

<b>LEGISLATIVE COUNSEL COMMITTEE</b>	Policy and Administrative Procedure Manual
Section: Administrative, Legal and Publication Services	
Subject: Procedure for court representation or appearance	Number: 142-107
Approved by: Legislative Counsel Committee	Date: 11-18-11

**Purpose:** To establish procedures by which the Office of Legislative Counsel may represent or appear on behalf of the Legislative Assembly or its members in proceedings in court, in compliance with ORS 173.135.

**Policy:** If the Legislative Counsel determines that the Legislative Assembly or a member of the Legislative Assembly, in the individual's capacity as a member of the Legislative Assembly, is a defendant or other named party in any action, suit, matter, cause or proceeding in any court or agency of this state or of the United States, or is being compelled by subpoena to attend as a witness or produce for inspection documents or other tangible things in an action, suit, matter, cause or proceeding, the Legislative Counsel or the staff of the Legislative Counsel may, consistent with ORS 173.135, represent or appear on behalf of the Legislative Assembly or the member if:

(1) In the judgment of the Legislative Counsel, the action, suit, matter, cause, proceeding or subpoena is without legal merit; and

(2) The Legislative Counsel has conferred with the presiding officers of the House of Representatives and the Senate and, if applicable, the affected member of the Legislative Assembly, and has obtained their approval for the representation or appearance.