

SB 798 summary states “establishes General Counsel Committee within Legislative Assembly and directs committee to select General Counsel. Sets forth duties and qualifications of General Counsel.” SB 798 would have provided general legal advice to members of the legislature while Legislative Counsel drafts bills, measures and even unopposed opinions. Presently, LC provides counsel to both sides of an issue in direct violation of professional rules of conduct established by the Chief Justice of the Oregon Supreme Court. As a matter of law, a lawyer or law firm cannot represent opposing sides of an issue. However, this practice of double representation is a matter of policy by Legislative Counsel. If a private lawyer or law firm was caught double representing opposing clients they would be disbarred. The Legislative Assembly constantly passes laws to govern others then exempts itself. The Legislative Assembly needs independent counsel on general legal issues along with an impartial representation for conflicted issues and conflicted members. The double standard needs to end.