



IN SIGHT

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Issue No. 37

JANUARY 2000

OAAP – CONFIDENTIALLY YOURS

The Oregon Attorney Assistance Program (OAAP) is now even more confidential than ever before! Recent changes to ORS 9.545 (now ORS 9.568) create an even stronger statutory basis for the confidentiality of the OAAP. In addition, OSB Bylaw Article 16 and PLF Policies 6.100, 6.200, and 6.300 have all been strengthened to make sure the new statutory provisions apply to the OAAP. The statutes, bylaws, and policies taken together now provide for the following:

- The purpose of the OAAP is to provide completely confidential assistance, advice, and training to lawyers in a manner that encourages lawyers to seek assistance.
- The OAAP shall be conducted on the strictest basis of confidentiality. No information learned about or provided by an attorney shall be disclosed to the Oregon State Bar (including its disciplinary staff) or to any other person or organization outside the OAAP except when specifically authorized by the program participant either through written consent or by notice under Bar Rule 5.9.
- Information provided to or obtained by the OAAP is not discoverable or admissible in any civil proceeding without the written consent of the attorney to whom the information pertains.
- Information provided to or obtained by the OAAP is exempt from the provisions of ORS 192.410 to 192.505 (the Public Records Law) and the provisions of ORS 192.610 to 192.690 (the Public Meetings Law).
- The OAAP shall not maintain records of participant's names or the nature of participation.
- The OAAP will provide periodic program information and statistics to the Professional Liability Fund Board of Directors and the OSB Board of

Governors. The Professional Liability Fund Board of Directors and the OSB Board of Governors will not request or require that the identity of any person who has received assistance from the OAAP be disclosed.

In addition to the above statutes, rules and policies, the OAAP and its program participants are exempt from the reporting requirements of DR 1-103(A):

(E) The provisions of DR 1-103(A) [duty to report a lawyer to the Oregon State Bar for violation of disciplinary rules] shall not apply to lawyers who obtain such knowledge or evidence while:

(3) Participating in the loss prevention programs of the Professional Liability Fund, including the Oregon Attorney Assistance Program.

(Oregon Code of Professional Responsibility)

We extend our thanks to the 1999 Legislature, the Oregon State Bar Board of Governors, the Professional Liability Fund Board of Directors, PLF Chief Executive Officer Kirk Hall, and PLF Director of Loss Prevention Barbara S. Fishleder for their work on these issues.

The OAAP is free and completely confidential. For assistance, call us at 503-226-1057.

Michael J. Sweeney
Mike Long
Meloney Crawford Chadwick
Shari R. Pearlman
OAAP Program Attorneys