Oregon State Bar

May 5, 2014

FINRA Dispute Resolution, West Region
Laura McNamire, Regional Director
300 S Grand Avenue, Ste 900
Los Angeles, CA 90071

Re: Out-of-state lawyers participation in Oregon arbitration/mediation proceedings

Dear Ms. McNamire:

Effective January 1, 2012, the Oregon Supreme Court adopted Oregon RPC 5.5(e), which provides as follows:

> (e) A lawyer who provides legal services in connection with a pending or potential arbitration proceeding to be held in his jurisdiction under paragraph (c)(3) of this rule must, upon engagement by the client, certify to the Oregon State Bar that:
>
> (1) the lawyer is in good standing in every jurisdiction in which the lawyer is admitted to practice; and
>
> (2) unless the lawyer is in-house counsel or an employee of a government client in the matter, that the lawyer
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> (i) carries professional liability insurance substantially equivalent to that required of Oregon lawyers, or
>
> (ii) has notified the lawyer's client in writing that the lawyer does not have such insurance and that Oregon law requires Oregon lawyers to have such insurance.
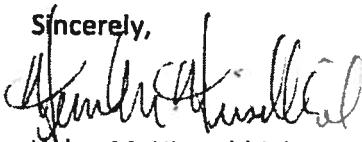>
> The certificate must be accompanied by the administrative fee for the appearance established by the Oregon State Bar and proof of service on the arbitrator and other parties to the proceeding.

This provision applies to lawyers who are not admitted to practice in Oregon, but are admitted (and not disbarred or suspended) in another U.S. jurisdiction, and seek to provide legal services to a client on a temporary basis in an Oregon mediation or arbitration proceeding that is not court-annexed.

Please share this information with your arbitrators and mediators as well as with those lawyers who participate in mediations and arbitrations through your company. Feel free to call me if you have any questions.

Thank you.

Sincerely,

Helen M. Hierschbiel
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