



Oregon Assembly For Black Affairs

P. O. Box 12485
Salem, Oregon 97309

<http://www.oaba.us/>

SB 820, And WHY?

March 24, 2011

SB 820 is a bill that is being sponsored in the 2011 Oregon Legislative Session by Senator Frank Morse (R-Corvallis) and Senator Rod Monroe (D-Portland) at the request of the Oregon Assembly for Black Affairs (OABA), Corvallis Branch NAACP, Eugene Branch NAACP, Salem Branch NAACP, Portland Branch NAACP, National Action Network Portland Beaverton Oregon (NAN-PBO), Albina Ministerial Alliance (AMA), and Blacks In Government (BIG).

ORS 9.460 is **a state law** in Oregon that defines the duties of an attorney licensed by the State of Oregon. **SB 820** will **amend ORS 9.460 to read** "An attorney shall **'provide unbiased and effective legal representation for all clients'**." Also SB 820 gives definitions for these terms. It affects all attorneys licensed by the State of Oregon.

Why is SB 820 needed?

There is a problem that many citizens in the State of Oregon cannot receive unbiased and effective legal representation from some attorneys licensed by the State of Oregon. There is **no state law** that requires attorneys licensed by the State of Oregon to be accountable to all their clients by providing unbiased and effective legal representation when the clients retain these attorneys to handle their legal issues. This problem was revealed to the Oregon Legislative Assembly in the 2007 and 2009 Legislative Sessions. In the future, there will be many life events in which attorneys licensed by the State of Oregon will be required; Oregon citizens need to know that these attorneys licensed by the State of Oregon can provide unbiased and effective legal representation and can be held accountable by state law. Attorneys who can provide unbiased and effective legal representation and who are accountable by state law are essential to Oregon society where citizens can defend their citizenship rights. Without attorneys licensed by the State of Oregon who can provide unbiased and effective legal representation, there is no access to justice. SB 820 addresses this.

According to ORS 9.310 and ORS 9.320, **only an attorney can represent another person in Oregon courts**. State laws make it difficult for parents to represent their minor children in many cases. Because of this, an attorney licensed by the State of Oregon has a duty as well as an obligation to not let his or her fears, biases or any other personal consideration prevent him or her from providing unbiased and effective legal representation for all clients. An attorney licensed by the State of Oregon does not have to look like the clients in order to handle the client's legal issue or to provide unbiased and effective legal representation for client.

The "Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System" dated May 1994, stated: "**Nonminorities have brought about many of the problems that minorities encounter and are discussed in this report. Addressing these problems, and ultimately solving them, is the joint responsibility of nonminorities and minorities.**" SB 820 is needed because there are two systems of justice operating in Oregon. One is for minorities; the other is for nonminorities.

The Oregon Assembly for Black Affairs (OABA) pointed out the difficulty that Black Oregonians have in obtaining effective legal representation in Oregon, regardless of their ability to pay or their status in society. It is OABA position that Blacks in Oregon receive ineffective legal representation because of fear and racism. OABA corresponded about this problem with many elements of the legal system in Oregon, which include Black attorneys

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as well as White attorneys, the Oregon State Bar President and Board of Governors, Oregon State Bar Executive Director, Oregon Governor, Oregon Secretary of State, Oregon Attorney General, Oregon Labor Commissioner, Oregon State Supreme Court, Oregon Legislative Assembly, and the deans of law schools in Oregon. Also the news media has been made aware of this problem.

When the Oregon Attorney General went to the King City Community Center to talk with some senior citizens about his proposal on civil rights before the 2009 Oregon Legislature, Oregon Attorney General was told by some of the senior citizens that they had not been receiving effective legal representation from the attorney licensed by the State of Oregon whom they had retained.

When an attorney licensed by the State of Oregon tells an individual that the attorney lives in the community, or that the attorney has conflict of interest when that attorney does not, or when the attorney sets the hourly rates so high that it makes it impossible for one to retain the attorney, are these acts that violate the current provisions of ORS 9.460?

Attorney's bias toward the client is different from **Attorney's bias in favor of a client**. Requiring attorneys licensed by the State of Oregon to provide unbiased legal representation for all clients is not problematic nor is it contradictory, as the Oregon State Bar would want you to believe. From our "learned knowledge" of how the Oregon State Bar handles complaints against attorneys, the Oregon State Bar see itself as protecting attorney members more than protecting the public from attorneys who exhibit bias toward clients. SB 820 does not state that an attorney licensed by the State of Oregon is forced to represent an individual. SB 820 does not state that the attorneys licensed by the State of Oregon must look like the clients. However, when an attorney licensed by the State of Oregon agrees to represent an individual and that individual becomes a client, the attorney should not allow **biases toward the individual** to prevent him or her from providing the individual **unbiased and effective legal representation**.

Calvin O. L. Henry, Ph.D.

OABA President

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OREGON ASSEMBLY FOR BLACK AFFAIRS is An Organization For CHANGE And Building A Better Oregon for the Black Community. What Benefits Black Oregonians Benefits ALL Oregonians. --- OABA, P. O. BOX 12485, SALEM, OREGON 97309
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