johnson *Exp. 04/14/08*
Robert C. Joondeph *Exp. 04/14/08*
Christopher H. Kent *Exp. 04/16/07*
Christopher A. Larsen *Exp. 04/14/09*
Justin Leonard *Exp. 04/14/09*
Kenneth Lerner *Exp. 04/16/07*
Paul E. Levy *Exp. 04/14/08*
Angel Lopez *Exp. 04/16/07*
Julia E. Markley *Exp. 04/14/09*
Thomas J. Matsuda *Exp. 04/14/08*
Katherine A. McDowell *Exp. 04/16/07*
John Casey Mills *Exp. 04/14/09*
Peter J. Mozena *Exp. 04/14/09*
Jeffrey Mutnick *Exp. 04/16/07*
Adrienne C. Nelson *Exp. 04/14/08*
Robert J. Neuberger *Exp. 04/16/07*
Robert D. Newell *Exp. 04/16/07*
Melvin Oden-Orr *Exp. 04/14/08*
Christopher R. Piekarski *Exp. 04/14/09*
Krista Shipsey *Exp. 04/14/08*
Kathryn A. Short *Exp. 04/16/07*
Monica A. Smith *Exp. 04/14/09*
Agnes Sowle *Exp. 04/14/08*
David Thornburgh *Exp. 04/14/08*
Thomas H. Tongue *Exp. 04/14/08*
Thomas Michael Tongue *Exp. 04/16/07*
Trung D. Tu *Exp. 04/14/08*
Heather J. Van Meter *Exp. 04/16/07*
Charles R. Williamson *Exp. 04/16/07*

Public Member

Eugene L. Bentley *Exp. 04/16/07*

Ex-Officio Voting Delegates

Local Bar Presidents

Kelly T. Hagan (Multnomah) *Exp. 06/06*

Section Chairs

Susan Ackerman (Energy Telecom & Utility Law)
Martin L. Alvey (Workers Compensation)
Kristy Kay Barrett (Juvenile Law)
Jay W. Beattie (Products Liability)
Christopher T. Carson (Business Litigation)
James R. Cartwright (Estate Planning & Admin)
Hope A. Del Carlo (Consumer Law)
Lew E. Delo (International Law)
Keith M. Garza (Appellate Practice)
Anne W. Glazer (Intellectual Property)

Gary P. Harrell (Health Law)
 Thomas Russell Johnson (Antitrust Trade Regulation)
 Jack Levy (Construction Law)
 Martin Francis Medeiros, II (Computer & Internet Law)
 Andrew J. Morrow, Jr. (Business Law)
 Craig C. Murphy (Admiralty)
 S. Jane Patterson (Elder Law)
 David G. Post (Securities Regulation)
 Donald H. Pyle (Environmental & Natural Resources)
 Jeffrey F. Renshaw (Family Law)
 Philip A. Rush (Aviation Law)
 David R. Simon (Diversity)
 Dennis Steinman (Civil Rights)
 Thomas W. Stilley (Debtor-Creditor)
 James N. Westwood (Constitutional Law)

Board of Governors

Linda K. Eyerman
 S. Ward Greene
 Albert A. Menashe
 Dennis P. Rawlinson
 Robert L. Vieira (*Public Member*)
 Theresa L. Wright
 Richard S. Yugler

Daniel Patrick Woram *Exp. 04/14/08*
 Ralph M. Yenne *Exp. 04/14/08*

Public Member

Lillis L. Larson *Exp. 04/18/09*

Ex-Officio Voting Delegates

Local Bar Presidents

Kristen S. David (Clackamas) *Exp. 12/06*
 Anthony B. James (Polk) *Exp. 12/06*
 Rachel Negra (Yamhill) *Exp. 01/07*
 John E. Pollino (Marion) *Exp. 12/06*

New Lawyers Division

John J. Marandas, Chairperson

Section Chairs

C. Jeffrey Abbott (Taxation)
 David L. Carlson (Law Practice Management)
 Rebecca A. Duncan (Criminal Law)
 Donna Goldian (Sole & Small Firm Practitioners)
 Joseph H. Hobson, Jr (Agricultural Law)
 Alison S. Kelley (Alternative Dispute Resolution)
 Linda Ziskin (Disability Law)

Board of Governors

Mark B. Comstock
 Marva Fabien
 Bette L. Worcester (*Public Member*)

House of Delegates – Region 6

Elected Delegates

Marc Abrams *Exp. 04/14/09*
 Victoria Short Baum *Exp. 04/14/08*
 Mark F. Bierly *Exp. 04/14/08*
 Steven M. Briggs *Exp. 04/16/07*
 Hon. Claudia M. Burton *Exp. 04/16/07*
 Sandra Smith Gangle *Exp. 04/14/08*
 Steven H. Gorham *Exp. 04/14/08*
 Diane L. Gruber *Exp. 04/14/09*
 Audrey B. Hirsch *Exp. 04/14/08*
 Wendy J. Johnson *Exp. 04/16/07*
 W. Bradford Jonasson *Exp. 04/14/08*
 Michael Allen Keeney *Exp. 04/14/08*
 Tom Kranovich *Exp. 04/14/09*
 Robert LeChevallier *Exp. 04/16/07*
 Michael D. McNichols *Exp. 04/14/08*
 Liani Jean Heh Reeves *Exp. 04/14/09*
 Velda Hamilton Rogers *Exp. 04/20/08*
 Peter Shepherd *Exp. 04/16/07*
 Angelica R. Vega *Exp. 04/16/07*

House of Delegates – Out-of-State

Elected Delegates

Steven C. Andersen *Exp. 04/14/08*
 John R. Bachofner *Exp. 04/17/09*
 Ann S. Christian *Exp. 04/16/07*
 Russell D. Garrett *Exp. 04/14/08*
 Carmen M. Guerricagoitia *Exp. 04/14/08*
 Russell B. Hale *Exp. 04/19/07*
 John F. Harwood *Exp. 04/18/07*
 James Joseph Jordan *Exp. 04/16/07*
 Ronald J. Knox *Exp. 04/14/08*
 Jeffrey T. Lindberg *Exp. 04/14/09*
 Matthew H. McCormick *Exp. 04/14/08*
 Steven D. Moe *Exp. 04/14/08*
 Anita C. Paulsen *Exp. 04/14/08*
 Janine Sarti *Exp. 04/15/07*
 Christopher G. Varallo *Exp. 04/14/09*
 Marshall L. Wilde *Exp. 04/14/08*
 Jason Wilson-Aguilar *Exp. 04/14/08*
 James T. Yand *Exp. 04/14/08*

2006 House of Delegates Directory

Revised April 25, 2006

C. Jeffrey Abbott
Abbott & Munns LLC
Suite 1
4891 Willamette Falls Dr
West Linn, OR 97068
Phone: 503 723-0374
Fax: 503 723-0974
jeff@abbottlaw.net

Marc Abrams
DOJ Trial Div/Spec Lit Unit
1162 Court St NE
Salem, OR 97301
Phone: 503 947-4700
Fax: 503 947-4793
marc.abrams@doj.state.or.us

Susan Ackerman
PO Box 10207
Portland, OR 97296
Phone: 503 297-2392
Fax: 503 297-2398
susan.k.ackerman@comcast.net

Anthony Albertazzi
Albertazzi Law Firm
1070 NW Bond St., Suite 202
Bend, OR 97701
Phone: 541 317-0231
Fax: 541 385-3106
albertazzi@legalsrv.com

Beth A. Allen
Allen2 Law LLC
Suite 1450
621 SW Morrison St
Portland, OR 97205
Phone: 503 241-3103
Fax: 503 224-1123
beth@allen2law.com

Martin L. Alvey
Martin L. Alvey PC
140 SW Arthur St., Suite 100
Portland, OR 97201
Phone: 503 229-0895
Fax: 503 229-1094
malvey@qwest.net

Steven C. Andersen
Bullivant Houser Bailey PC
805 Broadway St., Suite 400
Vancouver, WA 98660
Phone: 360 737-2308
Fax: 360 695-8504
steve.andersen@bullivant.com

Bruce E. Anderson
Anderson Law Office
1206 Penn Ave
La Grande, OR 97850
Phone: 541 963-7705
Fax: 541 963-7738
lglaw@eoni.com

Philip R. Anderson
Elliott Anderson LLP
42 NW Greeley Ave
Bend, OR 97701
Phone: 541 383-3755
Fax: 541 330-1480
philanderson@
bendbroadcable.com

Sally Anderson-Hansell
Anderson Hansell PC
475 E Main St
Hermiston, OR 97838
Phone: 541 567-7800
Fax: 541 567-7656
sally@andersonhansell.com

David N. Andrews
Hershner Hunter LLP
180 E 11th Ave
PO Box 1475
Eugene, OR 97440
Phone: 541 686-8511
Fax: 541 344-2025
dandrews@hershnerhunter.com

John R. Bachofner
Bullivant Houser Bailey PC
805 Broadway St., Suite 400
Vancouver, WA 98660
Phone: 360 693-2424
Fax: 360 695-8504
john.bachofner@bullivant.com

Kristy Kay Barrett
NAPOLS
812 SW Washington Suite 700
Portland, OR 97205
Phone: 503 223-9483
Fax: 503 294-1429
kristy.barrett@lasoregon.org

Victoria Short Baum
5193 Denton Dr
Lake Oswego, OR 97035
Phone: 503 780-5443
Fax:
vsb@shortbaum.com

Jay W. Beattie
Lindsay Hart Neil Weigler
1300 SW 5th Ave., Suite 3400
Portland, OR 97201
Phone: 503 226-7677
Fax: 503 226-7697
jbeattie@lindsayhart.com

Phillip M. Bender
Preston Gates & Ellis LLP
222 SW Columbia St #1400
Portland, OR 97201
Phone: 503 228-3200
Fax: 503 553-6218
pbender@prestongates.com

Eugene L. Bentley
One Morningview Place
Lake Oswego, OR 97035
Phone: 503 670 9300
Fax: 503 273-0256
geneb@
pacificsecuritycapital.com

Ruth A. Beyer
Stoel Rives LLP
900 SW 5th Ave., Suite 2600
Portland, OR 97204
Phone: 503 294-9332
Fax: 503 220-2480
rabeyer@stoel.com

Mark F. Bierly
345 NE 6th St
McMinnville, OR 97128
Phone: 503 472-9337

David A. Bledsoe
Perkins Coie LLP
1120 NW Couch 10th Flr
Portland, OR 97209
Phone: 503 727-2033
Fax: 503 727-2222
dbledsoe@perkinscoie.com

Steven M. Briggs
DOJ Criminal Justice Division
610 Hawthorne Ave SE #210
Salem, OR 97301
Phone: 503 378-6347
Fax: 503 373-1936
steven.briggs@doj.state.or.us

Robert A. Browning
Browning Law Offices PC
3012-B Pacific Ave
PO Box 430
Forest Grove, OR 97116
Phone: 503 359-4456
Fax: 503 357-4350
rab@jurislex.com

Christopher Linton Burford
Conf Tribes Umat Ind Res
73239 Confederated Way
PO Box 638
Pendleton, OR 97801
Phone: 541 966-2031
Fax: 541 278-7462
christopherburford@ctuir.com

Hon Claudia M. Burton
Circuit Court Judge
Marion County Courthouse
PO Box 12869
Salem, OR 97309
Phone: 503 584-7713
Fax: 503 584-7718

David L. Carlson
Salem Legal Group
1011 Liberty SE
PO Box 2780
Salem, OR 97308
Phone: 503 585-0700
Fax: 503 585-9181
dcarlson@salemlegalgroup.com

Christopher T. Carson
Kilmer Voorhees Laurick PC
732 NW 19th Ave
Portland, OR 97209
Phone: 503 224-0055
Fax: 503 222-5290
ccarson@kilmerlaw.com

William G. Carter
PO Box 70
Medford, OR 97501
Phone: 541 773-8471
Fax: 541 772-8600
wilcar@aol.com

James R. Cartwright
Cartwright & Associates
1000 SW Broadway Suite 1750
Portland, OR 97205
Phone: 503 226-0111
Fax: 503 226-3022
jcartwright@
cartwrightandassociates.com

Christopher Cauble
Cauble Dole & Sorenson
111 SE 6th St
PO Box 398
Grants Pass, OR 97528
Phone: 541 476-8825
Fax: 541 471-1704
clcauble@qwest.net

James C. Chaney
The Chaney Firm LLC
777 High St., Suite 280
Eugene, OR 97401
Phone: 541 683-3800
Fax: 541 683-3802
jchaney@thechaneyfirm.com

Patricia Lockary Chapman
Hershner Hunter LLP
180 E 11th Ave
PO Box 1475
Eugene, OR 97440
Phone: 541 686-8511
Fax: 541 344-2025
pchapman@hershnerhunter.com

Thomas M. Christ
Cosgrave Vergeer Kester LLP
805 SW Broadway 8th Flr
Portland, OR 97205
Phone: 503 323-9000
Fax: 503 323-9019
tchrist@cvk-law.com

Ann S. Christian
4114 Idaho St
Vancouver, WA 98661
Phone: 360 694-3905
annchristian@comcast.net

Catherine P. Coburn
Ofc of Admin Hearings
12901 SW Jenkins Rd Suite B
Beaverton, OR 97005
Phone: 503 646-9952
Fax: 503 646-4260
cathy.coburn@state.or.us

Mark B. Comstock
Garrett Hemann Robertson PC
1011 Commercial NE #210
PO Box 749
Salem, OR 97308
Phone: 503 581-1501
Fax: 503 581-5891
mcomstock@garrettlaw.com

Ronald Keith Cox
SW Oregon Pub Def Svcs Inc
390 S 2nd St
Coos Bay, OR 97420
Phone: 541 267-2472
Fax: 541 267-6853
rcox@swopds.org

Deborah K. Cumming
119 NW E St
Grants Pass, OR 97526
Phone: 541 479-2210
Fax: 541 479-3644
dkcumming2003@yahoo.com

Thomas D'Amore
D'Amore & Associates PC
506 SW 6th Ave., Suite 700
Portland, OR 97204
Phone: 503 222-6333
Fax: 503 224-1895
tom@damorelaw.com

Kristen S. David
Bowerman & Boutin LLP
1001 Molalla Ave., Suite 208
PO Box 100
Oregon City, OR 97045
Phone: 503 650-0700
Fax: 503 650-0053
kristen@bowermanboutin.com

Andrea D. Davis
Harrang Long Gary Rudnick PC
360 E 10th Ave., Suite 300
PO Box 11620
Eugene, OR 97440
Phone: 541 485-0220
Fax: 541 686-6564
andrea.davis@harrang.com

Nicholas L. Dazer
Bullivant Houser Bailey PC
888 SW 5th Ave., Suite 300
Portland, OR 97204
Phone: 503 499-4573
Fax: 503 295-0915
nick.dazer@bullivant.com

Hope A. Del Carlo
222 SW Columbia St #1600
Portland, OR 97201
Phone: 503 789-7372
Fax: 503 253-3208
hope_delcarlo@hotmail.com

Lew E. Delo
Delo & Bowers LLP
2400 SW 4th Ave., Suite 210
Portland, OR 97201
Phone: 503 228-3299
Fax: 503 228-1890
lew@delo-bowers.com

Joel DeVore
Luvaas Cobb
777 High St., Suite 300
PO Box 10747
Eugene, OR 97440
Phone: 541 484-9292
Fax: 541 343-1206
devore@luvaascobb.com

Brian B. Doherty
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2333
Fax: 503 224-0155
brian.doherty@millernash.com

Rebecca A. Duncan
Ofc of Public Defense Svcs
1320 Capitol St NE #200
Salem, OR 97303
Phone: 503 378-2451
Fax: 503 378-2163
rebecca.a.duncan@
opds.state.or.us

Hubert Duvall, Jr.
Clark & Duvall
975 Oak St., Suite 610
Eugene, OR 97401
Phone: 541 349-9979
Fax: 541 349-9799
hughduvall@
oregoncriminalattorney.com

C. Marie Eckert
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2477
Fax: 503 224-0155
marie.eckert@millernash.com

Susan K. Eggum
Susan K. Eggum PC
621 SW Alder St., Suite 600
Portland, OR 97205
Phone: 503 228-9607
Fax: 503 228-5790
susan@eggum.com

John A. Enbom
2625 SW Brooklane
Corvallis, OR 97333
Phone: 541 757-9614
Fax: 541 752-7030
jkenbom@yahoo.com

Linda K. Eyerman
Gaylord Eyerman Bradley PC
1400 SW Montgomery St
Portland, OR 97201
Phone: 503 222-3526
Fax: 503 228-3628
linda@gaylordeyerman.com

Marva Fabien
Willamette Univ Col of Law
245 Winter St SE
Salem, OR 97301
Phone: 503 375-5431
Fax: 503 370-6375
mfabien@willamette.edu

Stephen D. Finlayson
Stephen D. Finlayson PC
709 Ponderosa Vlg
Burns, OR 97720
Phone: 541 573-2151
Fax: 541 573-2550
finlaysonlaw@centurytel.net

Ann L. Fisher
AF Legal & Consult Svcs
PO Box 25302
Portland, OR 97298
Phone: 503 721-0181
Fax: 503 291-1556
energlaw@aol.com

Dana M. Forman
4010 NE Hancock 3216
Portland, OR 97212
Phone: 503 312-9787
danaforman@msn.com

Daniel Q. Gallagher
51605 Columbia River Hwy
PO Box 978
Scappoose, OR 97056
Phone: 503 543-5699
Fax: 503 543-2707
lawoffice@preheim.com

Sandra Smith Gangle
Sandra Smith Gangle PC
PO Box 904
Salem, OR 97308
Phone: 503 585-5070
Fax: 503 585-2412
gangle@open.org

Russell D. Garrett
Bullivant Houser Bailey PC
805 Broadway St., Suite 400
Vancouver, WA 98660
Phone: 360 737-3363
Fax: 360 695-8504
russ.garrett@bullivant.com

Keith M. Garza
TriMet
4012 SE 17th
Portland, OR 97202
Phone: 503 962-5653
Fax: 503 962-3095
garzak@trimet.org

Gerry Gaydos
Gaydos Churnside & Balthrop
PC
440 E Broadway Suite 300
Eugene, OR 97401
Phone: 541 343-8060
Fax: 541 343-1599
gerry@gcbpc.com

Gary M. Georgeff
610 5th St., Suite B
PO Box 847
Brookings, OR 97415
Phone: 541 469-6225
Fax: 541 469-9352
georgeff@bluewaterview.com

Timothy C. Gerking
Brophy Mills Schmor Gerking
201 W Main Suite 5
PO Box 128
Medford, OR 97501
Phone: 541 772-7123
Fax: 541 772-7249
kconnor@brophymills.com

Anne W. Glazer
Lane Powell PC
601 SW 2nd Ave., Suite 2100
Portland, OR 97204
Phone: 503 778-2116
Fax: 503 778-2200
glazera@lanepowell.com

Susan C. Glen
Dunn Carney Allen
851 SW 6th Ave., Suite 1500
Portland, OR 97204
Phone: 503 417-5373
Fax: 503 224-7324
scg@dunn-carney.com

Donna G. Goldian
Connolly & Goldian LLP
2731 12th St SE
PO Box 3095
Salem, OR 97302
Phone: 503 585-2054
Fax: 503 584-7037
donna@connollygoldian.com

Steven H. Gorham
341 State St
Salem, OR 97301
Phone: 503 364-6494
Fax: 503 364-4773
grumpy@teleport.com

S. Ward Greene
Greene & Markley PC
1515 SW 5th Ave., Suite 600
Portland, OR 97201
Phone: 503 295-2668
Fax: 503 224-8434
ward.greene@
greenemarkley.com

Diane L. Gruber
Gruber & Associates PC
1579 Burns St
West Linn, OR 97068
Phone: 503 722-7136
Fax: 503 650-7904
dlgesq@aol.com

Carmen M. Guerricagoitia
Jones Day
51 Louisiana Ave NW
Washington, DC 20003
Phone: 202 879-3744
Fax: 202 626-1700
cmguerricagoitia@jonesday.com

William P. Haberlach
201 W Main Suite 3B
Medford, OR 97501
Phone: 541 773-7477
Fax: 541 772-3374
billhaberlach@rvi.net

Kelly T. Hagan
Schwabe Williamson Wyatt PC
Suite 1900
1211 SW 5th Ave
Portland, OR 97204
Phone: 503 796-2423
Fax: 503 796-2900
khagan@schwabe.com

Russell B. Hale
Akerman Senterfitt et al
255 S Orange Ave., Suite 1700
PO Box 231
Orlando, FL 32802
Phone: 407 419-8556
Fax: 407 843-6610
russell.hale@akerman.com

Bruce C. Hamlin
Lane Powell PC
601 SW 2nd Ave., Suite 2100
Portland, OR 97204
Phone: 503 778-2158
Fax: 503 778-2200
hamlinb@lanepowell.com

Edwin A. Harnden
Barran Liebman LLP
601 SW 2nd Ave., Suite 2300
Portland, OR 97204
Phone: 503 276-2101
Fax: 503 274-1212
eharnden@barran.com

Gary P. Harrell
Harrell & Nester LLP
6825 SW Capitol Hill Rd., #19
Portland, OR 97219
Phone: 503 274-8700
Fax: 503 274-8730
gharrell@health-law.net

John F. Harwood
3510 NE 35th St
Lawton, OK 73507
Phone: 580 591-0151
Fax: 580 591-0151
john.f.harwood@us.army.mil

Kevin J. Hashizume
VanValkenburgh & Associates PC
204 E 4th St
The Dalles, OR 97058
Phone: 541 296-1106
Fax: 541 296-4654
hashizumepc@earthlink.net

Beth Heckert
Jackson County DA's Office
715 W 10th St
Medford, OR 97501
Phone: 541 774-8181
Fax: 541 608-2982
heckerbe@jacksoncounty.org

George B. Heilig
Cable Huston et al
582 NW Van Buren
PO Box 546
Corvallis, OR 97339
Phone: 541 754-7477
Fax: 541 754-0051
lawyerg@peak.org

James D. Hennings
Metro Public Defender Inc
630 SW 5th Ave., Suite 500
Portland, OR 97204
Phone: 503 225-9100
Fax: 503 295-0316
jim@mpdlaw.com

M Gerard Herbage
Curry County Counsel
PO Box 746
Gold Beach, OR 97444
Phone: 541 247-3291
Fax: 541 247-2718
herbage@co.curry.or.us

Jonathan P. Hill
2201 Whistlers Pk Rd
Roseburg, OR 97470
Phone: 541 440-4751
Fax: 541 440-4770
jhill@dcwisp.net

Annette Hillman
Jefferson County DA's Office
Jefferson Co Courthouse
75 SE C St., Suite B
Madras, OR 97741
Phone: 541 475-4452
Fax: 541 475-4512
annette.hillman@
jefferson.co.or.us

Charles F. Hinkle
Stoel Rives LLP
900 SW 5th Ave., Suite 2600
Portland, OR 97204
Phone: 503 294-9266
Fax: 503 220-2480
cfhinkle@stoel.com

Audrey B. Hirsch
DOJ Civil Enf Family Law
1162 Court St NE
Salem, OR 97301
Phone: 503 947-4400
Fax: 503 378-8981
audrey.hirsch@doj.state.or.us

Joseph H. Hobson Jr
PO Box 5790
Salem, OR 97304
Phone: 503 585-6708
Fax: 503 585-6710
joe@hobsonlawfirm.com

Janet Lee Hoffman
Law Ofcs of Janet L Hoffman
1000 SW Broadway Suite 1500
Portland, OR 97205
Phone: 503 222-1125
Fax: 503 222-7589
janet@jhoffman.com

Alison G. Hohengarten
Edwards Law Offices PC
225 NW Franklin Ave., Suite 2
Bend, OR 97701
Phone: 541 318-0061
Fax: 541 318-0062
alison@bendlawfirm.com

Paula Holm Jensen
Holm Jensen Law LLC
PO Box 4825
Portland, OR 97208
Phone: 503 490-0265
paula@holmjensenlaw.com

John Hummel
The Hummel Law Firm
777 NW Wall St., Suite 305
Bend, OR 97701
Phone: 541 330-7077
Fax: 541 330-7078
john@hummellawfirm.net

Lung Shu Hung
Malheur County DA's Office
Box C
251 B St W
Vale, OR 97918
Phone: 541 473-5127
Fax: 541 473-5199
lhung@malheurco.org

Hong N. Huynh
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2485
Fax: 503 224-0155
hong.huynh@millernash.com

Susan D. Isaacs
4915 SW Griffith Dr #105
Beaverton, OR 97005
Phone: 503 646-4200
Fax: 503 672-7185
law@sisaacs.com

Timothy L. Jackle
Foster Denman LLP
3521 E Barnett Rd
PO Box 1667
Medford, OR 97501
Phone: 541 770-5466
Fax: 541 770-6502
tjackle@fosterdenman.com

Anthony B. James
Shetterly Irick & Ozias
189 SW Academy St
PO Box 105
Dallas, OR 97338
Phone: 503 623-6695
Fax: 503 623-6698
anthony@siso-law.com

Mark Johnson
Johnson Renshaw & Lechman-
Su
516 SE Morrison St #1200
Portland, OR 97214
Phone: 503 224-1640
Fax: 503 224-0092
markj@jrl-s.com

Thomas Russell Johnson
Perkins Coie LLP
1120 NW Couch 10th Flr
Portland, OR 97209
Phone: 503 727-2176
Fax: 503 346-2176
trjohnson@perkinscoie.com

Wendy J. Johnson
Oregon Law Commission
Willamette College of Law
245 Winter St
Salem, OR 97301
Phone: 503 370-6983
Fax: 503 370-6998
wjohnson@willamette.edu

W. Bradford Jonasson Jr
294 Warner Milne Rd
Oregon City, OR 97045
Phone: 503 657-4848
Fax: 503 650-0367
jonlawpdx@opusnet.com

Robert C. Joondeph
Oregon Advocacy Center
620 SW 5th Ave 5th Flr
Portland, OR 97204
Phone: 503 243-2081
Fax: 503 243-1738
bob@oradvocacy.org

James Joseph Jordan
42 Mohawk Ave
Corte Madera, CA 94925
Phone: 415 924-4410
Fax: 415 924-4430
jimjordan@eeolaw.com

Ryan S. Joslin
Carpenter & Joslin PC
601 S Canyon Blvd
John Day, OR 97845
Phone: 541 575-3800
Fax: 541 575-3805
ryanjoslin@centurytel.net

Eugene J. Karandy II
Linn County Counsel/DDA
104 4th SW Rm 123
PO Box 100
Albany, OR 97321
Phone: 541 967-3840
Fax: 541 928-5424
gkarandy@co.linn.or.us

Dennis C. Karnopp
Karnopp Petersen LLP
1201 NW Wall St., Suite 300
Bend, OR 97701
Phone: 541 382-3011
Fax: 541 388-5410
dck@karnopp.com

Michael Allen Keeney
Marion-Polk Legal Aid Svc
1655 State St
Salem, OR 97301
Phone: 503 581-5265
Fax: 503 581-5627
michael@mplas.org

Alison S. Kelley
Conflict Mgmt Strategies
494 State St., Suite 220
Salem, OR 97301
Phone: 503 363-6533
Fax: 503 363-0535
alisonskelley@aol.com

Christopher H. Kent
Kent & Johnson LLP
1500 SW Taylor St
Portland, OR 97205
Phone: 503 220-0717
Fax: 503 220-4299
ckent@kentlaw.com

Ronald J. Knox
Garvey Schubert Barer
1191 2nd Ave 18th Flr
Seattle, WA 98101
Phone: 206 464-3939
Fax: 206 464-0125
rknox@gsblaw.com

Tom Kranovich
Tom Kranovich
5 Centerpointe Dr Suite 400
Lake Oswego, OR 97035
Phone: 971 204-0260
Fax: 971 204-0261
tom@tkatlaw.com

Mary Landers
Mary E Landers
119 NW E St
Grants Pass OR 97526
Phone: 541 956-9922
Fax: 541 956-9923

Daniel Robert Lang
Law Office of Danny Lang
140 S State St
Sutherlin, OR 97479
Phone: 541 459-9898
Fax: 541 459-1230
attorneylang@paccomm.net

Christopher A. Larsen
4th Judicial District
Multnomah Co Courthouse
1021 SW 4th Ave
Portland, OR 97204
Phone: 503 988-5474
Fax: 503 276-0997
christopher.a.larsen@
ojd.state.or.us

Lillis L. Larson
854 Madrona Ave SE
Salem, OR 97302
lillis@ncn.com

John E. LaVeille
Pacific Northwest Title
Suite 220
9020 SW Washington Sq Rd
Portland, OR 97223
Phone: 503 671-0505
Fax: 503 644-5926
johnl@pnwtor.com

Robert LeChevallier
Buckley LeChevallier PC
3 Centerpointe Dr Suite 250
Lake Oswego, OR 97035
Phone: 503 620-8900
Fax: 503 620-4878
rlc@buckley-law.com

Alan J. Leiman
PO Box 5824
Eugene, OR 97405
Phone: 541 343-6706
leimanaj@comcast.net

Justin D. Leonard
Ball Janik LLP
101 SW Main St., Suite 1100
Portland, OR 97204
Phone: 503 228-2525
Fax: 503 295-1058
jleonard@bjllp.com

Kenneth Lerner
3439 NE Sandy Blvd #286
Portland, OR 97232
Phone: 503 223-0442
Fax: 503 223-3151
ken@klerner.com

Jack Levy
Smith Freed & Eberhard PC
1001 SW 5th Ave 17th Flr
Portland, OR 97204
Phone: 503 227-2424
Fax: 503 227-2535
jlevy@smithfreed.com

Paul E. Levy
Metro Public Defender Inc
630 SW 5th Ave., Suite 500
Portland, OR 97204
Phone: 503 225-9100
Fax: 503 295-0316
plevy@mpdlaw.com

J. T. Lieuallen, Jr.
Corey Byler Rew et al
222 SE Dorion Ave
PO Box 218
Pendleton, OR 97801
Phone: 541 276-3331
Fax: 541 276-3148
jt@corey-byler.com

Jeff Lindberg
Miller Nash LLP
500 E Broadway Suite 400
Vancouver, WA 98660
Phone: 360 699-4771
Fax: 360 759-4694
jeff.lindberg@millernash.com

Angel Lopez
Squires & Lopez
621 SW Morrison St #1250
Portland, OR 97205
Phone: 503 241-4708
Fax: 503 323-7356
alopez@squireslopez.com

Paul T. Maloney
Washington County DA's Office
Suite 300
150 N 1st Ave MS40
Hillsboro, OR 97124
Phone: 503 846-8671
Fax: 503 846-8707
paul_maloney@
co.washington.or.us

John J. Marandas
John J. Marandas PC
Suite 105
16325 Boones Ferry Rd
Lake Oswego, OR 97035
Phone: 503 697-4834
Fax: 503 210-0369
john@marandas-law.com

Julia Elizabeth Markley
Perkins Coie LLP
1120 NW Couch 10th Flr
Portland, OR 97209
Phone: 503 727-2259
Fax: 503 727-2222
jmarkley@perkinscoie.com

Thomas J. Matsuda
Legal Aid Services of Oregon
921 SW Washington #570
Portland, OR 97205
Phone: 503 224-4094
Fax: 503 417-0147
tom.matsuda@lasoregon.org

Penelope Wadsworth McCarthy
Affiliated Computer Svcs
345 SW 11th
Newport, OR 97365
Phone: 541 574-8276
Fax: 520 886-4763
penelope.mccarthy@acs-inc.com

Matthew H. McCormick
Reddy Begley & McCormick
1156 15th St NW St
Washington, DC 20005
Phone: 202 659-5700
Fax: 202 659-5711
mhm@rbmfclaw.com

Katherine A. McDowell
Stoel Rives LLP
900 SW 5th Ave., Suite 2600
Portland, OR 97204
Phone: 503 294-9602
Fax: 503 220-2480
kamcdowell@stoel.com

Bruce D. McLaughlin
PO Box 25059
Portland, OR 97298
Phone: 503 644-9597
Fax: 503 644-9598
bmclaugh@davidbowie.com

Michael D. McNichols
The McNichols Law Ofc PC
181 N Grant St., Suite 206A
Canby, OR 97013
Phone: 503 266-8687
Fax: 503 266-8689
mdirkm@teleport.com

Martin Francis Medeiros II
Swider Medeiros Haver LLP
Suite 1420
621 SW Morrison St
Portland, OR 97205
Phone: 503 226-8122
mmedeiros@smhlhllaw.com

Rebecca Pihl Mehringer
Washington County DA's Office
Suite 300
150 N 1st Ave MS40
Hillsboro, OR 97124
Phone: 503 846-8759
Fax: 503 846-3407

Albert A. Menashe
Gevurtz Menashe et al
111 SW 5th Ave., Suite 900
Portland, OR 97204
Phone: 503 227-1515
Fax: 503 243-2038
amenashe@gevurtzmenashe.com

Sharnel Korala Mesirow
Sharnel Korala PC
12450 SW 1st St
Beaverton, OR 97005
Phone: 503 644-3174
Fax: 503 644-4963
skorala@koralalaw.com

John Casey Mills
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2636
Fax: 503 224-0155
casey.mills@millernash.com

Douglas L. Minson
Minson & Associates
247 SE Washington St #200
PO Box 1837
Hillsboro, OR 97123
Phone: 503 844-4884
Fax: 503 844-4887
douglasminsonatty@yahoo.com

Steven D. Moe
Ofc of Tribal Attorney
PO Box 188
Hoopa, CA 95546
Phone: 530 625-4211
Fax: 530 625-4847
smoe@hoopa-nsn.gov

Andrew J. Morrow Jr
Foster Pepper Tooze LLP
601 SW 2nd Ave., Suite 1800
Portland, OR 97204
Phone: 503 221-2204
Fax: 800 601-9231
morra@fosterpdx.com

Peter J. Mozena
Mozena Law Office
4411 NE Tillamook
PO Box 13039
Portland, OR 97213
Phone: 503 493-9494
Fax: 503 493-9393
mozenalaw@mozenalaw.com

Craig C. Murphy
Wood Tatum Sanders et al
1001 SW 5th Ave., Suite 1300
Portland, OR 97204
Phone: 503 721-9398
Fax: 503 241-7235
cmurphy@woodtatum.com

Jeffrey Mutnick
Landye Bennett Blumstein LLP
1300 SW 5th Ave., Suite 3500
Portland, OR 97201
Phone: 503 224-4100
Fax: 503 224-4133
jmutnick@landye-bennett.com

Rachel Negra
Kevin J Kinney PC
825 NE Evans St
McMinnville, OR 97128
Phone: 503 435-1261
Fax: 503 435-2029
rachel@worryfreelaw.com

Hon Adrienne C. Nelson
Circuit Court Judge
Multnomah Co Courthouse
1021 SW 4th Ave
Portland, OR 97204
Phone: 503 988-5047
Fax: 503 276-0952
adrienne.nelson@ojd.state.or.us

Robert J. Neuberger
806 SW Broadway Suite 700
Portland, OR 97205
Phone: 503 228-1221
Fax: 503 228-2556
rjn@robertneuberger.com

Robert D. Newell
Davis Wright Tremaine LLP
1300 SW 5th Ave., Suite 2300
Portland, OR 97201
Phone: 503 778-5234
Fax: 503 778-5299
bobnewell@dwt.com

Melvin Oden-Orr
Oden-Orr LLC
Suite 1200
516 SE Morrison St
Portland, OR 97214
Phone: 503 235-3477
Fax: 503 255-4718
melvin@oden-orrlaw.com

Danny R. Olsen
Washington County Counsel
340 Public Svcs Bldg MS24
155 N 1st Ave
Hillsboro, OR 97124
Phone: 503 846-8747
Fax: 503 846-8636
dan_olsen@co.washington.or.us

Thomas M. Orr
Hutchinson Cox Coons et al
777 High St., Suite 200
Eugene, OR 97401
Phone: 541 686-9160
Fax: 541 343-8693
torr@eugene-law.com

John F. Orr
John F. Orr PC
395 11th St
PO Box 354
Astoria, OR 97103
Phone: 503 338-0049
Fax: 503 338-0121
johnforr2@hotmail.com

Matthew T. Parks
Parks & Parks
832 Klamath Ave
Klamath Falls, OR 97601
Phone: 541 883-1500
Fax: 541 883-1501
mparks@charterinternet.com

Cheryl C. Patten
Morgan Stanley Dean
1575 E McAndrews Rd
Medford, OR 97504
Phone: 541 770-3366
Fax: 541 618-6180
cheryl.patten@morganstanley.com

S. Jane Patterson
2460 NE Division St
Gresham, OR 97030
Phone: 503 667-5300
Fax: 503 665-2845
jane@sjanepatterson.com

Anita C. Paulsen
Public Defender Assoc
810 3rd Ave 8th Flr
Seattle, WA 98104
Phone: 206 447-3900
Fax: 206 447-3956
anita.paulsen@defender.org

Marc D. Perrin
Marc D. Perrin PC
777 High St., Suite 110
Eugene, OR 97401
Phone: 541 345-0003
Fax: 541 345-2167

Rebeca A. Piedra
Baker County DA's Office
1995 3rd St
Baker City, OR 97814
Phone: 541 523-8205
Fax: 541 523-3913
rebeca.piedra@gmail.com

Christopher Russell Piekarski
Multnomah County DA's Office
600 Multnomah Co Crthouse
1021 SW 4th Ave
Portland, OR 97204
Phone: 503 988-3162
Fax: 503 988-3643
chris.piekarski@mcda.us

John E. Pollino
Garrett Hemann Robertson PC
1011 Commercial NE #210
PO Box 749
Salem, OR 97308
Phone: 503 581-1501
Fax: 503 581-5891
jpollino@garrettlaw.com

David G. Post
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2517
Fax: 503 224-0155
david.post@millernash.com

Donald H. Pyle
Lane Powell PC
601 SW 2nd Ave., Suite 2100
Portland, OR 97204
Phone: 503 778-2107
Fax: 503 778-2200
pyled@lanepowell.com

Nathan J. Ratliff
Ratliff & Ratliff PC
905 Main St., Suite 200
Klamath Falls, OR 97601
Phone: 541 882-6331
Fax: 541 883-8494
nathan_ratliff@yahoo.com

Dennis P. Rawlinson
Miller Nash LLP
111 SW 5th Ave., Suite 3400
Portland, OR 97204
Phone: 503 205-2406
Fax: 503 224-0155
dennis.rawlinson@millernash.com

Liani J.H.. Reeves
Department of Justice
1162 Court St NE
Salem, OR 97301
Phone: 503 947-4700
Fax: 503 947-4791
liani.j.reeves@state.or.us

Jeffrey F. Renshaw
Johnson Renshaw & Lechman-Su
516 SE Morrison St #1200
Portland, OR 97214
Phone: 503 224-1640
Fax: 503 224-0092
jeffreyr@jrl-s.com

Liane I. Richardson
Univ of Oregon Sch of Law
1221 University of Oregon
1515 Agate St
Eugene, OR 97403
Phone: 541 346-3896
Fax: 541 346-3995
lrichard@law.uoregon.edu

Michele C. Rini
WA Co Circuit Ct Juvenile Dept
222 N 1st Ave
Hillsboro, OR 97124
Phone: 503 846-4701
michele.c.rini@ojd.state.or.us

Velda Hamilton Rogers
1115 Madison St NE #118
Salem, OR 97303
Phone: 503 399-9320
Fax: 503 399-9024
vhr@open.org

Philip A. Rush
Martin Bischoff et al LLP
888 SW 5th Ave., Suite 900
Portland, OR 97204
Phone: 503 224-3113
Fax: 503 224-9471
prush@martinbischoff.com

Gregory A. Sackos
1425 Campbell St
Baker City, OR 97814
Phone: 541 523-4434
Fax: 541 523-9452
gregsackos@eoni.com

William K. Sargent
1134 Main Ave
Tillamook, OR 97141
Phone: 503 842-4921
Fax: 503 842-8862
wsargent@oregoncoast.com

Janine Sarti
St Luke's Medical Center
190 E Bannock St
Boise, ID 83712
Phone: 208 381-3595
Fax: 208 381-1185
sartij@slrnc.org

Douglass H. Schmor
Brophy Mills Schmor Gerking
201 W Main Suite 5
PO Box 128
Medford, OR 97501
Phone: 541 772-7123
Fax: 541 772-7249
dschmor@brophymills.com

David A. Schutt
Lake County DA's Office
513 Center St
Lakeview, OR 97630
Phone: 541 947-6009
Fax: 541 947-6008
daschutt@co.lake.or.us

David P. A. Seulean
David P. A. Seulean PC
622 Siskiyou Blvd
Ashland, OR 97520
Phone: 541 482-8492
Fax: 541 488-3239
davidseulean@earthlink.net

Ross M. Shepard
3185 Van Buren St
Eugene, OR 97405
Phone: 541 342-7530
rossshepard@earthlink.net

Peter Shepherd
DOJ Attorney General's Office
1162 Court St NE
Salem, OR 97301
Phone: 503 378-6002
Fax: 503 378-4017
pete.shepherd@doj.state.or.us

Krista Shipsey
Law Ofc of Larry Matasar
621 SW Morrison St #1025
Portland, OR 97205
Phone: 503 222-9830
Fax: 503 274-8575
krista@pdxlaw.com

Kathryn A. Short
Multnomah Co Atty's Ofc
Suite 500
501 SE Hawthorne Blvd
Portland, OR 97214
Phone: 503 988-3138
Fax: 503 988-3377
kathryn.a.short@
co.multnomah.or.us

David R. Simon
Black Helterline LLP
805 SW Broadway Suite 1900
Portland, OR 97205
Phone: 503 417-2135
Fax: 503 224-6148
drs@bhlaw.com

Carol DeHaven Skerjanec
280 A St E
PO Box 220
Vale, OR 97918
Phone: 541 473-3141
Fax: 541 473-2651
skerjanec@valelawyers.com

Alyssa D. Slater
Kirby Johnson Slater
200 W Main St
PO Box E
Enterprise, OR 97828
Phone: 541 426-5920
Fax: 541 426-4914
alyssa_slater@hotmail.com

Monica A. Smith
Smith Diamond & Olney
1500 NE Irving St., Suite 370
Portland, OR 97232
Phone: 503 229-0400
Fax: 503 229-0614
monica@sgdo.com

Roger F. Smith
Mitchell & Smith
PO Box 1102
Eugene, OR 97440
Phone: 541 341-6060
Fax: 541 345-5919
rfs2@comcast.net

Agnes Sowle
Multnomah Co Atty's Ofc
Suite 500
501 SE Hawthorne Blvd
Portland, OR 97214
Phone: 503 988-3138
Fax: 503 988-3377
agnes.sowle@
co.multnomah.or.us

Marc A. Spence
Spence & Sabitt LLP
160 E Broadway Suite 200
Eugene, OR 97401
Phone: 541 343-9909
Fax: 541 343-0014
marcspence@aol.com

Dennis Steinman
Kell Alterman & Runstein LLP
520 SW Yamhill St., Suite 600
Portland, OR 97204
Phone: 503 222-3531
Fax: 503 227-2980
dsteinman@kelrun.com

Thomas W. Stilley
Sussman Shank LLP
1000 SW Broadway Suite 1400
Portland, OR 97205
Phone: 503 243-1649
Fax: 503 248-0130
tom@sussmanshank.com

Michael J. Tedesco
15050 SW 150th Ct
Beaverton, OR 97007
Phone: 503 641-3463
Fax: 503 210-9847
miketlaw@miketlaw.com

Eva Jo Temple
Mautz Baum & O'Hanlon LLP
PO Box 628
Pendleton, OR 97801
Phone: 541 276-2811
Fax: 541 276-0543
ejt@mautzetal.com

David Thornburgh
Oregon Law Center
921 SW Washington #516
Portland, OR 97205
Phone: 503 473-8324
Fax: 503 295-0676
davidthornburgh@yahoo.com

Thomas Michael Tongue
Schwabe Williamson Wyatt PC
Suite 1900
1211 SW 5th Ave
Portland, OR 97204
Phone: 503 796-3747
Fax: 503 796-2900
ttongue@schwabe.com

Thomas H. Tongue
Dunn Carney Allen
851 SW 6th Ave., Suite 1500
Portland, OR 97204
Phone: 503 224-6440
Fax: 503 224-7324
tht@dunn-carney.com

Russell Tromley
PO Box 1429
Tualatin, OR 97062
Phone: 503 692-9212
Fax: 503 691-0872

Trung D. Tu
McEwen Gisvold LLP
1100 SW 6th Ave., Suite 1600
Portland, OR 97204
Phone: 503 226-7321
Fax: 503 243-2687
trungt@mcewengisvold.com

John J. Tyner III
Tyner & Associates
122 NE 3rd Ave
Hillsboro, OR 97124
Phone: 503 648-5591
Fax: 503 640-3393
luketyner@aol.com

William E. Van Atta
142 SW 3rd St
PO Box F
Ontario, OR 97914
Phone: 541 889-8110
Fax: 541 889-8873
bvanatta@fmtc.com

Heather J. Van Meter
Williams Kastner & Gibbs PLLC
888 SW 5th Ave., Suite 600
Portland, OR 97204
Phone: 503 944-6973
Fax: 503 222-7261
hvanmeter@wkg.com

Christopher G. Varallo
Witherspoon Kelley et al
422 W Riverside Ave
Suite 1100
Spokane, WA 99201
Phone: 509 624-5265
Fax: 509 458-2728
cgv@wkdtlaw.com

Angelica R. Vega
Marion-Polk Legal Aid Svc
1655 State St
Salem, OR 97301
Phone: 503 581-5265
Fax: 503 581-5627
angelica@mplas.org

Robert L. Vieira
Mail Code L349
3181 SW Sam Jackson
Portland, OR 97239
Phone: 503 494-7878
Fax: 503 494-7519
vieirar@ohsu.edu

D. Mack Walls
138 7th Ave SW
PO Box 66
Albany, OR 97321
Phone: 541 928-9975
Fax: 541 928-3308
dwalls8129@aol.com

Mark R. Weaver
Brophy Mills Schmor Gerking
201 W Main Suite 5
PO Box 128
Medford, OR 97501
Phone: 541 772-7123
Fax: 541 772-7249
mweaver@brophymills.com

Craig O. West
8555 SW Tualatin Rd
PO Box 909
Tualatin, OR 97062
Phone: 503 692-5585
Fax: 503 691-2694
craigowest@msn.com

James N. Westwood
Stoel Rives LLP
900 SW 5th Ave., Suite 2600
Portland, OR 97204
Phone: 503 294-9187
Fax: 503 220-2480
jnwestwood@stoel.com

Marshall L. Wilde
119 Van Zandt St
San Angelo, TX 76905
Phone: 325 651-1650
mlwilde@gmail.com

Charles R. Williamson
Kell Alterman & Runstein LLP
520 SW Yamhill St., Suite 600
Portland, OR 97204
Phone: 503 248-1854
Fax: 503 227-2980
charlie@kelrun.com

Jason Wilson-Aguilar
Routh Crabtree Olsen PS
Suite 200
3535 Factoria Blvd SE
Bellevue, WA 98006
Phone: 425 458-2121
Fax: 425 458-2131
jwilson-aguilar@rcflegal.com

Daniel Patrick Woram
Woram & Associates
615 Main St., Suite 202
Oregon City, OR 97045
Phone: 503 650-1800
Fax: 503 650-5976
woramlaw@justice.com

Bette L. Worcester
2435 Dillow Dr
West Linn, OR 97068
Phone: 503 635-6742
Fax:
betteofbog@att.net

Theresa L. Wright
Lewis & Clark Legal Clinic
310 SW 4th Ave., Suite 1018
Portland, OR 97204
Phone: 503 768-6500
Fax: 503 768-6540
twright@lclark.edu

James T. Yand
Stafford Frey Cooper PC
601 Union St., Suite 3100
Seattle, WA 98101
Phone: 206 623-9900
Fax: 206 624-6885
jyand@staffordfrey.com

Pamela E. Yee
Schmidt & Yee PC
18525 SW Vincent St
Aloha, OR 97007
Phone: 503 642-7641
Fax: 503 649-1823
syaloha@gte.net

Ralph M. Yenne
117 Commercial St NE #220
Salem, OR 97301
Phone: 503 588-1727
Fax: 503 391-1866

Richard S. Yugler
Landye Bennett Blumstein LLP
1300 SW 5th Ave., Suite 3500
Portland, OR 97201
Phone: 503 224-4100
Fax: 503 224-4133
ryugler@landye-bennett.com

Linda Ziskin
Law Ofc of Linda Ziskin
PMB 323
3 Monroe Pkwy Suite P
Lake Oswego, OR 97035
Phone: 503 889-0472
Fax: 503 210-0295
ziskinlaw@comcast.net

