

Senate Bill 284

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Interim Committee on Judiciary for Oregon State Bar Procedure and Practice Committee)

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**.

Extends statute of limitation in certain cases if attorney dies before expiration of time allowed for commencement of action. Allows client of deceased attorney to commence action not later than 180 days after death of attorney if attorney agreed to represent person in action and attorney-client relationship is confirmed in writing prepared by attorney or at direction of attorney.

A BILL FOR AN ACT

1
2 Relating to statutes of limitation.

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

4 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS chapter 12.**

5 **SECTION 2. Notwithstanding the time established by statute for the commencement of**
6 **an action, a person may commence the action not later than 180 days after the death of an**
7 **attorney for the person if:**

8 (1) **The attorney has agreed to represent the person in the action;**

9 (2) **The attorney-client relationship between the person and the attorney is confirmed in**
10 **a writing prepared by the attorney or at the direction of the attorney; and**

11 (3) **The attorney dies before the expiration of the time allowed by statute for com-**
12 **mencement of the action.**

13 **SECTION 3. (1) Except as provided in subsection (2) of this section, section 2 of this 2005**
14 **Act applies to all causes of action, whether arising before, on or after the effective date of**
15 **this 2005 Act.**

16 (2) **Section 2 of this 2005 Act does not apply to any action in which an attorney dies be-**
17 **fore the effective date of this 2005 Act.**

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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.