

Recommendations for Admissions & Education Framework for Licensing Paraprofessionals (LPs)

Recommendation #1 - Standards of a Licensed Paraprofessional (LP)

A licensed paraprofessional should have a record of conduct that demonstrates a level of judgment and diligence resulting in competent representation in the best interests of their clients and that justifies the trust of those clients, adversaries, courts, and the public concerning the professional duties and obligations owed to each group.

Recommendation #2 - Duties of the BBX

The OSB Board of Bar Examiners (“BBX”) should be charged with the duty and vested with the power and authority to:

1. Determine the eligibility of applicants for an LP;
2. Determine reciprocal jurisdictions for purposes of admission by motion under this LP program;
3. Establish a fee schedule for applicants for Licensed Paraprofessionals and other services;
4. Establish subcommittees, as appropriate, to perform its duties;
5. Delegate to any of its members, subcommittees, or administrator, all or any part of its duties and responsibilities under the LP program;
 - a. the BBX may create an as-needed Advisory Board, initially including some members of the PLIC, to oversee hearings of LPs; denials of LP applications and appeals of denials of applications of LPs; and research and provide recommendations for future changes to the LP program.
 - b. Upon approval of the proposed LP Program, the BBX should add a paralegal or LP to the BBX board as a public member to provide comments, perspective, and comments on issues impacting the LP program and germane to character and fitness reviews.
 - c. The BBX should add a paralegal or LP to the MCLE Review Board to assist with paralegal CLE review and approvals germane to LP practice.
6. Establish a budget, expend funds, enter into contracts and retain the assistance of experts and other personnel when deemed necessary for the efficient discharge of its duties;
7. Oversee and administer LP Admissions; and
8. Promulgate, amend and revise regulations relevant to the above duties to administer the LP program. The policies and procedures of the BBX shall be consistent with these Recommendations, and once approved by the court, and shall have the same force and effect as other BBX guidelines.

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Recommendation #3 - Minimum Eligibility Qualifications

1. 18 years of age or older;
2. Meet the moral character and fitness standards to practice law under the LP program;
3. Submit a Paraprofessional License application and pay the appropriate fee, as set forth by the OSB Board of Governors;
4. Ability to competently apply the fundamental principles of law and application;

5. Ability to competently undertake fundamental legal skills commensurate with being a licensed paraprofessional, such as legal reasoning and analysis, recollection of complex factual information and integration of such information with complex legal theories, problem-solving, and recognition and resolution of ethical dilemmas;
6. Ability to:
 - a. Communicate honestly, candidly, and civilly with clients, licensed paraprofessionals, attorneys, courts, and others;
 - b. Conduct financial dealings in a reasonable, honest, and trustworthy manner;
 - c. Conduct oneself with respect for and in accordance with the law;
 - d. Demonstrate regard for the rights, safety, and welfare of others;
 - e. Demonstrate good judgment on behalf of clients and in conducting one's professional business;
 - f. Act ethically, diligently, reliably, and punctually in fulfilling obligations to clients, adversaries, courts, and others;
 - g. Comply with deadlines and time constraints;
 - h. Maintain confidentiality of client data.
7. Understand and Agree to:
 - a. Comply with the requirements of applicable state, local and federal laws, rules, and regulations; any applicable order of a court or tribunal; and the Rules of Professional Conduct.
 - b. Comply with the requirements to carry liability insurance;
 - c. Comply with the requirements to use written agreements, mandatory disclosures, and referrals to licensed attorneys for services exceeding the scope of licensing authority;
 - d. Comply with the requirements that a person shall not represent they are a licensed paraprofessional or are authorized to provide legal services without holding a valid license according to the LP program.

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Recommendation #4 – Standard Application [CTE] Paralegal Programs

1. Paralegal Programs must be institutionally accredited by a regional educational institution, such as the Northwest Commission on Colleges and Universities, which oversees accreditation for colleges and universities in Oregon and Washington.
2. Paralegal programs will be approved by the BBX by submitting an application verifying the program includes the requisite “approved coursework” approved by the court to ensure the necessary competencies are required for graduation from the program. [The approved Coursework incorporates the scope of practice recommendations of the Regulation Workgroup.]
The Board will review the resulting analysis to assist in determining compliance with the LP program.
3. If the Applicant obtained their degree from a school in a foreign jurisdiction, as defined by ORS 9.242(2), the BBX shall evaluate whether the Applicant’s education program meets this requirement. To assist in this determination, the Board may require that the Applicant’s educational program be assessed by a commercial evaluator of the Board’s choosing and at the Applicant’s expense.
4. Paralegal programs offered out-of-state, such as in Washington, California, or Idaho, that would otherwise be approved except for the Oregon-specific content (such as IOLTA account administration or mandatory elder abuse reporting), are to be approved on condition

subsequent that the paralegal students from those programs complete the 20 CLES required for Education Waiver applicants.

5. Assessments of ethics and practice-specific core competencies required of licensed paraprofessionals.

Recommendation #XXX – Education Waiver Applications Partnership with Oregon Community Colleges [Workforce Development of Incumbent Workers]

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Recommendation #XXXX – CLE Partnership with Oregon Community Colleges

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Recommendation #5 – Standard Eligibility Pathway; Minimum Education Requirements

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The purpose of the Minimum Education Requirements is to ensure sufficient legal education training in the subject matter necessary to provide adequate legal services in the practice area seeking Endorsement.

1. Associate Degree or higher in paralegal studies;
2. Degree must be from a U.S. institutionally accredited paralegal program;
3. The Paralegal program must provide, and the student must complete approved Coursework required to graduate from the paralegal program to ensure competency, as approved by the court and described more fully below.

4. Practice Area Specific Content Required in Approved Coursework Family Law

Paralegals should have the ability to meet the following:

- a. Enter into a contractual relationship with an unrepresented party to provide advice and assistance in domestic relation proceedings.
- b. Assist clients in court-sponsored mediation.
- c. Consult with clients to understand their needs and goals and obtain facts relevant to achieving the client's objectives.
- d. Support clients in navigating the legal system by providing information and advice relating to the Family Law proceedings, including:
 - i. Explain the process and timelines;
 - ii. Explain what to expect at a hearing;
 - iii. Help clients understand court scheduling, protocols and procedures, what to bring, and how to dress and act in court.
- e. Select, prepare, file, and serve court forms or other approved pattern forms and other documents; explain how those forms and documents will be used and the applicable procedures for proper filing and service of court forms and related documents.
- f. Guide clients through court-specific procedures, requirements, and operations.
- g. Review documents and exhibits of another party, explain those documents and exhibits to clients, and communicate with another party or the party's representative(s) regarding the relevant forms and matters.
- h. Advise clients on other documents or pleadings that may be necessary to support the client's case and explain how such additional documents or pleadings may affect the client's case.
- i. Assist clients in understanding the relevance of facts in their case and organizing their evidence and paperwork to present to the court, including where and how to obtain necessary documents or records.

Commented [LO4]: Education Framework to be word smithed during Joint Meeting of Admissions and Regulation on October 25.

- j. Perform legal research.
- k. Incorporate fundamental legal writing principles such as citation standards, case law precedence, primary and secondary sources, etc., into professional writing.
- l. Apply limited scope practice and business management principles.
- m. Apply negotiation Alternative Dispute Resolution principles.
- n. Provide the clients with self-help materials prepared by an Oregon lawyer, approved by the Oregon State Bar, or approved by the court containing information about relevant legal requirements, case law basis for the client’s claim, and venue and jurisdiction requirements.
- o. Identify the scope of the license and practical identification of mandatory referral scenarios; Advise clients to seek legal advice from an attorney if a licensee knows or reasonably should know that a client requires services outside of the limited scope of practice.
- p. Provide emotional and administrative support to the client in court.
- q. Provide second-hand trauma coping resources—the ability to refer to mental health specialists when necessary.
- r. Identify diminished capacity.
- s. Recognize mental health and substance abuse within the legal profession.
- t. Screen for domestic violence, child abuse, and elder abuse. Ability to refer to shelters and report abuse as required by statute.
- u. Identify issues affecting the justice system and access to justice concerns, including, but not limited to, race, gender, language, or disability, consistent with the Rules of Professional Conduct, which contains a list of issues affecting the justice system.
- v. Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
- w. Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or other equity disparities.
- x. Address systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard. Access to Justice Courses should include activities directly related to the practice of law and designed to educate the licensed paraprofessionals to recognize, identify and address, within the legal profession, barriers to access to justice arising from both the provision of legal services and from the practice of law and should address each of the following topics:
 - i. Age
 - ii. Culture
 - iii. Disability
 - iv. Ethnicity
 - v. Gender and gender identity or expression
 - vi. Geographic location
 - vii. Immigration status
 - viii. National origin
 - ix. Race
 - x. Religion
 - xi. Sex and sexual orientation
 - xii. Socioeconomic status

- xiii. Veteran status
- y. Apply ethics, including the Oregon Code of Professional Responsibility
- z. Administer IOLTA account administration.
- aa. Identify Oregon State Courts' rules and procedures, including evidence, trial prep documents, and service requirements.

5. Landlord/Tenant and Evictions

Paralegals should have the ability to meet the following:

- a. Enter into a contractual relationship with an unrepresented party to provide advice and assistance in eviction proceedings.
- b. Assist clients in court-sponsored mediation.
- c. Assist qualifying clients and their families who are victims of domestic violence, sexual assault, or stalking to understand their rights and procedure for terminating their tenancy or retaining possession following the perpetrator's removal.
- d. Assist qualifying servicemembers and their families to understand and apply for a stay of eviction proceedings.
- e. Assist clients to understand the process and timeline for recovering abandoned personal property post-tenancy.
- f. Assist clients in selecting and completing the forms and understanding the process and procedure to bring an action for recovery of personal property.
- g. Consult with clients to understand the client's needs and goals and obtain facts relevant to achieving the client's objectives.
- h. Support clients in navigating the legal system by providing information and advice relating to the landlord/tenant matters and eviction proceedings, including:
 - i. Explain the process and timelines;
 - ii. Explain what to expect at a hearing;
 - iii. Help clients understand court scheduling, protocols and procedures, what to bring, and how to dress and act in court.
- i. Select, prepare, file, and serve court forms or other approved pattern forms and other documents, explaining how those forms and documents will be used and the applicable procedures for proper filing and service of court forms and related documents.
- j. Guide clients through court-specific procedures, requirements, and operations.
- k. Review documents and exhibits of another party, explain those documents and exhibits to clients, and communicate with another party or the party's representative(s) regarding the relevant forms and matters.
- l. Advise clients on other documents or pleadings that may be necessary to support the client's case and explain how such additional documents or pleadings may affect the client's case.
- m. Assist clients in understanding the relevance of facts in their case and organizing their evidence and paperwork to present to the court, including where and how to obtain necessary documents or records.
- n. Perform legal research.
- o. Incorporate fundamental legal writing principles such as citation standards, case law precedence, primary and secondary sources, etc., into professional writing.
- p. Apply limited scope law practice and business management principles.
- q. Apply negotiation Alternative Dispute Resolution principles.

- r. Provide clients with self-help materials prepared by an Oregon lawyer, approved by the Oregon State Bar, or approved by the court that contains information about relevant legal requirements, case law basis for the client’s claim, and venue and jurisdiction requirements.
- s. Identify the scope of the license and practical identification of mandatory referral scenarios; advise clients to seek legal advice from an attorney if a licensee knows or reasonably should know that a client requires services outside of the limited scope of practice.
- t. Provide emotional and administrative support to the client in court.
- u. Provide second-hand trauma coping resources—the ability to refer to mental health specialists when necessary.
- v. Identify diminished capacity.
- w. Recognize mental health and substance abuse within the legal profession.
- x. Screen for domestic violence, child abuse, or elder abuse. Ability to refer to shelter, knowledge of abuse reporting requirements.
- y. Identify issues affecting the justice system and access to justice concerns, including, but not limited to, race, gender, language, or disability, consistent with the Rules of Professional Conduct, which contains a list of issues affecting the justice system.
- z. Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
- aa. Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or other equity disparities.
- bb. Address systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard. Access to Justice courses should include activities directly related to the practice of law and designed to educate the licensed paraprofessionals to recognize, identify and address, within the legal profession, barriers to access to justice arising from both the provision of legal services and from the practice of law. It should address each of the following topics.¹
 - i. Age
 - ii. Culture
 - iii. Disability
 - iv. Ethnicity
 - v. Gender and gender identity or expression
 - vi. Geographic location
 - vii. Immigration status
 - viii. National origin
 - ix. Race
 - x. Religion
 - xi. Sex and sexual orientation
 - xii. Socioeconomic status
 - xiii. Veteran status
- cc. Apply ethics, including the Oregon Code of Professional Responsibility
- dd. Administer IOLTA account administration.

¹ The Admissions & Education Committee feel strongly that the language incorporated into Recommendation 5(4)(xxii-xxiv) and 5(xxvi-xxviii) is exemplary of the higher goals of access to justice and equity designed to not only identify systemic issues, but as a larger goal of changing the very system that creates it.

ee. Identify Oregon State Courts' rules and procedures, including evidence, trial prep documents, and service requirements.

Recommendation #6 - Proceedings Within Licensed Paraprofessionals' Scope or Actions.

LPs are authorized within the following areas:

1. Family Law (dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, paternity, and remedial contempt) – if not in conflict with outside of scope practice areas.
 - a. Enter into a contractual relationship to represent a natural person (not including a business entity);
 - b. Meet with potential clients to evaluate and determine needs and goals and advise;
 - c. Draft and serve pleadings and documents, or assist clients to do so;
 - d. File documents/pleadings with the court;
 - e. Assist with discovery (including but not limited to, requests for production, responses to requests for production, confidentiality protective orders, motions to compel, confer with opposing party or their representative, subpoenas, uniform support declarations, requests for admissions, and motions for and responses to motions for the following; custody and parenting time evaluations; drug and alcohol assessments; psychological evaluations; inspection of property; real and personal property appraisals; and vocational assessments);
 - f. Attend depositions, but not take or defend. Assist with scheduling and compelling deposition appearances and preparing clients for being deposed and for taking a deposition;
 - g. Prepare for, participate in and represent a party in settlement discussions, including mediation and settlement meetings;
 - h. Prepare parties for judicial settlement conferences;
 - i. Participate and assist with hearing, trial, and arbitration preparation. Prepare clients for court appearances (e.g., direct and cross examination, oral argument, exhibit preparation and submission, asset/liability statements, and memoranda to the court); and
 - j. Review opinion letters, court orders, and notices with a client and explain how they affect the client including the right to appeal.
2. Landlord/Tenant (ORS 90 (ORLTA) and Forcible Entry and Wrongful Detainer provisions of ORS 105.126-168 related to residential tenancies) - if not outside of scope practice areas.
 - a. Apply proper form, use, and service of all forms of landlord notices, including entry notices, “no cause” termination notices, “for cause” termination notices, termination notices for landlord qualifying reason(s), notices of non-renewal, notices to unauthorized possessor, abandoned property notices, as well as all forms of tenant notices, including notice of absence, “no cause” termination notices, non-compliance and termination notices, rent withholding notices for habitability violations or repair of minor habitability defects, notice of failure to provide essential services, termination notices for renting dwelling unit that is unsafe or unfit to occupy, termination notices to escape stalking or domestic violence and related verification statements and lock-change requests, requests for reasonable accommodation of a disability, termination of tenancy when called into active service.

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Appear in court issue)

- b. Communicate any advice, explanation, legal opinion, or recommendation about a client's legal rights, remedies, defenses, options, document selection, or strategies to third parties.
- c. Conducting or appearing in depositions.
- d. Appearing in trial or appellate court proceedings.
- e. Bankruptcy-related filings or advice.
- f. Enter into a contractual relationship to represent a natural person (not including a business entity);
- g. Meet with potential clients to evaluate and determine needs, goals, and advise on claims or defenses (e.g., notices of intent to terminate tenancy, inspect premises, rent increase, etc.);
- h. Assist, draft, and serve pleadings and documents including orders and judgments;
- i. File documents/pleadings with the court; 6
- j. Assist, draft, serve and complete written discovery (e.g., requests for production, responses to requests for production, protective orders, drafting and advising on motions to compel, conferring with opposing party or their representative, subpoenas, requests for admissions, and discovery related motions for and responses to motions).
- k. Attend depositions, but not take or defend. May assist with scheduling and compelling deposition appearances and preparing clients for being deposed and for taking a deposition;
- l. Participate, prepare for, and represent a party in settlement discussions, including mediation and settlement meetings;
- m. Prepare parties for judicial settlement conferences;
- n. Participate and assist with hearing and trial preparation. Prepare clients for court appearances (e.g., direct and cross examination, oral argument, exhibit preparation and submission, and memoranda to the court); and
- o. Review opinion letters, court orders, and notices with a client and explain how they affect the client including the right to appeal.

Recommendation #7 - Proceedings Outside of Licensed Paraprofessionals' Scope or Actions

1. Limited Jurisdiction Courts (e.g., Traffic, Justice, Municipal)
2. Certain Family Law Actions (LPs are not to engage in the following):
 - a. Appeals (trial court, and court of appeals)
 - b. Stalking protective orders
 - c. Juvenile court cases (dependency or delinquency)
 - d. Modifications when the initial court order originates outside Oregon and Oregon has not yet assumed jurisdiction;
 - e. Premarital or postnuptial agreements (drafting, reviewing, or litigating)
 - f. Cohabitation agreements (drafting, reviewing, or litigating)
 - g. Qualified Domestic Relations Orders (QDROs) and Domestic Relations Orders (DROs) (drafting, reviewing, or litigating)
 - h. Third-party custody/visitation cases (ORS 109.119)
 - i. Unregistered domestic partnership (Beal and Beal)
 - j. Cases with third-party intervenors
 - k. Military Divorces, not stipulated
 - l. Contempt, when confinement requested.

- m. Family Abuse Prevention Act Restraining Order cases, except related family law matters
 - n. EPPDAPAs, SAPOs, emergency guardianships, and adoptions should also be excluded.
3. Landlord/Tenant and Evictions (LPs are not permitted to engage in the following):
- a. Agricultural tenancies and leasing
 - b. Affirmative Discrimination Claims (except as asserted as a counterclaim or defense)
 - c. Commercial tenancies and leasing
 - d. Personal injury, except as asserted as a defense
 - e. Injunctive relief in affirmative cases
 - f. Housing provided in relation to employment
 - g. Affirmative subsidized housing claims

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Recommendation #8 - Minimum Paralegal Experience

The purpose of the paralegal experience is to ensure the competency of the Licensed Paraprofessional applicant.

1. “Minimum paralegal experience” or “minimum work experience” is full-time employment of at least one year or a minimum of 1,500 hours of “substantive paralegal experience” of which a majority of the time is under the direct supervision of an attorney licensed to practice in Oregon. Part-time employment is calculated on a pro-rata basis.
2. “Substantive Paralegal Experience” is the performance of substantive work performed a majority of the time that requires knowledge of legal concepts and processes that are customarily, but not exclusively, performed by a lawyer, is not administrative and is supported by a lawyer education, certification or training in the legal profession.
3. The paralegal may be contracted with or employed by a lawyer, law office, governmental agency, or other entity; or may be authorized by administrative, statutory, or court authority to perform substantive work, such as that of a court facilitator outlined by ORS 3.428. For use in meeting the experience requirement, the 1,500 hours of substantive paralegal experience must be obtained within three years preceding the license application date
4. The substantive paralegal experience shall be verified through certification by the supervising attorney(s). Each attorney certification must include a declaration verifying:
 - a. The specific dates of employment;
 - b. The work performed is not administrative;
 - c. The work performed would otherwise be performed by an attorney;
 - d. A list of the paralegal’s substantive duties;
 - e. Whether the position was full time or part-time;
 - f. The average number of hours worked per week
 - g) The duration of employment;
 - h) The majority of the time was spent performing substantive paralegal duties; and
 - i) The attorney is in support of the individual’s application and verifies the Applicant’s competency in the practice area seeking Endorsement. See Attachment A –Attorney Certification of Substantive Paralegal Experience [Template].
 - j) Tiered Endorsements
 - i. For applicants seeking Endorsement as a document preparer (with no carve-out for providing legal advice), the 1,500 hours of substantive paralegal experience described previously is adequate, with Attorney Certification.

- ii. For applicants seeking Endorsement in Family Law, 1/3 of the required 1,500 hours, or 500 hours, must be obtained within the subject matter seeking Endorsement.
- iii. For applicants seeking Endorsement in landlord/tenant and evictions, 1/6 of the required 1,500 hours, or 250 hours, must be obtained within the subject matter seeking Endorsement.
- iv. Experience within the subject- matter seeking Endorsement may be verified through certification by the supervising attorney as outlined above or as follows:
 1. Observation of court proceedings in the subject matter seeking Endorsement such as first appearances, *ex parte* proceedings, etc., may account for no more than 100 hours of the required experience hours.
 - i. The Applicant must locate a willing and respected member within the legal community to debrief about what they observe within any court proceedings or process. The legal professional may be a judge, attorney, paralegal, court facilitator, law clerk, or similar. The legal professional must be willing and able to document their discussions with the Applicant about the court observations and confirm the substance is pertinent to the subject matter endorsement.
 - a. Both the Summary by the Applicant and verification by the legal professional must accompany the court observation form.
 - ii. Observation experience must include a prescribed form verified by
 - a. Self-certification by declaration of the Applicant evidencing the dates and duration of the proceedings observed, the parties to the proceeding, the judge overseeing the proceeding, and the type of proceeding being observed for verification purposes.
 - b. Be signed by a court official authorized to verify the attendance, such as the Judicial Court Clerk, Trial Court Administrator, Court Facilitator, or other authorized court staff confirming the date, time, and court proceeding in attendance.²
 2. Work with a pro bono or low bono experience verified by the supervising attorney or agency or any other paid or unpaid positions with the same experience requirements.
 3. "Substantive Educator/Trainer Experience" is the research and publication of authoritative articles, manuals or related educational/instructional material, online or in-person instruction and/or the performance of substantive work performed a majority of the time that requires knowledge of legal concepts and processes that are customarily in the area seeking endorsement, but not exclusively, performed by a lawyer, is not

² The Admissions & Education Workgroup has asked for outreach to the Court Facilitators and Trial Court Administrators to elicit feedback and interest in drafting language and possible enlistment of Court Facilitators to train and educate LPs on court forms for Family Law matters.

administrative and is supported by a lawyer education, certification or training in the legal profession and certified by an attorney using the Attorney Certification of Substantive Paralegal Experience Form as a verification of same [Template].

Recommendation #9 – Attorney Verification of Paralegal’s Substantive Experience

Draft ethical requirements and guidelines to ensure attorneys are ethically bound to respond to a request to verify a paralegal’s experience, just as they respond to a client’s request for their file when they terminate the attorney-client relationship. An exception can be carved out for a claim of incompetence. Still, the goal would be to ensure attorneys cannot withhold their verification without cause, for instance, if they were angry that the paralegal applied for the license. For that reason, the Admissions group recommends an ethics opinion outlining an attorney’s obligations to respond to a request for verification of substantive paralegal experience.

Recommendation #10 - Potentially Ineligible Individuals or Conduct

The revelation or discovery of any of the following may be treated as cause for further inquiry before the Board determines whether the Applicant possesses the character and fitness to practice law under the LP program:

1. Attorneys who have been disbarred, suspended for disciplinary reasons, or who resign Form B;
2. An individual disciplined for practicing UPL in any jurisdiction;
3. An individual convicted of a crime, the commission of which would have led to disbarment in all the circumstances present, had the person been licensed to practice law in Oregon at the time of conviction.
4. Unlawful conduct that reflects adversely on the Applicant’s character and fitness;
5. Academic misconduct;
6. Making or procuring any false or misleading statement or omission of relevant information in connection any bar application or any testimony or sworn statement submitted to any licensing or certification board;
7. Misconduct in employment;
8. Acts involving dishonesty, fraud, deceit, or misrepresentation;
9. Actions that demonstrate a disregard for the rights or welfare of others;
10. Abuse of legal process, including the filing of vexatious or frivolous lawsuits or the raising of vexatious or frivolous defenses;
11. Neglect of financial responsibility;
12. Neglect of professional obligations;
13. Violation of an order of a court;
14. Conduct that evidences current drug or alcohol use to such an extent that it could impair the ability to practice law under the LP program;
15. Denial or delays of admission to the bar in another jurisdiction on character and fitness grounds; or
16. Adjudicated disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction with a final decision resulting in an action or finding against the legal professional.
17. Other conduct that evidences an inability to practice law under the LP program.

Recommendation #11 - Factors Considered for Present Character

In Reviewing any prior conduct, if the conduct is identified necessitating additional inquiry by the Board as outlined in the previous section, then the following factors shall be considered potentially mitigating or aggravating regarding an applicant's present good moral character or fitness to practice law under the LP program:

1. Applicant's age at the time of the conduct;
2. Recency of the conduct;
3. Rehabilitation/character reformation;
4. Seriousness of the conduct;
5. Factors or circumstances underlying the conduct;
6. Cumulative nature of the conduct;
7. Candor in the admissions process; and
8. Materiality of any omissions or misrepresentations during the admissions process.

Recommendation #12 - Rehabilitation/character reformation

An applicant may assert rehabilitation by submitting evidence of one or more of the following:

1. Acknowledgment the conduct was wrong and has accepted responsibility for the conduct;
2. Strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
3. Lack of malice toward those whose duty compelled bringing disciplinary judicial administrative or other proceedings against Applicant.
4. Full cooperation and candor in the admission process;
5. A commitment to conform with the standards of good character and fitness for the practice of law under the LP program;
6. Restitution of funds or property, where applicable;
7. Positive social contributions through employment, community service, or civic service;
8. Engagement with a qualified treatment provider or participation in a generally recognized treatment program that addresses the behavior or conduct that is potentially disqualifying, and compliance with the recommendations of the qualified provider or recognized treatment program;
9. Recent conduct that demonstrates that the Applicant meets the essential eligibility requirements for the practice of law under the LP program and justifies the trust of clients, adversaries, courts, and the public;
10. Character evidence from people who know and have had the opportunity to observe the Applicant;
11. Other factors that support an assertion of rehabilitation.

Recommendation #13 - Nondiscrimination Policy

In determining good moral character and fitness to practice law under the LP program, the Board shall not discriminate against any applicant based on:

1. Race, color, or ethnic identify;
2. Gender or gender identity;
3. Sexual orientation;
4. Marital status;
5. Creed or religion;
6. Political beliefs or affiliation;

7. Sensory, mental, or physical disability;
8. National origin;
9. Age;
10. Honorably discharged veteran or military status;
11. Use of a trained service animal by a person with a disability; or
12. Any other class protected under state or federal law.

Table 1 - Eligibility Pathways Summary

Pathway	Education, Certification, Licensure, or Military Experience	Substantive Paralegal Experience verified through Attorney Certification	CLE Requirement	Expected Costs to Applicant, if known
Document Preparer *Limited in scope, and no legal advice may be provided	Associates Degree or higher in Paralegal Studies from an institutionally accredited paralegal program	1,500 hours within the last three years	Approved Coursework as approved by the Court	Roughly \$11,000-\$12,000
Standard Endorsement in either Family Law or Landlord/Tenant	Associates Degree or higher in Paralegal Studies from an institutionally accredited paralegal program	1,500 hours within the last three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement	Approved Coursework as approved by the Court	Roughly \$11,000-\$12,000
Highly Experienced Educators/Trainers	Associates Degree or Higher	1,500 hours within the last three years of “substantive educator/training experience” in the practice area seeking licensure	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs.
Highly Experienced Paralegal I – Education Waiver	N/A	Five years or 7,500 hours, with a minimum of 1,500 hours within the last	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs

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		three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement		
Highly Experienced Paralegal II – Education Waiver	Have current paralegal credentials from a national paralegal association, including one of the following: CP, RP, CRP, or PP	1,500 hours within the last three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs + costs of obtaining certifications (around \$350 in fees)
Highly Experienced Paralegal III – Education Waiver	Active duty, retired, former military, or the reserve component of any branch of the US Armed Forces, rank of E6 or above in a paralegal specialty rate or higher as a supervisory paralegal.	1,500 hours within the last three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs
Admission by Motion – Education Waiver	Licensed to practice in another jurisdiction	1,500 hours within the last three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs + undetermined education costs

Other Education – Education Waiver	Applicants with one of the following: a Masters or Ph.D. in any course of study; or a Bachelor degree or higher in any course of study; or Applicants with an Associate degree or higher in any course of study + a paralegal certificate	1,500 hours within the last three years; 1/3 must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and convictions to receive that Endorsement	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs + undetermined education costs
JD Degree – Education Waiver	Applicants with a J.D. Degree from an ABA-Approved law school	Minimum 6-months or 750 hours of substantive experience should include substantive paralegal experience as defined above, law clerk experience, court proceeding observation (self-certification of no more than 100 hours), or work in pro bono or low bono.	20 hours predetermined CLEs in advance of Endorsement	Cost of CLEs + undetermined education costs

Recommendation #14 - Applicants Seeking Waiver of the Minimum Education Requirements

1. Must pay an administrative fee approved by the Board, unless a fee waiver is approved according to the LP program;
2. Must complete the 20-Hour Mandatory CLE Requirement for Applicants Seeking a Waiver of the Minimum Education Requirements;
3. Must meet the Minimum Experience Requirements, except as amended for the Highly Experienced Paralegal I – Education Waiver and the JD Degree – Education Waiver; and
4. Must meet one of the following eligibility criteria:

- a. **Highly Experienced Paralegal:** Applicant must meet one of the following criteria to qualify under this eligibility:
- i. **Highly Experienced Paralegal I – Education Waiver.** A paralegal with a minimum of 5 years or 7,500 hours of substantive paralegal experience” for a minimum of 5-years or 7,500 hours of substantive paralegal experience, with a minimum of 1,500 hours having been obtained within the last three years under the direct supervision of an attorney licensed to practice in Oregon. For use in waiving the Minimum Education Component, the Substantive Paralegal Experience will be verified through the Certification of Substantive Paralegal Experience of Applicant Letter [Sample]requirements – see Attachment A Sample.
 - ii. **Highly Experienced Paralegal II – Education Waiver.** A paralegal who has successfully passed one of the listed national paralegal certification exams as evidenced by submission of evidence of passing the exam, as well as evidence that the credential remains current and in good standing with that organization on the date of application submission,
 1. The National Association of Legal Assistants (NALA) Certified Paralegal Exam® (CP) with current CP® Credentials;
 2. The National Federation of Paralegal Associations’ (NFPA)
 - (a) Paralegal Advanced Competency Exam® (PACE) with current RP® Credentials; or
 - (b) Paralegal Core Competency Exam® (PCCE) with current CRP™ credentials;
 3. The NALS Professional Paralegal (PP) Exam with current PP™ Credentials.
 - iii. **Highly Experienced Paralegal III – Education Waiver.** A member of the active duty, retired, former military, or the reserve component of any branch of the US Armed Forces, qualified in a military operation specialty with a minimum rank of E6 or above in a paralegal specialty rate as a Staff Sergeant (Army and Marines), Petty Officer First Class (Navy), Technical Sergeant (Air Force), or higher as a supervisory paralegal within the noted branch of service as evidenced by the submission of one of the following:
 1. Enlisted Record Brief (“ERB”);
 2. Affidavit from the military paralegal’s commanding officer confirming the rank and title of the military paralegal;
 3. For retirees or veterans, submission of the Certificate of Release or Discharge from Active Duty form, also known as the DD214, setting forth the last rank held and all MOS (jobs), duration, etc.
- b. **Admission by Motion – Education Waiver.** Applicants seeking Admission by Motion from other qualifying jurisdictions.
1. For purposes of this rule, a “qualifying jurisdiction” means any other United States jurisdiction with mirror reciprocity for licensing paraprofessionals to practice law in the practice area of license offered through the LP program.
- c. **Other Education – Education Waiver.** Applicants who have obtained one of the following degrees from a U.S. institutionally accredited school:
- i. Applicants with a Masters or Ph.D. in any course of study; or

- ii. Applicants with a Bachelor degree or higher in any course of study; or
 - iii. Applicants with an Associate degree or higher in any course of study have obtained a paralegal certificate for an accredited institution.
 - iv. If the applicant obtained their degree from a school in a foreign jurisdiction, as defined by ORS 9.242(2), the Board shall evaluate whether the applicant's education program meets this requirement. To assist in this determination, the Board may require that the applicant's educational program be evaluated by a commercial evaluator of the Board's choosing and at the applicant's expense. The Board will review the resulting analysis to assist in determining compliance with the LP program.
- d. **J.D. Degree – Education Waiver.** Applicants who have obtained a J.D. Degree from an ABA-Approved law school and have a minimum of 6-months, or 750 hours, of Substantive Experience obtained in the last three years, which shall include one of or a combination of the following:
- i. Substantive paralegal experience as defined previously; or
 - ii. Legal practice experience, including any activity related to the substantive legal work performed (whether paid, unpaid, pro bono, or low bono) and must be verified by a supervising attorney licensed to practice in Oregon, a Judge or agency overseeing the work, as demonstrated by the use of the Certification of Substantive Paralegal Experience of Applicant Letter [Sample], Attachment A, as a template, modifying for the specific experience to be verified; or
- e. Observation of court proceedings in the subject matter seeking Endorsement such as first appearances, *ex parte* proceedings, etc., may account for no more than 100 hours of the required experience hours.
- i. The Applicant must locate a willing and respected member within the legal community to debrief about what they observe within any court proceedings or process. The legal professional may be a judge, attorney, paralegal, court facilitator, law clerk, or similar. The legal professional must be willing and able to document their discussions with the Applicant about the court observations and confirm the substance is pertinent to the subject matter endorsement.
 - 1. Both the Summary by the Applicant and verification by the legal professional must accompany the court observation form.
 - ii. Observation experience must include a prescribed form verified by
 - 1. self-certification by declaration of the Applicant evidencing the dates and duration of the proceedings observed, the parties to the proceeding, the judge overseeing the proceeding, and the type of proceeding being observed for verification purposes.
 - 2. Be signed by a court official authorized to verify the attendance, such as the Judicial Court Clerk, Trial Court Administrator, or other authorized court staff confirming the date, time, and court proceeding in attendance³;
or
- f. Law clerk position as substantiated by the court; or
- g. Work with a pro bono or low bono experience verified by the supervising attorney or agency or any other paid or unpaid positions with the same experience requirements.

³ Id.

Recommendation #15 - Fee Waivers and Needs-Based Scholarships

1. Fee Waivers for Qualified Veterans

To be eligible for a fee waiver, an applicant shall be applying for the LP program under the **Highly Experienced Paralegal III – Education Waiver** and shall be all of the following:

- a. An individual.
- b. A resident of Oregon.
- c. A veteran, as defined by the Highly Experienced Paralegal III – Education Waiver, or one of the following:
 - i. A member of a reserve component of the U.S. armed forces or the national guard, as defined in 32 U.S.C § 101(3), who has served under honorable conditions for at least one year beginning on the member’s date of enlistment in a reserve component of the U.S. armed forces or the national guard.
 - ii. A person who was discharged from a reserve component of the U.S. armed forces or the national guard, as defined in 32 U.S.C. § 101 (3), if that discharge was an honorable discharge or a general discharge under honorable conditions.

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2. Need-Based Scholarships

Applicants may qualify for need-based scholarship funds if they come from low-income backgrounds. Qualification is determined based on family income, and Applicant must be eligible under one of the eligibility pathways to receive any funds.

3. Individuals who meet the criteria for the fee waiver or Needs-Based Scholarship under these provisions and request a waiver of their fees under the LP program shall be granted a waiver of those fees.

Recommendation #16 - Mandatory CLE Requirements (in advance of a License) for Applicants Seeking Waiver of Minimum Education Requirements

All applicants seeking a waiver of the minimum education requirements must complete twenty (20) hours of continuing legal education approved by the Board within twelve months before the application date.

Mandatory CLE Subjects (in advance of a License):

- 1. Three (3) hours must cover Diversity, Equity and Inclusion, and/or Access to Justice. Three principles should guide access to Justice CLE credit:
 - a. Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
 - b. Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or equity disparities.
 - c. Address systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard. Access to Justice Courses should include activities directly related to the practice of law and designed to educate the licensed paraprofessionals to recognize, identify and address within the legal profession barriers to access to justice arising from both the provision of legal services and from the practice of law and should address each of the following topics:
 - i. Age
 - ii. Culture
 - iii. Disability

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- iv. Ethnicity
 - v. Gender and gender identity or expression
 - vi. Geographic location
 - vii. Immigration status
 - viii. National origin
 - ix. Race
 - x. Religion
 - xi. Sex and sexual orientation
 - xii. Socioeconomic status
 - xiii. Veteran status
2. Two (2) hours of Legal Ethics (Oregon Code of Professional Responsibility);
 3. One (1) hour must cover IOLTA account administration;
 4. Two (3) hours must cover introductory Oregon Rules of Civil Procedures to include:
 - a. Oregon State Specific Court Practice for Trial Court Rules including Uniform Trial Court Rules,
 - b. Supplemental Local Rules; and
 - c. Uniform Trial Court Rules;
 5. One (1) hour must cover identifying Scope of License and Practical Identification of Mandatory Referral Scenarios;
 6. One (1) hour must cover education on limited scope law practice management skills for newly licensed paraprofessionals;
 7. One (1) hour must cover Mandatory Reporting of Child Abuse and Sexual Abuse;
 8. One (1) hour must cover Mandatory Reporting of Elder Abuse;
 9. One (1) hour must cover mental health/substance abuse in the legal profession; and
 10. Remaining six (6) hours must cover the practice area seeking Endorsement and must be accredited by the Oregon State Bar Minimum Continuing Legal Education Program Manager, which should include CLES approved for attorneys or paralegals;

Recommendation #17 - Renewal of License

1. Continue to meet the moral character and fitness standards to practice law under the LP program;
2. Continue to comply with Professional Rules of Conduct;
3. Submit a Paraprofessional License Renewal application and pay the appropriate fee, as set forth by the OSB Board of Governors;
4. Submit the required number and type of Mandatory CLE Requirements (after licensing) for the Renewal of the LP every three years.

Recommendation #18 - Mandatory CLE Requirements for Renewal of LP

All applicants seeking to renew their Endorsement in a specific practice area must complete 40 hours of continuing legal education every three years as approved by the Board.

Mandatory CLE Subjects (after Endorsement):

1. Three (3) hours must cover Diversity, Equity and Inclusion, and/or Access to Justice. Three principles should guide access to Justice CLE credit:
 - a. Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.

b. Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or equity disparities.

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c. Address systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard. Access to Justice Courses should include activities directly related to the practice of law and designed to educate the licensed paraprofessionals to recognize, identify and address within the legal profession barriers to access to justice arising from both the provision of legal services and from the practice of law and should address each of the following topics:

- i. Age
- ii. Culture
- iii. Disability
- iv. Ethnicity
- v. Gender and gender identity or expression
- vi. Geographic location
- vii. Immigration status
- viii. National origin
- ix. Race
- x. Religion
- xi. Sex and sexual orientation
- xii. Socioeconomic status
- xiii. Veteran status

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2. Four (4) hours of Legal Ethics (Oregon Code of Professional Responsibility);
3. One (1) hour must cover IOLTA account administration;
4. Two (2) hours must cover Updates to Oregon Rules of Civil Procedures;
5. One (1) hour must cover identifying Scope of License and Practical Identification of Mandatory Referral Scenarios;
6. One (1) hour must cover Mandatory Reporting of Child Abuse or Sexual Abuse;
7. One (1) hour must cover Mandatory Reporting of Elder Abuse;
8. One (1) hour must cover Mental Health/Substance Abuse in the Legal Profession; and
9. Remaining twenty-six (26) hours must cover the practice area seeking Endorsement and must be accredited by the Oregon State Bar Minimum Continuing Legal Education Program Manager, which should include CLES approved for attorneys or paralegals;
10. The Oregon State Bar should offer low or no-cost options for the paraprofessional licensees to access CLEs, similar to those provided to new attorneys or student learners, including access to bar books, PLF recorded CLEs, etc.
11. MCLE Program should offer the same access to free or low-cost CLEs available to new attorneys or student learners; access to bar materials; preferred rates such as those provided to attorneys with less practice experience.
12. MCLE to offer CLEs in the practice area-specific topics.
13. Applicants showing good faith efforts should be allowed to complete CLES within a 12-month window in advance of their application.
14. OSB to create an LP section be added and made available through Bar Membership.
15. LPs seeking renewal of multiple endorsements may use CLEs for duplicative license renewals, except the specific subject matter CLEs required for the renewal must be unique and specific to the endorsement content and fulfill the number required for this purpose.

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Commented [LO8]: Review this portion with Community College Partners

Recommendation #19 - Mandatory CLE Requirements (in advance of a License) for Applicants Seeking Waiver of Minimum Education Requirements (Proposal to call these classes the Core Competencies) and for the Renewal of the Licenses offered by the 17 Community Colleges in Oregon

Recommend that the 17 Community Colleges in Oregon offer one bundle of 20-hour or two 10-hour track of non-credit courses (should they be an agreement and willing to seek approval through the OSB education providers approval process); with mentorship and guidance from the Portland Community College and Umpqua Community College's paralegal programs for applicants needing to meet the requirements for either the Educational Waivers or for renewing the license.

Commented [LO9]: May be duplicative; refer to Community College recommendation for CLE section above.

Recommendation #20 – Metrics for Measuring Success of Program

1. Monitor and evaluate the program's success, including measuring the program using existing metrics, such as bar complaints and the number of client representations, case types, and impacts on those numbers.
2. Number of LPs and renewals.
3. Polls and assessments of end-users, LPs, and the Courts.
4. The end-user experience is crucial and should be considered at the beginning, middle, and end of the evaluation (number of individuals served for example).
5. Financial viability as a program v. a LP.
6. Measure impact of those accessing the legal services through a decrease in the number of self-represented individuals and other metrics as approved by the Bar.
7. Measure the success of LP service providers periodically through self-reporting to include financial and client representation case types and numbers and if the LP stops practicing in a specific practice area before the renewal period.

Attachment A: Attorney Certification of
Substantive Paralegal Experience [Template]

[Date]

Oregon State Bar
Attn. Admissions
PO Box 231935
Tigard, OR 97281-1935
admissions@osbar.org

Dear Board of Admissions

RE: Certification of [Applicant Name]'s Substantive Paralegal Experience for Application for
Endorsement in [Document Preparation], [Family Law] or [Landlord/Tenant]

Dates of employment performing paralegal duties from [month/year] to [month/year].

Type of employment: [Full time] [Part time]

Average number of hours worked per week: _____

Confirmation that a majority of the Applicant's time was spent performing substantive paralegal
tasks that would otherwise have been performed by an attorney and would not otherwise be
considered administrative duties.

List the types of substantive duties performed by applicant. Please use as much room as
necessary to detail the list of duties as appropriate). Some possible examples of substantive
duties may include: draft and revise pleadings; draft motions and orders, draft parenting
plans/financial disclosure statements; communicate with clients, counsel and court
representatives, etc.

For subject matter specific experience verification, confirm:

1. The applicant meets the 1/3 hours of 1,500 hours requirement, or 500 hours, in Family
Law; Yes _____ No _____
2. The applicant meets the 1/6 hours of 1,500 hours requirement, or 250 hours, in
landlord/tenant or eviction matters? Yes _____ No _____

I support this individual's application and believe them to be competent in the practice area
seeking Endorsement. I declare that all of the information provided above is true and accurate.

Attorney name/Bar Number
Attorney Signature
Attorney email address
Attorney phone number