

2007

House of Delegates Handbook

Includes

House of Delegates Resource Information
2007 House of Delegates Meeting Information
Rules, Regulations, Policies, and Guidelines
Actions of Past House of Delegates Meetings
2007 House of Delegates Members



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* The 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. *(The documents excerpted or included here change frequently and are kept updated in pdf versions on the website.)*

WEBSITE AND LIST SERVES

WEBSITE

HOD information is available on the bar's website at www.osbar.org. By clicking on the House of Delegates tab under Bar Leadership, you can view the current HOD roster, meeting schedule, staff contacts, and HOD rules and guidelines.

LIST SERVES

The Oregon State Bar has created an Electronic Mail Distribution List (list serve) for members of the HOD to share ideas and thoughts on governance issues relevant to the role of the HOD member.

A list serve is essentially an electronic bulk e-mail to all HOD members. The list serve offers members the capability of communicating instantly with a large group and a way to contribute to discussions. If you post to the list serve you are sending that posting to everyone.

Eight different e-mail list serves are available to serve the HOD: the All HOD list serve is available to all members of the HOD, and separate 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 or your own region's list. You cannot send messages to another region's list. To post a message on the list serves, address your e-mail to the appropriate address from the following list:

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

Participation is open to all HOD members who have e-mail addresses registered with the bar. Members are automatically signed up on the list serve, however your participation is not mandatory. If you have questions about the HOD list serves or would like to be removed from the lists, contact Danielle Edwards at (503) 431-6426 or dedwards@osbar.org.

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 the following assistance:

GENERAL INFORMATION CONTACTS:

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

HOD AGENDA INFORMATION AND HOD MEETINGS:

Teresa Wenzel, Executive Assistant

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:

Sylvia Stevens, General Counsel

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

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TECHNICAL ASSISTANCE TO PREPARE RESOLUTIONS:

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HOD ROSTER, DATA UPDATES, HOD E-MAIL, AND LIST SERVE INFORMATION:

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Fax: 503-598-6994

E-mail: dedwards@osbar.org

EXECUTIVE DIRECTOR

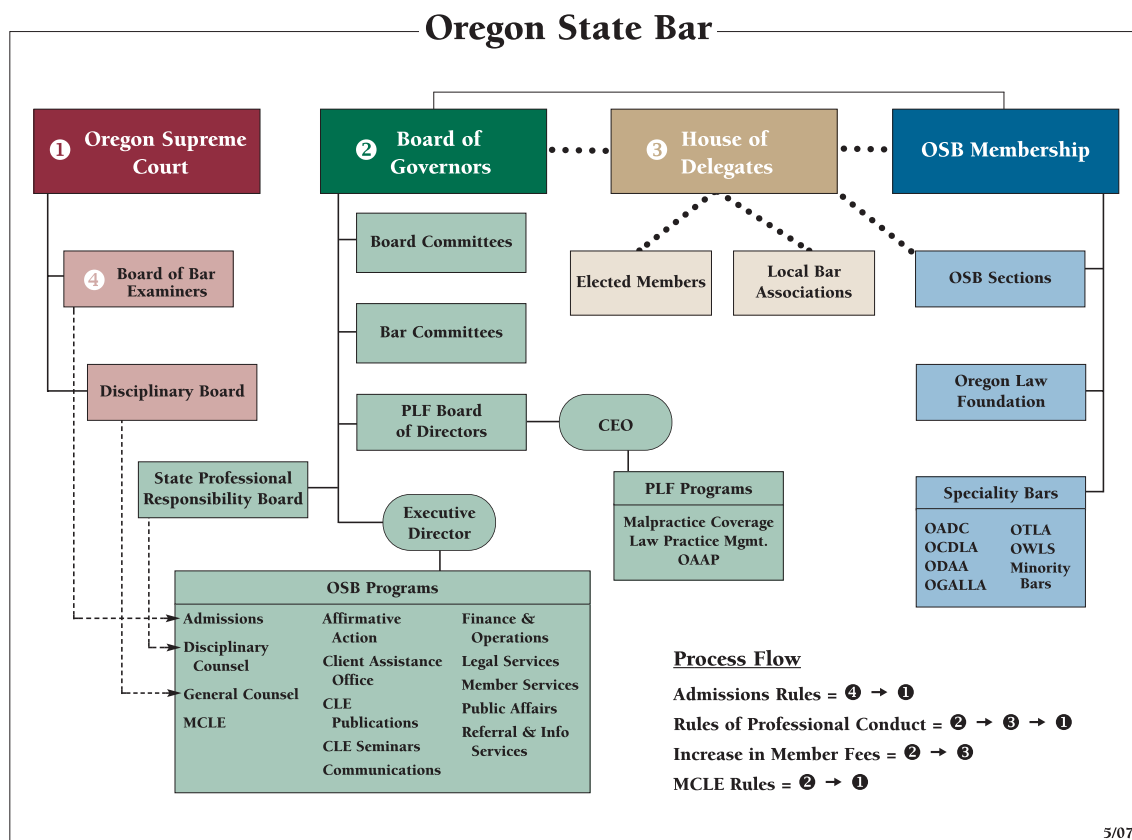
Karen L. Garst

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OSB ORGANIZATIONAL CHART



HOUSE OF DELEGATES

CALENDAR OF EVENTS

Delegate Resolution
DeadlineWednesday, August 15, 2007

HOD Regional Meetings June 11-15 and August 6-10, 2007

HOD Agenda Mailed to
Oregon State Bar MembersSeptember 3-8, 2007

2007 House of Delegates
Annual Meeting at Salishan
in Gleneden BeachSaturday, September 29, 2007

2007 HOUSE OF DELEGATES MEETING

The Oregon State Bar 2007 House of Delegates Annual Meeting will take place Saturday, September 29, 2007, at Salishan in Gleneden Beach, commencing at 10:00 a.m.

HOUSING INFORMATION

Delegates must make their own lodging arrangements. 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 Gleneden Beach, Lincoln City, or Newport. We encourage you to make your reservations as soon as possible to ensure lodging for the 2007 House of Delegates Annual meeting.

DELEGATE RESOLUTIONS

Delegate Resolutions Deadline — 5:00 p.m., Wednesday, August 15, 2007

Delegate resolutions for the 2007 House of Delegates Annual Meeting must be presented in writing to the Oregon State Bar Executive Director on or before 5:00 p.m., Wednesday, August 15, 2007 (45 days prior to the meeting). Each resolution must specify the name of the delegate who is submitting the resolution, the text of the resolution, a background statement, and, if the resolution has a budgetary impact, a detailed evaluation of such impact. The format for resolutions follows. The agenda for the House of Delegates Annual Meeting will be mailed to the membership no later than Sunday, September 9, 2007 (20 days prior to the House of Delegates Annual Meeting). 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 email at twenzel@osbar.org or Sylvia Stevens at 503-431-6359, sstevens@osbar.org.

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 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: 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. The Board of Governors has submitted eight 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 (1992 – approved); 5) whether to sponsor legislation establishing the Oregon State Bar House of Delegates (1992 – approved); 6) whether to place CLE Publications Online (2005 – approved); 7) an advisory vote to discontinue the MCLE Elimination of Bias requirement (2006 – passed); and 8) whether to allow the military to advertise in the *Bulletin* (2007 – 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 page 9. 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., Wednesday, August 15, 2007). 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.

STATEMENT OF PROFESSIONALISM

(Adopted by the Oregon Supreme Court and effective November 16, 2006)

As lawyers, we belong to a profession that serves our clients and the public good. As officers of the court, we aspire to a professional standard of conduct that goes beyond merely complying with the ethical rules. Professionalism is the courage to care about and act for the benefit of our clients, our peers, our careers, and the public good. Because we are committed to professionalism, we will conduct ourselves in a way consistent with the following principles in dealing with our clients, opposing parties, opposing counsel, the courts, and the public.

- I will promote the integrity of the profession and the legal system.
- I will work to ensure access to justice for all segments of society.
- I will avoid all forms of unlawful or unethical discrimination.
- I will protect and improve the image of the legal profession in the eyes of the public.
- I will promote respect for the courts.
- I will support the education of the public about the legal system.
- I will work to achieve my client's goals, while at the same time maintain my professional ability to give independent legal advice to my client.
- I will always advise my clients of the costs and potential benefits or risks of any considered legal position or course of action.
- I will communicate fully and openly with my client, and use written fee agreements with my clients.
- I will not employ tactics that are intended to delay, harass, or drain the financial resources of any party.
- I will always be prepared for any proceeding in which I am representing my client.
- I will be courteous and respectful to my clients, to adverse litigants and adverse counsel, and to the court.
- I will only pursue positions and litigation that have merit.
- I will explore all legitimate methods and opportunities to resolve disputes at every stage in my representation of my client.
- I will support pro bono activities.

OREGON STATE BAR 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 the current edition of Robert's Rules of Order Newly Revised.

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 OSB 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 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 of the House at which the amendment is to be considered.

For complete documentation of the Oregon State Bar House of Delegates Rules of Procedures, see the Oregon State Bar web site 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

As amended by the Board of Governors February 23, 2007

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 – AWARDS

SECTION 4.1 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.

SECTION 4.2 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.

SECTION 4.3 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.

SECTION 4.4 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.

SECTION 4.5 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 OSB Awards Dinner or House of Delegates 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.

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.

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 web site at www.osbar.org

OREGON RULES OF PROFESSIONAL CONDUCT

(adopted effective January 1, 2005; as amended through December 1, 2006)

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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 representation, 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 information relating to the representation 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 malpractice 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.

(d) For purposes of this rule, matters are "substantially related" if (1) the lawyer's representation of the current client will injure or damage the former client in con-

nection with the same transaction or legal dispute in which the lawyer previously represented the former client; or (2) there is a substantial risk that confidential factual information as would normally have been obtained in the prior representation of the former client would materially advance the current client's position in the subsequent matter.

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 or on Rule 1.7(a)(3) 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 substantially 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.

(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 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 that 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), if

- (1) 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 jurisdiction where the lawyer's office is situated. 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 the rules in the jurisdictions in which the ac-

counts are maintained. 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 purposes of paying bank service charges or meeting minimum balance requirements on that account, but only in amounts necessary for those purposes.

(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. IOLTA accounts shall be operated in accordance with this rule and with operating regulations and procedures as may be established by the Oregon State Bar with the approval of the Oregon Supreme Court.

(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 by the IOLTA account, computed in accordance with the institution's standard accounting practices, 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 collected account balance or the balance on which the interest remitted was otherwise computed for each month for which the remittance is made, the rate of interest applied, the period for which the remittance is made, and the amount and description of any service charges deducted during the remittance period; 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 or the Oregon Law Foundation shall apply to all branches of the financial institution. Such agreements shall not be canceled except upon a thirty-day notice in writing to OSB Disciplinary Counsel in the case of a trust account overdraft notification agreement or to the Oregon Law Foundation in the case of an IOLTA agreement.

(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.

(m) Every lawyer shall certify annually on a form and by a due date prescribed by the Oregon State Bar that the lawyer is in compliance with Rule 1.15-1 and this

rule. Between annual certifications, a lawyer establishing an IOLTA account shall so advise the Oregon Law Foundation in writing within 30 days of establishing the account, on a form approved by the Oregon Law Foundation.

(n) For the purposes of paragraph (h)(3), “service charges” are limited to the institution’s following customary check and deposit processing charges: monthly maintenance fees, per item check charges, items deposited charges and per deposit charges. Any other fees or transactions costs are not “service charges” for purposes of paragraph (h)(3) and must be paid by the lawyer or law firm.

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).

(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

In representing a client or the lawyer's own interests, 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 compensation 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, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte on the merits of a cause 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 nonadjudicative 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 or the lawyer's own interests, 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 systematic 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 that the lawyer or the lawyer's firm is in a position to improperly influence any court or other public body or office;

(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;
- (5) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law; or
- (6) 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 2006 HOUSE OF DELEGATES ACTIONS

September 16, 2006

PASSED

Board of Governors Resolution No. 1 – continues Affirmative Action Program for 15 years at \$30 per active member per year.

Board of Governors Resolution No. 2 – In Memoriam in honor of those bar members who passed away.

Board of Governors Resolution No. 3 – adopts amendments to Oregon Rules of Professional Conduct.

Board of Governors Resolution No. 4 – revises Statement of Professionalism.

Board of Governors Resolution No. 5 – opposes Constitutional Amendment #40.

House of Delegates Resolution No. 2 – recommends elimination of the rule prohibiting post-trial contact with jurors.

House of Delegates Resolution No. 3 – recommends availability of optional form pleadings.

House of Delegates Resolution No. 4 – recommends elimination of “True Copy” Certification.

House of Delegates Resolution No. 7 – adopts ABA Formal Opinion 06-441.

House of Delegates Resolution No. 11 – amends Rule 2 of HOD Rules of Procedure.

House of Delegates Resolution No. 14 – supports adequate funding for legal services to low-income Oregonians.

House of Delegates Resolutions No. 15 – adopts fairness in compensation for public defenders.

House of Delegates Resolution No. 16 – opposes Taxpayer Bill of Rights ballot measure.

FAILED

House of Delegates Resolution No. 1 – reimburses certain HOD members for mileage.

House of Delegates Resolution No. 5 – restores military advertising to the OSB Bulletin.

House of Delegates Resolution No. 6 – terminates Leadership College.

House of Delegates Resolution No. 8 – establishes equal fee structure for online CLE Publications.

House of Delegates Resolution No. 9 – establishes a membership vote for special assessments.

House of Delegates Resolution No. 10 – renumbers Oregon Rules of Civil Procedure to conform with Federal Rules of Civil Procedure.

REMOVED FROM AGENDA BY PRESENTER

House of Delegates Resolution No. 12 – amends Bar Bylaw Article 26.

House of Delegates Resolution No. 13 – amends Bar Bylaw Article 10.

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

Regular Meeting

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

Regular Meeting

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

Regular Meeting

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

BOG Resolution No. 1 – increases active membership fees for 1998.

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 23, 2007

REGION ONE

ELECTED DELEGATES

Anthony Albertazzi Exp. 04/14/08
Sally Anderson-Hansell Exp. 04/14/08
Lung Shu Hung Exp. 04/14/09
Dennis C. Karnopp Exp. 04/16/10
Thomas C. Peachey Exp. 04/16/10
Nathan J. Ratliff Exp. 04/14/09
James R. Uerlings Exp. 04/16/10

PUBLIC MEMBER

Gregory A. Sackos Exp. 04/16/10

EX-OFFICIO VOTING DELEGATES

Ryan S. Bowe (6th Judicial District) Exp. 12/07
Stephen D. Finlayson (Harney) Exp. 06/07
Michael B. FitzSimons (Mid-Columbia) Exp. 12/07
David Roy Henretty (Malheur) Exp. 01/08
Annette Hillman (Crook/Jefferson) Exp. 11/07
Victoria K. Moffet (Union) Exp. 07/07
Karen M. Oakes (Klamath) Exp. 07/07
Rebeca A. Piedra (Baker) Exp. 12/07
David A. Schutt (Lake) Exp. 01/08
Alyssa D. Slater (Wallowa) Exp. 12/07
Alycia N. Sykora (Deschutes) Exp. 08/07
Thomas E. Bahrman (Computer & Internet Law)
David W. Smiley (Agricultural Law)

BOARD OF GOVERNORS

Carol DeHaven Skerjanec
Robert M. Lehner (Public Member)

REGION TWO

ELECTED DELEGATES

David N. Andrews Exp. 04/01/08
James C. Chaney Exp. 04/14/08
Andrea D. Coit Exp. 04/14/09
Joel DeVore Exp. 04/14/08
Hubert Duvall, Jr. Exp. 04/14/09
Alan J. Leiman Exp. 04/16/10
E. Bradley Litchfield Exp. 04/16/10
Liane I. Richardson Exp. 04/14/08

Ross M. Shepard Exp. 04/14/09
Brian M. Thompson Exp. 04/16/10

PUBLIC MEMBER

Roger F. Smith Exp. 04/18/08

EX-OFFICIO VOTING DELEGATES

Derek D. Simmons (Douglas) Exp. 12/10
Mindy Wittkop (Lane) Exp. 05/07
Dawnne L. Linenbrink (Law Practice Management)
Mary Lois Wagner (Family Law)

BOARD OF GOVERNOR

Gerry Gaydos

REGION THREE

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

Debra K. Blythe (Linn) Exp. 08/07
The Honorable Michael J. Gillespie
(Coos) Exp. 02/08
Lisa C. Greif (Jackson) Exp. 12/07
George B. Heilig (Benton) Exp. 06/07
Mary E. Landers (Josephine) Exp. 03/08
Penelope Wadsworth McCarthy
(Lincoln) Exp. 12/07
Alexandria C. Streich (Curry) Exp. 03/08
Steven A. Heinrich (Elder Law)

BOARD OF GOVERNORS

Timothy C. Gerking
Jonathan P. Hill (Public Member)

REGION FOUR

ELECTED DELEGATES

Robert A. Browning Exp. 04/14/08
Paul T. Maloney Exp. 04/14/08
Bruce D. McLaughlin Exp. 04/14/08
Rebecca Pihl Mehringer Exp. 04/14/09
Eric R. Miller Exp. 04/16/10
Antonio Porras, Jr. Exp. 04/14/09
John J. Tyner, III Exp. 04/14/08
Craig O. West Exp. 04/14/09

PUBLIC MEMBER

Russell Tromley Exp. 04/18/08

EX-OFFICIO VOTING DELEGATES

Kenneth W. McNeil (Washington) Exp. 06/07
John F. Orr (Clatsop) Exp. 12/07
William K. Sargent (Tillamook) Exp. 04/07
Madelynne Sheehan (Columbia) Exp. 12/07
Janelle Factora Wipper (Criminal Law)
Pamela E. Yee (Consumer Law)
Gregory A. Zafiris (Intellectual Property)

BOARD OF GOVERNORS

Ann L. Fisher

REGION FIVE

ELECTED DELEGATE

Beth A. Allen Exp. 04/14/08
Phillip M. Bender Exp. 04/14/09
J. David Bennett Exp. 04/16/10
Melissa Bobadilla Exp. 04/13/09
Frederic E. Cann Exp. 04/16/10
Thomas M. Christ Exp. 04/14/09
Nicholas L. Dazer Exp. 04/14/09
C. Marie Eckert Exp. 04/14/09
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. 04/16/10
Janet Lee Hoffman Exp. 04/14/09
Paula Holm Jensen Exp. 04/16/10
Nathan Christopher Holtey Exp. 04/16/10

Hong N. Huynh Exp. 04/16/10
Mark Johnson Exp. 04/14/08
Robert C. Joondeph Exp. 04/14/08
Christopher H. Kent Exp. 04/16/10
Christopher A. Larsen Exp. 04/14/09
Justin D. Leonard Exp. 04/14/09
Kenneth Lerner Exp. 04/16/10
Shawn M. Lindsay Exp. 04/16/10
Jeffrey M. Lowe Exp. 04/16/10
Julia Elizabeth Markley Exp. 04/14/09
Susan D. Marmaduke Exp. 04/16/10
Thomas J. Matsuda Exp. 04/14/08
Katherine A. McDowell Exp. 04/16/10
Sharnel Korala Mesirow Exp. 04/16/10
John Casey Mills Exp. 04/14/09
Peter J. Mozena Exp. 04/14/09
Paul Neese Exp. 04/14/08
The Honorable Adrienne C. Nelson Exp. 04/14/08
Robert J. Neuberger Exp. 04/16/10
Melvin Oden-Orr Exp. 04/14/08
Mary A. Overgaard Exp. 04/14/09
Christopher R. Piekarski Exp. 04/14/09
Krista Shipsey Exp. 04/14/08
Kathryn A. Short Exp. 04/16/10
Monica A. Smith Exp. 04/14/09
Thomas S. Smith Exp. 04/16/10
Agnes Sowle Exp. 04/14/08
David Thornburgh Exp. 04/14/08
Thomas H. Tongue Exp. 04/14/08
Trung D. Tu Exp. 04/14/08
Heather J. Van Meter Exp. 04/16/10
Charles R. Williamson Exp. 04/16/10
Anthony H. B. Wilson Exp. 04/16/10

PUBLIC MEMBER

Robert Luther Bernard Exp. 04/16/10

EX-OFFICIO VOTING DELEGATES

Peter H. Glade (Multnomah) Exp. 06/07
Craig R. Armstrong (Labor & Employment)
Jason M. Brauser (Business Law)
John J. Breiling (Admiralty)
Bruce H. Cahn (Business Litigation)
Emily S. Cohen (Juvenile Law)
Sherrill A. Corbett (Securities Regulation)
Meagan A. Flynn (Products Liability)
Cynthia M. Fraser (Alternative Dispute Resolution)
Robert C. Joondeph (Diversity)
David D. Park (Civil Rights)

Nancie K. Potter (Litigation)
Lawrence H. Reichman
(Energy Telecom & Utility Law)
Melissa Masat Robertson (Indian Law)
Neisha A. Saxena (Disability Law)
Scott G. Seidman (Antitrust Trade Regulation)
Marc K. Sellers (Taxation)
Les Swanson (Constitutional Law)
Linh T. Vu (Workers Compensation)
Timothy J. Wachter (Estate Planning & Admin)
Karen M. Williams (Real Estate & Land Use)

BOARD OF GOVERNORS

Linda K. Eyerman
S. Ward Greene
Albert A. Menashe (OSB President)
Robert D. Newell
Robert L. Vieira (Public Member)
Theresa L. Wright
Richard S. Yugler

REGION SIX

ELECTED DELEGATES

Marc Abrams Exp. 04/14/09
Mark F. Bierly Exp. 04/14/08
Thomas D'Amore Exp. 04/15/08
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
Michelle L. H. Ing Exp. 04/16/10
Wendy J. Johnson Exp. 04/16/10
W. Bradford Jonasson, Jr. Exp. 04/14/08
Michael Allen Keeney Exp. 04/14/08
Tom Kranovich Exp. 04/14/09
Robert LeChevallier Exp. 04/16/10
Michael D. McNichols Exp. 04/14/08
Liani J. H. Reeves Exp. 04/14/09
Velda Hamilton Rogers Exp. 04/20/08
Samuel E. Sears Exp. 04/16/10
Peter Shepherd Exp. 04/16/10
Douglas L. Tookey Exp. 04/16/10
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

John S. Foote (Clackamas) Exp. 12/07
Melanie E. Mansell (Polk) Exp. 12/07
Todd C. McCann (Marion) Exp. 12/07
Rachel Negra (Yamhill) Exp. 01/08
Dana A. Anderson (Construction Law)
Andrea L. Bushnell (Corporate Counsel)
Donna G. Goldian (Sole & Small Firm Practitioners)
Walter J. Ledesma (Appellate Practice)
Terrence D. Mahr (Government Law)
Renee Moulun (Environmental & Nat Resources)
Steve Rissberger (Administrative Law)
Charles A. Sinsel (Health Law)
Stuart W. Smith (Aviation Law)
Stephen T. Tweet (Debtor-Creditor)

BOARD OF GOVERNORS

Kathleen A. Evans
Marva Fabien
Bette L. Worcester (Public Member)

OUT-OF-STATE REGION

ELECTED DELEGATES

Steven C. Andersen Exp. 04/14/08
John R. Bachofner Exp. 04/14/09
Ann S. Christian Exp. 04/16/10
Russell D. Garrett Exp. 04/14/08
John F. Harwood Exp. 04/16/10
Ronald J. Knox Exp. 04/14/08
Jeff Lindberg Exp. 04/14/09
Matthew H. McCormick Exp. 04/14/08
Carmen G. McLean Exp. 04/14/08
Steven D. Moe Exp. 04/14/08
Anita C. Paulsen Exp. 04/14/08
Janine Sarti Exp. 04/16/10
Credence E. Sol Exp. 04/16/10
Naomi Stacy Exp. 04/15/08
John J. Tollefsen Exp. 04/16/10
Christopher G. Varallo Exp. 04/14/09
Jason Wilson-Aguilar Exp. 04/14/08
James T. Yand Exp. 04/14/08

EX-OFFICIO VOTING DELEGATES

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2007 HOUSE OF DELEGATES DIRECTORY

Revised April 26, 2007

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