

AGENDA

Paraprofessional Licensing Implementation Committee

Meeting Date: March 22, 2021
Meeting Time: 12:00pm – 2:00pm
Location: Zoom Call

Join Zoom Meeting

<https://us02web.zoom.us/j/87350033206?pwd=UDBGMGxuWmRqWkMwUnVSckxMbDVXdz09>

Meeting ID: 873 5003 3206

Passcode: 642285

1. Introduction and Welcome – (12:00pm – 12:05pm)

2. Approval of past minutes – (12:05pm -12:15pm)

- 2/23 Regulation Workgroup Meeting Notes
- [3/1 Admissions Workgroup Meeting Notes](#)
- [3/8 Full Implementation Committee Notes](#)

3. Discussion Points for the Full Committee – (12:15 – 1:00)

Are there additions to this list? Does the full committee want to discuss this before we head into break out rooms? What is helpful to decide now versus later?

- **Scope of License.** Postnups, Prenups, Juvenile cases, QDRO's, ORS 109.199, and Out of State Modifications
- **Access to free or low cost CLEs.** Options to consider include: Make the same CLEs available free to the attorneys or student learners available to the LPs; Bar materials; Preferred rates such as those offered to attorneys with less practice experience; Offer CLEs in the practice area specific topics; and Good faith efforts of those applicants who need to complete CLEs within 12 month window in advance of their application.
- **Threshold Experience Requirement.** Determine the appropriate calculation of the 1,500 hours experience requirement that a certifying attorney must confirm is substantive paralegal experience, in order to confirm competency, while considering the equity accessibility of possible candidates: "At least 80% of the time;" "A majority of the time;" or Some other metric.
- **Subject Matter Experience.** Clarify whether to require specific substantive paralegal experience "in the subject matter seeking licensure" of applicants. Some proposals considered: Not requiring experience in the subject matter seeking licensure; or Requiring all of the 1,500 hours to be in the subject matter seeking licensure; or Requiring some portion of the 1,500 hours to be in the subject matter seeking licensure; or Requiring only those seeking an education waiver to have experience in the subject matter seeking licensure; or Some other metric not previously discussed.
- **Attorney Certification Letter.** Consider what potential substantive paralegal duties

should be included in as tasks within the Attorney Certification Template letter that the Certifying Attorneys can use as examples (perhaps 4 or 5).

- **Admission Criteria.**
- **Referral Service.** Will there be one and how will it impact current ethics rules?

- **Discussion Points Resolved by the Full Committee**

- **LP membership with the Bar.** Will LPs will be admitted to the Bar as Associate Members or other as yet determined membership category? This topic was discussed previously and was tabled, noting that the term Associate Member was already defined and will be addressed in the administration of the program.
- **Mandatory Reporting of Child/Elder Abuse:** The committee discussed the pros and cons of whether LPs should be mandatory reporters. There was discussion about privilege and whether LPs should also be subject to RPC 1.4. The committee determined that LPs should mandatory reporters.
- **IOLTA Accounts:** The committee discussed the pros and cons of whether LPs should be required (or allowed) to have IOLTA accounts. Topics for discussion included the different billing methods. The consensus of the group was that LPs should participate in IOLTA and be allowed to set up Trust accounts. They group further suggested that there be random automatic audits of LP trust accounts.
- **Scope of License – DHS Proceedings:** Judge Thompson recommended this discussion continue in the Regulation Workgroup and be sent to the Stakeholder Workgroup for stakeholder feedback. She wants the Regulation Workgroup to work on this more and create a nuanced guide path on what may be appropriate.
- **Scope of License – Contempt:** Judge Thompson suggested pushing this back into the Regulatory Committee for further discussion and a recommendation. She would like to hear more of the pros and cons and receive feedback from stakeholders. Judge Thompson said we will need to engage our stakeholders for feedback on a lot of these issues.
- **Scope of License - Military divorces and unstipulated military divorces:** Judge Thompson said it sounds like this will require stakeholder feedback as well.
- **Scope of License - Beal and Beal – dissolution of a civil contract:** The Committee believes this would be good to exclude as they can be very complex.
- **Scope of License - Jail/prison access for LP when client is confined:** The Committee thinks that LPs should be able to meet a client who is in custody as long as it doesn't relate to their confinement and the reason why they are being confined.
- **Scope of License - Family Abuse Protection Act Restraining Order:** The Committee believes that this is something that is a "proceed with caution" area. The sense of the Committee is if there is going to be a role, it will be a role that is limited and a need to refer if there is any criminal or juvenile issue with this. The Regulation Workgroup will have to provide a nuanced recommendation to the full committee.
- **Stalking Protective Orders:** The Committee agreed that they would like LPs to not be

involved in this.

- **Postnups, Prenups, Juvenile cases, QDRO's, ORS 109.119, and Out of State Modifications:** The Committee agrees that LPs should not be involved.
- **LP's Discipline Reporting Requirements:** The Committee agrees that an LP that has had their license suspended in another state should have to report it to Oregon.

4. Workgroup Breakout Sessions (1:00pm – 1:45pm)

- Admissions and Education
 - Draft the Learning Outcomes for the Approved Course Work

5. Workgroup Status Updates – (1:45 pm – 2:00pm)

- Admissions and Education
 - [Admissions Framework Draft V6](#)
- Regulation
- Stakeholder Outreach
 - [PLIC Backgrounder](#)

6. Resources

- Review website - <https://paraprofessional.osbar.org/>

7. Future Meeting Schedule

- April 5, 2021 – 12:00pm – 2:00pm – Full Implementation Committee Meeting
- April 19, 2021 – 12:00pm – 2:00pm – Workgroup Breakout Sessions
- Set meetings in May, June, and July?

8. Other Business/Next Steps