

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

June 2, 1993 Hearing Room 357 1:00 p.m. Tapes 127 - ?

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim Edmunson
Rep. Tom Mason

STAFF PRESENT: Holly Robinson, Committee Counsel Carole
Souvenir, Committee Counsel Sarah May, Committee Clerk Joseph M.
Menashe, House Page

MEASURES CONSIDERED: SB 209 - Relating to attorneys SB 212 -
Relating to execution SB 288 - Relating to professional corporations SB
371 - Relating to sales representative commissions HB 2984 -
Relating to landlord liability for utility services

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 127, SIDE A

007 CHAIR BRIAN: Calls the meeting to order at 1:15 P.M.

WORK SESSION ON HB 2984

CAROLE SOUVENIR, COMMITTEE COUNSEL: explains HB 2984

REP. EDMUNSON:

CAROLE SOUVENIR, COMMITTEE COUNSEL: one additional change on -4
amendments. cites.

REP. EDMUNSON: moves amendments of -4

REP. EDMUNSON: moves -4 amendments be adopted

PUBLIC HEARING ON SB 288

(SB 288 Revises professional corporation law)

BILL TAYLOR, SENATE JUDICIARY: Testifies in support of SB 288.

REP. BRIAN: 1991 proposal attempted to limit liability to the partner
who might be at fault, and the other shareholders would not have

been liable.

Taylor:

Charlie Williamson, Oregon Trial Lawyers Association (OTLA): Testifies in support of SB 288. Not happy with the bill, but is compromise.

REP. BRIAN: there is still adequate motivation ...

Williamson: yes.

Bob Wynhausen, Oregon Society of Certified Public Accountants (OSCPA): Testifies in support of SB 288. This would put us more in line with the rest of the country.

Sen. Bob Shoemaker, District : Testifies in support of SB 288. It is very important, they do have responsibility for each other. It imposes a \$300,000 on vicarious liability.

Andrew J. Morrow, Oregon State Bar: Testifies and submits written testimony in support for SB 288.

REP. BAKER: What other professions can have dual representation?

Morrow: I don't know.

WORK SESSION ON SB 288

REP. BAKER: moves

PUBLIC HEARING ON SB 209

Bob Olsen, Oregon State Bar: Testifies and submits written testimony in support of SB 209.

Sylvia Stevens, Oregon State Bar: Testifies and submits written testimony in support of SB 209.

REP. BRIAN: cites letter, are those all left to rules?

Stevens: yes.

REP. BRIAN: There is some risk from the consumer standpoint, wants more ...

Stevens: The supreme court has reviewed these.

TAPE 128, SIDE A

REP. MASON: the present statute doesn't have

Stevens: Correct.

REP. MASON:

Stevens: Federal courts are

REP. BRIAN:

REP. MASON: proposal to allow attorney to participate in exchange attorney program.

Olsen: wants time to find out more about this.

REP. BAKER: would that be to SB 209? the language here.

REP. MASON: the only thing we found that

Stevens: it would have to be in a different section

REP. BAKER: it is broad enough. SB 209, lines 8-9, they have to be associated with have to participate ... or should we rely upon the rule?

Steven: leave it to the rule.

REP. BAKER: Can the local attorney also be disciplined?

Stevens:

REP. BAKER: If I associate ... I would be subject to disciplinary action?

Stevens: I think you are now.

REP. BAKER: Pg. 2, paragraph 6, has there been a survey by the bar, if that insurance covers ...

Stevens: Problem with most states, is that a lot of lawyers don't have insurance at all.

REP. BAKER: an affidavit ... does that ... Stevens: I don't know.

PUBLIC HEARING ON SB 371

Bruce Rose, BWSR: Testifies and submits written testimony in support of SB 371.

WORK SESSION ON SB 371

REP. MASON: moves

PUBLIC HEARING ON SB 212

Walter Gowell, OSB - Real Estate: Testifies and submits written testimony in support of SB 212. goes through diagram.

REP. BRIAN: what is the difference between the -5 and the original bill

Gowell:

REP. BAKER: the judgement creditor, can ... what is the policy as to why to ... why do you want to change that?

Gowell: we don't.

REP. BAKER: if the judgement creditor ... what happens to those funds in transfer? If the buyer send the funds to the collection agency ...

Gowell: correct.

REP. BAKER:

Charles Zennache, Debtor-Creditor Section or Oregon State Bar: responds.

REP. BAKER:

Zennache: originally it was set up as an exemption.

REP. BAKER: if it is not an exemption, what is it.

Zennache:

REP. BAKER:

Zennache: the buyer vendee would be holding ...

REP. BAKER: Zennache: not to protect the

REP. BAKER: the seller is the

Zennache: the buyer vendee, can be ...

TAPE 127, SIDE B

CAROLE SOUVENIR, COMMITTEE COUNSEL: why can't we adopt the -5 amendments and ...

Zennache: all of the it creates a bankruptcy problem. Under this scenario, the debtor could make payments without going through the court order.

CAROLE SOUVENIR, COMMITTEE COUNSEL: isn't that what the -5 are doing?

Zennache:

CAROLE SOUVENIR, COMMITTEE COUNSEL: if leave in Ch. 23,

Zennache: if it is an exemption it creates a problem, ... if allow to remain in exemption ... this is not intended to protect the debtor.

CAROLE SOUVENIR, COMMITTEE COUNSEL: what happens if .. then the purchaser

Zennache:

CAROLE SOUVENIR, COMMITTEE COUNSEL: if the committee adopts the -5, then in case of bankruptcy ...

Zennache: Continues with testimony.

REP. MASON: there is agreement ...

REP. BRIAN:

Zennache:

Gowell: this is designed to attack the hardship where people make a set up ... current law does not protect that.

REP. BRIAN:

Gowell: they have been provided to the Senate Judiciary department.

Zennache: the garnishee would receive no rights. the garnishee would be subject to REP. BRIAN: Have you shoe

Zennache:

CHAIR PARKS: Adjourns the meeting at 3:28 P.M.