Chapter 9

1967 REPLACEMENT PART

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OREGON STATE BAR

9.010 Status of attorney and Oregon State Bar. An attorney, admitted to practice in this state, is an officer of the court; and the Oregon State Bar is a public corporation and an instrumentality of the Judicial Department of the government of the State of Oregon and is authorized to carry out the provisions of ORS 9.020 to 9.580.

(2) The Oregon State Bar has perpetual succession and a seal, and it may sue and be sued. Notwithstanding the provisions of ORS 279.711 and ORS chapter 278, it may, in its own name, for the purpose of carrying into effect and promoting its objectives, enter into contracts and acquire, hold, own, encumber, insure, replace, deal in and with and dispose of real and personal property.

(3) No obligation of any kind incurred or created under this section shall be, or be considered, an indebtedness or obligation of the State of Oregon.

[Amended by 1955 c.463 §1; 1965 c.461 §1]

9.020 Board of governors; number of members; qualifications; terms. The Board of Governors of the Oregon State Bar shall consist of three members from each congressional district, elected by the active members of the bar in such district. The members of the board shall be active members of the bar, and shall pay the annual fee prescribed by ORS 9.190. One of the three governors from each district shall be elected at each annual election to serve for a term of three years.

9.030 Voting rights of members. Members shall vote in the congressional district in which they reside; provided, that when a member resides in one district but maintains his principal office in another, he may, upon notifying the secretary of the state bar in writing that he desires to vote in the congressional district in which he maintains his principal office, vote in that district and be eligible for office therefrom.

9.040 Election of governors. The election of governors shall be held on the third Monday of August of each year. Nomination shall be by petition signed by at least 10 members entitled to vote for such nominee. Election shall be by ballot. Nominating petitions shall be filed with the secretary of the state bar at least 30 days before the election. The secretary shall mail ballots containing the nominations for the office of governor in each congressional district to every active member in such district, on or before the first day of August preceding such election. Ballots shall be deposited in person or by mail with the secretary on or before the day of the election. The secretary, with two assistants to be selected by him, shall canvass the votes and record the result thereof. The candidate in each district receiving the highest vote shall be declared elected. The balloting shall be so conducted that only active members can vote and the secrecy of the ballot shall be preserved.

9.050 Recall of governors. Upon petition signed by 25 percent of the members in any congressional district for the recall of any governor elected from that district, the secretary shall serve notice forthwith on such governor of the filing of the petition, and if he does not resign within 10 days from the date of such service, the secretary shall mail ballots to each member of the bar within the district, submitting the question whether such governor shall be recalled. If a majority of the members voting at such election vote in favor of the recall, then the governor shall be recalled.

9.060 Vacancies; election of officers. A president, vice president, secretary and treasurer shall be elected by the governors each year immediately following the annual election of governors and before the newly elected governors have qualified. The president and vice president shall be elected from among the board members. All officers shall continue in office until their successors are elected and qualify. Vacancies in the board of governors, or in any of the offices, shall be filled by the board by appointment for the remainder of the term. The secretary, the treasurer and such other assistants as the board may require, may be selected from within or without the membership of the board, and shall be paid such compensation as the board shall determine. All officers shall take office immediately upon their election.

9.070 Duties of officers; bonds of secretary and treasurer; deposit and disbursement of fees. The president shall preside at all meetings of the state bar and of the board of governors, and in his absence or inability to act the vice president shall preside. Other duties of the president and vice president and the duties of the secretary and

treasurer shall be such as the board of governors may prescribe. The secretary and the treasurer shall each give bond, with some qualified surety company as surety, in such amount as the board shall fix, conditioned for the faithful accounting for all money received by them in their official capacities. All fees shall be paid into the treasury of the state bar, and when so paid shall become part of its funds and shall be disbursed only on order of the board of governors.

9.080 Function of board; duties generally; quorum; status of employes of Oregon State Bar. (1) The state bar shall be governed by the board of governors, except as provided in ORS 9.130. 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. It shall have the 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. It shall promote and encourage voluntary county or other local bar associations. The board may appoint such committees, officers and employes it deems necessary or proper and fix and pay their compensation and necessary expenses. At any meeting of the board two-thirds of the total number of members then in office shall constitute a quorum.

(2) Except as provided in this subsection, an employe of the Oregon State Bar shall not be considered an "employe" as the term is defined in the public employes' retirement laws and as such term is defined in the unemployment compensation laws, and the Oregon State Bar shall not be considered an "employer" as such term is defined in the unemployment compensation laws. However, an employe of the Oregon State Bar may, at his option, for the purpose of becoming a member of the Public Employes' Retirement System, be considered an "employe" as the term is defined in the public employes' retirement laws. The option, once exercised by written notification directed to the Public Employes' Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law. Upon receipt of such notification by the Public Employes' Retirement Board, an employe of the Oregon State Bar who would otherwise, but for the exemption provided in this subsection, be considered an "employe," as the term is defined in the public employes' retirement laws, shall be so considered. The Oregon State Bar and its employes shall be exempt from the provisions of the State Civil Service Law. No member of the Oregon State Bar shall be considered an "employe" as the term is defined in the public employes' retirement laws, the unemployment compensation laws and the State Civil Service Law solely by reason of his membership in the Oregon State Bar. [Amended by 1955 c.463 §2]

9.090 Appropriation and disbursement of funds; compensation of board members. The board may make appropriations and disbursements from the funds of the state bar and pay all necessary expenses, but no member of the board shall receive any compensation other than his necessary expenses connected with the performance of his duties as a member of the board.

9.100 Statement of receipts and expenditures. The board shall have prepared annually an itemized statement showing the total amount of receipts and expenditures of the state bar for the 12 months preceding. Such statement shall be certified promptly under oath by the president and treasurer to the Chief Justice of the Supreme Court.

9.110 Rules and regulations; quorum at bar meetings; special bar meetings. The board may formulate and declare rules and regulations necessary or expedient for carrying out the functions of the Oregon State Bar, and shall fix the manner and time of calling special meetings of the state bar. However, the board shall call a special meeting of the bar when so requested in writing by not less than 25 voting members from each congressional district. A quorum at any regular or special meeting of the bar shall consist of 100 members.

9.120 Annual meetings of bar; reports and recommendations. An annual meeting of the bar shall be held at a time and place fixed by the board of governors. At the annual meeting, reports of the proceedings by the board since the last annual meeting, reports of other officers and committees and recommendations of the board shall be received.

9.130 Authority of bar members at meetings. At any meeting of the state bar the members present, by a majority vote,

may modify or rescind any action or decision of the board of governors and also may instruct the board as to future action, and the board shall be bound by any such action of the bar. The right of the bar to direct, modify or rescind an act of the board shall not include power to invalidate payments previously made under the direction of the board, and shall not apply to those powers of the board which are subject to the control or approval of or review by the Supreme Court, except as provided in ORS 9.490.

9.140 and 9.150 [Reserved for expansion]

MEMBERSHIP IN THE BAR

9.160 Practice of law by persons other than active members. Except for the right reserved to litigants by ORS 9.320 to prosecute or defend a cause in person, no person shall practice law or represent himself as qualified to practice law unless he is an active member of the Oregon State Bar.

9.170 [Reserved for expansion]

9.180 Classes of membership. All persons admitted to practice law in this state thereby shall become active members of the Oregon State Bar. Every member shall be an active member unless, at his request, or for reasons prescribed by statute or the rules of the Supreme Court, he is enrolled as an inactive member. An inactive member may, on compliance with the rules of the Supreme Court and payment of all required fees, again become an active member. Inactive members shall not hold office or vote, but they shall have such other privileges as the board of governors may provide.
[Amended by 1961 c.499 §1]

9.190 Annual membership fees. (1) The annual membership fee for each active member, except (a) a member who has been admitted to practice law, in any jurisdiction, for a total period of two years or less following the calendar year during which he was first admitted in any jurisdiction, and (b) a member who has been admitted to practice law in the State of Oregon for a period of 50 years or more, shall be $50, payable on or before February 1.

(2) The annual membership fee for each active member who has been admitted to practice law, in any jurisdiction, for a total period of two years or less following the calendar year during which he was first admitted in any jurisdiction shall be $30, payable on or before February 1, except as provided in subsection (5) of this section.

(3) The annual membership fee for each inactive member, except a member who has been admitted to practice law in the State of Oregon for a period of 50 years or more, shall be $10, payable on or before February 1.

(4) Upon payment of such fee, each member shall receive a certificate issued under the direction of the board of governors evidencing such payment.

(5) A member admitted to practice law in the State of Oregon is not required to pay the annual membership fee for the year of his admission, unless he has been previously admitted to practice law in any jurisdiction for a period of more than two years following the calendar year during which he was first admitted in any jurisdiction.

(6) The board of governors may waive the payment of the annual fee of a member during any year or part of any year such member is in the military service of the United States, without regard to whether or not the entire year of such member is devoted to such military service, or upon such other conditions not inconsistent herewith as the board may provide.
[Amended by 1957 c.271 §1; 1961 c.138 §1; part renumbered ORS 9.200(2)]

9.200 Effect of failure to pay membership fees; reinstatement. (1) Any member of the bar in default in payment of membership fees for a period of 90 days, shall, after 60 days' written notice of his delinquency, be suspended from membership in the bar. The notice of delinquency shall be sent by the secretary of the bar, by registered or certified mail, to the member in default at his last-known postoffice address. Failure to pay the fees within 60 days after the date of the deposit of the notice in the postoffice shall automatically suspend the delinquent member. The names of all members suspended from membership for nonpayment of fees shall be certified by the secretary of the bar to the Clerk of the Supreme Court and to each of the judges of the circuit and district courts of the state.

(2) An active member delinquent in the payment of such fees shall not be entitled to vote.

(3) A member suspended for delinquency in payment of membership fees shall be reinstated only on compliance with the rules

of the Supreme Court and payment of all required fees.
[Amended by 1957 c.271 §1; 1961 c.499 §2; subsection (2) formerly part of ORS 9.190]

9.210 Examining committee; fees of applicants for admission to practice. With the approval of the Supreme Court, the board may appoint a committee to examine applicants and recommend to the Supreme Court for admission to practice law those who fulfill the requirements prescribed by law and the rules of the Supreme Court. With the approval of the Supreme Court the board may fix and collect fees to be paid by applicants for admission, which fees shall be paid into the treasury of the state bar.

9.220 General requirements for admission. An applicant for admission as attorney must apply to the Supreme Court and show that he or she:

(1) Is a citizen of the United States, except as provided in ORS 9.230, and of this state, and at least 21 years old, which proof may be made by the applicant's affidavit.

(2) Is a person of good moral character, which may be proved by any evidence satisfactory to the court.

(3) Has the requisite learning and ability, which must be shown by the examination of the applicant, by the judges, or under their direction, in open court, at the term at which the application is made, except as provided in ORS 9.210 and 9.240.

9.230 Admission of aliens. Any alien who has duly declared his intention of becoming a citizen of the United States, and has become a resident of this state, may be admitted as an attorney with the same powers and privileges as though he were a citizen of the United States. It shall be sufficient if in his application for admission he shows that he has declared his intention of becoming a citizen of the United States; but if within six months after he is entitled to become a citizen of the United States he fails to become a citizen, his admission shall be void.

9.240 Appearance of attorneys licensed in other jurisdictions. An attorney of the highest court of record in any other state or country may appear, if associated with an active member of the Oregon State Bar, as counsel for a party in a particular action, suit or proceeding then pending in court, or before a judicial officer of this state.
[Amended by 1961 c.499 §3]

9.250 Oath of qualified applicant; order for admission. If an applicant for admission as an attorney is found qualified, the court shall administer an oath to the applicant, to support the Constitution and laws of the United States and of this state, and to faithfully and honestly demean himself in office. The court shall then direct an order to be entered to the effect that the applicant is a citizen of the United States or has declared his intention to become a citizen of the United States, and is a citizen of this state, of the age of 21 years, of good moral character, and possesses the requisite learning and ability to practice as an attorney in all the courts of this state, and has taken the oath of office. Upon the entry of the order, he is entitled to practice as such attorney.

9.260 Resignation of attorney. An attorney may at any time file in the office of the secretary of the Oregon State Bar a written resignation. After filing a resignation he is not entitled to the rights nor subject to the disabilities or prohibitions incident to that relation, except that he is still subject to the power of the court in respect to matters arising while he was an attorney.
[Amended by 1953 c.604 §1]

9.270 Forwarding copy of resignation to Supreme Court; readmission to practice. The secretary of the Oregon State Bar shall immediately forward a copy thereof to the clerk of the Supreme Court, who shall file it in his office. An attorney who has resigned may be readmitted to practice only on compliance with the rules of the Supreme Court.
[Amended by 1953 c.604 §1; 1961 c.499 §4]

9.280 to 9.300 [Reserved for expansion]

ATTORNEY AND CLIENT RELATIONSHIP

9.310 Attorney defined; counsel. An attorney is a person authorized to represent a party in the written proceedings in any action, suit or proceeding, in any stage thereof. An attorney, other than the one who represents the party in the written proceedings, may also represent a party in court, or before a judicial officer, in which case he is known as counsel, and his authority is limited to the matters that transpire in the court or before such officer at the time.

9.320 Necessity for employment of attorney; effect of employment. Any action,

suit, or proceeding may be prosecuted or defended by a party in person, or by attorney, except that the state or a corporation appears by attorney in all cases. Where a party appears by attorney, the written proceedings must be in the name of the attorney, who is the sole representative of his client as between him and the adverse party, except as provided in ORS 9.310.

9.330 Authority of an attorney. An attorney has authority to bind his client in any of the proceedings in an action, suit or proceeding, by his agreement, filed with the clerk or entered upon the journal of the court; and he also has authority to receive money or property claimed by his client in an action, suit or proceeding, during the pendency thereof, or within three years after judgment or decree, and upon the payment or delivery thereof to discharge the claim or acknowledge satisfaction of the judgment or decree. This section does not prevent a party from employing a new attorney to issue execution upon a judgment or decree, or to take other proceedings prescribed by law for its enforcement, and when he does so, the authority of the former attorney ceases.

9.340 Challenge by party of attorney's authority to appear for him. If it is alleged by a party for whom an attorney appears that he does so without authority, and the allegation is verified by the affidavit of the party, the court may, if it finds the allegation true, at any stage of the proceedings relieve the party for whom the attorney has assumed to appear from the consequences of the attorney's acts.

9.350 Challenge of attorney's authority to appear for adverse party. The court or judge thereof may, on motion of either party and on showing reasonable grounds therefor, require the attorney for an adverse party to prove the authority under which he appears, and until he does so, may stay all proceedings by him on behalf of the party for whom he assumes to appear.

9.360 Compelling delivery by attorney of money or papers. When an attorney refuses to deliver over money or papers to a person from whom or for whom he has received them in the course of professional employment, he may be required by an order of the court in which a judicial proceeding was prosecuted or defended, or if none were prosecuted or defended, then by an order of the circuit court or judge thereof for the county where such attorney resides or may be found, to do so within a specified time, or show cause why he should not be punished for a contempt.

9.370 Compelling delivery when attorney claims lien. If an attorney claims a lien, under the provisions of ORS 87.495, upon the money or papers subject to delivery under ORS 9.360, the court shall:

(1) Impose, as a condition of making the order, the requirement that the client give security, in form and amount to be directed, to satisfy the lien when determined in an action or suit; or,

(2) Summarily inquire into the facts on which the claim of a lien is founded, and determine the same; or,

(3) Direct the trial of the controversy by a jury, or refer it, and upon the verdict or report, determine the same as in other cases.

9.380 Mode of changing attorneys. The attorney in an action, suit, or proceeding, may be changed, or the relationship of attorney and client terminated, as follows:

(1) Before judgment, decree or final determination, upon the consent of the attorney filed with the clerk or entered upon the journal; or,

(2) At any time, upon the order of the court or judge thereof, based on the application of the client or the attorney, for good and sufficient cause.

9.390 Notice of change. When an attorney is changed as provided in ORS 9.380, written notice of the change and of the substitution of a new attorney, or of the appearance of the party in person, shall be given to the adverse party. Until then he is bound to recognize the former attorney.

9.400 to 9.450 [Reserved for expansion]

PROFESSIONAL ETHICS; DISCIPLINE OF ATTORNEYS

9.460 Duties of attorneys. An attorney shall:

(1) Support the Constitution and laws of the United States and of this state;

(2) Maintain the respect due to courts and judicial officers;

(3) Counsel or maintain such actions, suits, or proceedings or defenses only as may appear to him legal and just, except the

defense of a person charged with a public offense;

(4) Employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never seek to mislead the court or jury by any artifice or false statement of law or fact;

(5) Maintain inviolate the confidence, and at every peril to himself, preserve the secrets of his clients;

(6) Abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;

(7) Not encourage the commencement or continuance of an action, suit or proceeding from any motives of passion or interest; and,

(8) Never reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.

9.470 [Repealed by 1965 c.353 §2]

9.480 Grounds for disbarment, suspension or reprimand. The Supreme Court may disbar, suspend or reprimand a member of the bar whenever, upon proper proceedings for that purpose, it appears to the court that:

(1) He has committed an act or carried on a course of conduct of such nature that, if he were applying for admission to the bar, his application should be denied; or

(2) He has been convicted in any jurisdiction of an offense which is a misdemeanor involving moral turpitude or a felony under the laws of this state, or is punishable by death or imprisonment under the laws of the United States, in any of which cases the record of his conviction shall be conclusive evidence; or

(3) He has wilfully disobeyed an order of a court requiring him to do or forbear an act connected with his profession; or

(4) He is guilty of wilful deceit or misconduct in his profession; or

(5) He is guilty of wilful violation of any of the provisions of ORS 9.460 or 9.510.

[Amended by 1965 c.353 §1]

9.490 Formulation of rules of professional conduct. The board of governors, with the approval of the state bar 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.

9.500 Solicitation of personal injury business by nonlawyer. No person shall solicit within the state any business on account of a claim for personal injuries to any person, or solicit any litigation on account of personal injuries to any person within the state, and any contract wherein any person not an attorney agrees to recover, either through litigation or otherwise, any damages for personal injuries to any person shall be void.

9.505 Payment for referring claims resulting from personal injury or death. No person shall offer or promise payment of money or other consideration, or accept any offer or promise of payment of money or other consideration, nor shall any person pay or accept money or other consideration, for referring to an attorney any claim for damage resulting from personal injury or death.

[1961 c.561 §1]

9.510 Solicitation by attorneys. No attorney shall solicit business at factories, mills, hospitals or other places, or retain members of a firm or runners or solicitors for the purpose of obtaining business on account of personal injuries to any person, or for the purpose of bringing damage suits on account of personal injuries.

9.515 Referral of claims, suits or actions between attorneys; division of fees. (1) Nothing contained in ORS 9.505 shall prevent referral of claims, suits or actions between attorneys.

(2) The provisions of ORS 9.505 shall not prohibit the referral of claims, suits or actions between attorneys or the dividing of fees for legal services with another lawyer based upon a division of services or responsibility.

[1961 c.561 §§2, 3]

9.520 Acceptance and prosecution of solicited claims. No attorney shall accept from a solicitor described in ORS 9.500 any claim for damages, or bring an action for damages on account of any claim obtained from such solicitor. Any agreement between an attorney and such solicitor regarding compensation to be paid to the attorney or solicitor is void.

9.530 [Repealed by 1965 c.353 §2]

9.540 Disciplinary proceedings conducted by board of governors; review by Supreme Court; costs. (1) The board of governors may, by a two-thirds vote of the board, after a hearing for any of the causes set forth in the statutes warranting disbarment or suspension, or for any breach of the rules of professional conduct, make an order recommending to the Supreme Court the disbarment of any member, or that such member be disciplined by reproval, public or private, or by suspension from practice. The board shall keep a transcript of evidence and proceedings in all matters involving disbarment or suspension and may make findings of fact. In any case, the board shall render a written decision on the proceedings. Notice, and a copy of the decision and any recommendation of the board, certified by the secretary of the Oregon State Bar, immediately shall be transmitted by registered or certified mail to said member at his last-known postoffice address; and the board immediately shall file a copy of the decision and any recommendation, certified by the secretary of the Oregon State Bar with the transcript and findings, whenever findings are made, with the Clerk of the Supreme Court. Any person against whom the board shall make any such recommendation may, within 60 days after the filing of the certified copy of the decision and recommendation, petition the Supreme Court to review the decision and recommendation or to modify, reverse or reject the same. Upon review of any decision or recommendation of the board, the Supreme Court, after due notice and such hearing as the court may determine, may affirm, adopt, modify, reverse or reject the same, and thereupon shall make an appropriate order. When 60 days have elapsed after the filing of the certified copy, if no petition for review has been filed, the Supreme Court may affirm, adopt, modify, reverse or reject the decision or any recommendation of the board and make all necessary orders in conformity therewith.

(2) The Supreme Court, in any order affirming, adopting or modifying, in whole or in part, any decision or recommendation of the board of governors, may provide that the Oregon State Bar have judgment against such member for its costs and disbursements incurred in the disciplinary proceedings resulting in the decision and any recommendation, including all such proceedings before a grievance committee, trial committee, the board and the Supreme Court, to be taxed and allowed in the manner provided by the statutes of this state for the recovery of costs and disbursements in suits in equity and appeals therefrom.

(3) The Clerk of the Supreme Court shall enter any such judgment for costs and disbursements in the records of the Supreme Court and shall forward a certified copy thereof to the clerk of the circuit court of the county in which the member resides, or in which he maintains his office for the practice of law or other business. On receipt of such certified copy, the said clerk of the circuit court shall file it and cause it to be entered in the circuit court journal and docketed in the judgment lien docket of said county. Such judgment shall thereafter have the same force and effect, may be enforced by execution in the same manner, and, upon payment, shall be satisfied in the same manner as other judgments entered in such circuit court.

(4) The disciplinary grounds and procedures set forth in this chapter are not intended to limit or alter the inherent powers of the courts to disbar or discipline members of the bar.

[Amended by 1961 c.499 §5]

9.550 Creation of local committees; privileges and immunities of bar officers, committee members, investigators, prosecutors, witnesses and complainants. (1) The board may create local committees and authorize them to receive and investigate complaints as to the conduct of attorneys, to make findings whenever so ordered by the board and to make recommendations to the board. The board may act upon the recommendations, take additional evidence or set aside the report or recommendations and hear the whole matter de novo.

(2) The officers of the state bar, the members of its investigating, grievance and trial committees, and its investigators and attorneys acting as prosecutors or counsel. have the same privileges and immunities from civil and criminal proceedings arising by reason of their acts as such, as prosecuting and judicial officers of this state. No person who has made a complaint as to the conduct of an attorney, or who has given information or testimony relative to a proposed or pending proceeding for misconduct against an attorney, shall be answerable for

any such act in any proceeding, except for perjury committed by him.
[Amended by 1961 c.499 §6]

9.560 Disciplinary hearings and investigations of board or local committee. In all cases involving disbarment, suspension or reproval, the hearing shall be held either in the county where the person charged maintains his principal law office, where he resides or where the offense is committed, in the discretion of either the board of governors or the local committee having jurisdiction of the hearing. With the consent of the person charged, the hearing may be held elsewhere. The board, or any local committee as to matters arising in the county wherein it acts, may, of its own motion or upon any complaint, initiate and conduct investigations of all matters relating to the state bar or its affairs, the practice of law, the discipline of the members of the bar or any other matter within the jurisdiction of the state bar. In the conduct of such investigations or upon the trial or hearing of any matter of which the board or committee has jurisdiction, the board or committee may take evidence, administer oaths or affirmations and issue subpenas to compel the attendance of witnesses, including the person charged, and the production of books, papers and documents pertaining to the matter under investigation or to the trial or hearing. A witness who testifies falsely or fails to appear when subpenaed or fails to produce any books, papers or documents pursuant to the subpena shall be subject to the same orders and penalties to which a witness before a court is subject. Any circuit judge, either in term time or vacation, upon application of any such committee may compel the attendance of witnesses, the production of books and documents and the giving of testimony before the committee in the same manner as production of evidence may be compelled before a circuit court. Any member of the board or such local committee may administer oaths and issue any subpena provided for in this section. No witness shall be compelled to attend a hearing outside the county in which he resides unless the distance is less than 50 miles from his place of residence to the place of hearing. Depositions may be taken and used in the same manner as in civil cases.
[Amended by 1963 c.106 §1]

9.570 Rights of accused. Any person complained against, as provided in ORS 9.540 to 9.560, shall be given reasonable written notice, a copy of the charge against him, a reasonable opportunity to defend against the charge by the introduction of evidence, the right to be represented by counsel and the right to examine and cross-examine witnesses. He also shall have the right to the issuance of subpenas for attendance of witnesses to appear and testify or produce books and papers, as provided in ORS 9.560.

9.580 Record of hearings; rules of procedure. A record of all hearings shall be made and preserved by the board or committee. The board of governors, subject to the provisions of ORS 9.540 to 9.580, may, by rule, provide the mode of procedure in all cases of complaints against members.

9.590 [Repealed by 1953 c.609 §2]

9.600 [Repealed by 1953 c.609 §2]

9.610 [Repealed by 1953 c.609 §2]

CLIENT SECURITY FUND

9.615 Definitions for ORS 9.615 to 9.665. As used in ORS 9.615 to 9.665, "client security fund" means a fund created under ORS 9.625.
[1967 c.546 §2]

9.620 [Repealed by 1953 c.609 §2]

9.625 Plan to relieve client losses. The board of governors, with the approval of the state bar, may adopt a plan to relieve or mitigate pecuniary losses to the clients of active members caused by dishonest conduct of those members in their practice of law. The plan may provide for establishing, administering and dissolving a separate fund and for payments from that fund exclusively to reimburse those losses. The insurance laws of the state shall not apply to this fund.
[1967 c.546 §3]

9.630 [Repealed by 1953 c.609 §2]

9.635 Sources of client security fund. A client security fund may include:

(1) Transfers by the board of governors from other funds of the state bar;

(2) Voluntary contributions and payments by members under ORS 9.645;

(3) Claims recovered under ORS 9.665; and

(4) Income from investments of the fund.
[1967 c.546 §4]

9.640 [Repealed by 1953 c.609 §2]

9.645 Annual payment by state bar members. To maintain a client security fund, the board of governors may require an annual payment of not to exceed $5 by every member of the state bar who pays an annual membership fee under ORS 9.190 except judges of courts required by law to have a seal. The payment authorized by this section shall be due at the same time, and enforced in the same manner, as payment of the annual membership fee.
[1967 c.546 §5]

9.650 [Repealed by 1953 c.609 §2]

9.655 Investigation of claim of loss; subpena. (1) Upon the filing of a claim, verified under oath, by a client claiming a pecuniary loss under ORS 9.625, the board of governors or its designated representative shall investigate the claim. The board or its representative shall first determine if the person named in the claim as the attorney whose dishonest conduct caused the loss:

(a) Has been found guilty of a crime arising out of the claimed dishonest conduct which caused the loss; or

(b) Has had a judgment or decree entered against him in any proceedings arising out of the claimed dishonest conduct which caused the loss and, if a judgment for money was entered against him, has failed to pay the judgment and execution issued on the judgment has been returned uncollected.

(2) After complying with subsection (1) of this section, if the board or representative requires additional information to determine the claim, it or he may compel by subpena the person named in the claim as the attorney whose dishonest conduct caused the loss, or any other person with knowledge of the matter, to appear for the purpose of giving testimony, and may compel by subpena the production of records and documents that are pertinent to the claim. The subpena shall have the same force and effect as in a civil action in the circuit court, and may be enforced by order of the circuit court for the county in which the person was served.
[1967 c.546 §6]

9.660 [Repealed by 1953 c.609 §2]

9.665 Authority for reimbursement of client; subrogation for amount paid. Reimbursement from the client security fund is discretionary; however, the board shall not authorize payment unless the conditions of subparagraph (a) or (b) of subsection (1) of ORS 9.655 have been found to exist. The state bar is subrogated, in the amount that a client's claim is reimbursed from the client security fund, to all rights and remedies of that client against the attorney whose dishonest conduct caused the loss, or against his estate.
[1967 c.546 §7]

9.670 [Repealed by 1953 c.609 §2]

9.680 [Repealed by 1953 c.609 §2]

9.690 [Repealed by 1953 c.609 §2]

9.700 [Repealed by 1953 c.609 §2]

LAW LIBRARIES

9.760 Supreme Court Library; copying services; fees. The Supreme Court Library shall be under the control of the Supreme Court. The court shall make all rules for the government, use and services of the library. The court may authorize the library to provide photographic or other copies of any of its materials, and to make reasonable charges for such copies or services at rates approved by the court. All sums collected shall be remitted monthly or oftener to the State Treasurer.
[Amended by 1959 c.655 §1]

9.770 Librarian and assistants; compensation; bond; applicability of public employes' retirement and unemployment compensation laws. (1) The Supreme Court shall appoint the Librarian of the Supreme Court Library and such assistants as it deems necessary and shall fix the compensation of the librarian and assistants. The librarian shall give an undertaking to the state in the sum of $1,000, with one or more sufficient sureties, to be approved by a majority of the judges of the Supreme Court, to the effect that he will faithfully and impartially perform the duties of his office and safely keep and account for the public property committed to his custody.

(2) The Librarian of the Supreme Court Library shall not be considered an "employe" as the term is defined in the public employes' retirement laws and as such term is defined in the unemployment compensation laws. However, the Librarian of the Supreme Court Library may, at his option, for the purpose of becoming a member of the Public Employes' Retirement System, be considered an "employe" as the term is defined in the

public employes' retirement laws. Such option may be exercised only at the end of the librarian's first six months of service. The option, once exercised by written notification directed to the Public Employes' Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law.
[Amended by 1959 c.655 §2]

9.780 Exchange of legal books and publications. The librarian of the Supreme Court Library may send, free of charge, one copy of the codes, session laws and Supreme Court reports of this state as the same may be published, to each state and foreign country that exchanges, free of charge, its codes, session laws and supreme court reports with this state. All legal books and publications received in exchange by the state shall be turned over to the Supreme Court Library.

9.790 Secretary of State furnishing librarian with copies for exchange. The Secretary of State shall, upon requisition of the Supreme Court, supply the librarian of the Supreme Court Library with a sufficient number of copies of the codes, session laws and Supreme Court reports of this state, as the same may be published, to enable the librarian to carry out the provisions of ORS 9.780.

9.800 Sale of surplus codes and session laws. The librarian of the Supreme Court Library may sell, at prices to be fixed by him with the approval of the Supreme Court, the unused sets of Oregon Codes and Session Laws in the custody of the librarian which are not needed by him for the purpose of exchanging for the codes and session laws of other states and for other books.

9.810 Terms of sale; disposition of proceeds. The sales described in ORS 9.800 shall be for cash, and the proceeds shall be turned over by the librarian to the State Treasurer and become a part of the General Fund.

9.820 Law libraries in Multnomah County. In all counties containing more than 400,000 inhabitants, according to the latest federal decennial census, the county court or board of county commissioners may contract with any law library association or corporation owning and maintaining a law library in the county at or convenient to the courthouse, for the use of the library by the judges of the circuit and county courts, county commissioners, district attorney and all members of the bar, and shall, if the association permits the use of its library by all members of the bar without charge, pay therefor all library fees collected pursuant to subsection (1) of ORS 21.350 to the library association or corporation for the use of the library.
[Amended by 1963 c.519 §1; 1965 c.619 §3]

9.830 Disposition of library fees in Multnomah County. On the first day of each month the county clerk making collections pursuant to subsection (1) of ORS 21.350 shall pay over to the library association or corporation contracted with pursuant to ORS 9.820 all the library fees collected for the preceding month, taking its receipt therefor.
[Amended by 1965 c.619 §4]

9.840 Law libraries in counties other than Multnomah County. The county court of any county containing not more than 400,000 inhabitants, according to the latest federal decennial census, may, after a resolution duly passed by the bar association of the county therefor has been filed with the county clerk, pass a resolution at a regular meeting of the county court, declaring that the county maintains and operates a law library as described in subsection (2) of ORS 21.350, or that the county proposes, after the passing of the resolution by the county court, to establish, maintain and operate such a library, and reciting that the county has a population of not more than 400,000, according to the latest federal decennial census. Such resolution shall be authorization and direction to the county clerk to charge the fees prescribed in subsection (1) of ORS 21.350.
[Amended by 1963 c.519 §2; 1965 c.619 §5]

9.850 Disposition of library fees in counties other than Multnomah County. In all counties containing not more than 400,000 inhabitants, according to the latest federal decennial census, the county court may use such part of the law library fees collected pursuant to subsection (1) of ORS 21.350 as it deems desirable for the purpose of acquiring, maintaining or operating a law library at the county seat of the county, at such place as it may direct; but no part of the moneys received from such law library fees shall be used for any purpose other than acquiring, maintaining or operating such law library.
[Amended by 1963 c.519 §3; 1965 c.619 §6]

PENALTIES

9.990 Penalties. (1) Any person who violates ORS 9.160 shall be fined not more than $500 or imprisoned in the county jail for a period not to exceed six months, or both.

(2) Any person who violates any of the provisions of ORS 9.500 or 9.520 shall be fined not more than $1,000.

(3) Any person violating any of the provisions of ORS 9.505 shall, upon conviction, be fined not more than $1,000 or imprisoned in the county jail for a period not to exceed one year, or both.

[Subsection (3) enacted as 1961 c.561 §4]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel