

Senate Bill 746

Sponsored by Senators GELSER BLOUIN, BONHAM, GOLDEN; Senator WEBER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DOJ to make a yearly report on the use of outside counsel to defend state agencies. (Flesch Readability Score: 71.7).

Directs the Department of Justice to report annually to the Joint Committee on Ways and Means and the committees of the Legislative Assembly related to the judiciary on the use of outside counsel to defend state agencies in lawsuits.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the use of outside counsel by the Department of Justice; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. On or before March 1 of each year, the Department of Justice shall report**
6 **to the Joint Committee on Ways and Means and to the committees of the Legislative As-**
7 **sembly related to the judiciary in the manner provided by ORS 192.245 on the use of outside**
8 **counsel to defend state agencies in lawsuits. The report must include the following informa-**
9 **tion about the previous calendar year:**

10 (1) **The name of each law firm retained by the department to defend a state agency in a**
11 **lawsuit, the total amount paid to the firm for legal fees in the previous calendar year and**
12 **the amount of outstanding accounts payable as of December 31 of the previous calendar year.**

13 (2) **The total amount of costs of legal defense work attributed to each state agency being**
14 **defended by outside counsel.**

15 (3) **The name and docket number of each case filed in state or federal court for which**
16 **the department has obtained outside counsel that was active at any point during the previous**
17 **calendar year.**

18 (4) **The number of hours billed by the department's attorneys to each state agency being**
19 **defended with regard to the cases using outside counsel.**

20 (5) **The hourly rates included in the contract for outside counsel and the hourly rate at**
21 **which the department's attorneys working on the same case are compensated.**

22 (6) **A list of the name and amount of any political contribution over \$750 made to a can-**
23 **didate or holder of statewide office by an attorney, partner or agent of each firm that served**
24 **as outside counsel to defend a state agency in a lawsuit in the previous calendar year.**

25 (7) **Information regarding the selection process for outside counsel, contract provisions**
26 **and deliverables.**

27 **SECTION 2. (1) The Department of Justice shall submit the first report under section 1**
28 **of this 2025 Act no later than March 1, 2026.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(2) In addition to the requirements of section 1 of this 2025 Act, the first report under**
2 **section 1 of this 2025 Act must include, for each calendar year beginning in 2022:**

3 **(a) The names of the three law firms receiving the highest total payments for legal de-**
4 **fense work;**

5 **(b) The total amount in fees and costs paid to each firm listed under paragraph (a) of this**
6 **subsection; and**

7 **(c) The total number of cases to which the firms listed in paragraph (a) of this subsection**
8 **were assigned as outside counsel and the name and docket number of each of those cases.**

9 **SECTION 3.** **This 2025 Act takes effect on the 91st day after the date on which the 2025**
10 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

11