

Paraprofessional Licensing Implementation Committee (PLIC)  
Admissions and Education Workgroup (“the Workgroup”)  
Framework and Recommendations for Licensed Paraprofessionals (LPs)  
(November 2021)

Recommendations

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Table 1 – Eligibility Pathways Summary

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; assess competencies of applicants, 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 should be consistent with these Recommendations, and once approved by the court, and shall have the same force and effect as other BBX guidelines.

Recommendation #3 - Minimum Eligibility Qualifications for LP Applicants

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, including a portfolio containing a body of work for assessment of the competency of each candidate in ethics, scope in the specific practice area seeking endorsement, and requirements to refer client outside of that scope<sup>1</sup>. The portfolio could be used by the BBX to evaluate the applicant's:
  - a. Ability to competently apply the fundamental principles of law and application;
  - b. 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;
  - c. Ability to:
    - i) Communicate honestly, candidly, and civilly with clients, licensed paraprofessionals, attorneys, courts, and others;
    - ii) Conduct financial dealings in a reasonable, honest, and trustworthy manner;

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<sup>1</sup> A summary of Portland Community College's Paralegal Portfolio Program is included as Attachment B and is the recommended method for assessing the LP candidates' competencies. This recommendation is similar to the recommendations currently being proposed for Oregon State Bar Attorney applicants, instead of a Bar Exam. The Admissions & Education Workgroup also considered a Bar-type exam and recommends against the creation or use of an examination for the reasons outlined previously.

- iii) Conduct oneself with respect for and in accordance with the law;
  - iv) Demonstrate regard for the rights, safety, and welfare of others;
  - v) Demonstrate good judgment on behalf of clients and in conducting one's professional business;
  - vi) Act ethically, diligently, reliably, and punctually in fulfilling obligations to clients, adversaries, courts, and others;
  - vii) Comply with deadlines and time constraints;
  - viii) Maintain confidentiality of client data.
- d. Understand and Agree to:
- i) 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.
  - ii) Comply with the MCLE requirements, including Ethics, Access to Justice, and Abuse Reporting;
  - iii) Comply with the requirements to maintain IOLTA accounts, as appropriate;
  - iv) Comply with the requirements to carry malpractice liability insurance;
  - v) Comply with the requirement to pay into the Client Security Fund;
  - vi) Comply with prohibitions regarding fee sharing;
  - vii) Comply with the requirements to use written agreements, mandatory disclosures, and referrals to licensed attorneys for services exceeding the scope of licensing authority;
  - viii) 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.

Recommendation #4 – Partnership with the Community Colleges and the Oregon State Bar

The Admissions & Education Workgroup has had multiple conversations with community colleges within the state to determine if they would:

1. Be interested in partnering with the Oregon State Bar to develop a statewide education program to that would be available to a broader audience across the state, offering three different education tracks to the various applicant types.
2. The Admissions & Education Workgroup, with input provided by the community colleges, recommends three education tracks be considered as part of the partnership with the Oregon State Bar:

- a. The **Standard Application Education Track** (or also referred to as a CTE program) outlined in Recommendation #4A below would ~~provide for credit courses that assess the core competencies for be tailored around LP applicants identified in~~ Recommendation #5 below through a degree or certificate program;
- b. The **Education Waiver Application Track** (or Workforce Development of Incumbent Workers) outlined in Recommendation #4B below, providing non-credit courses in the twenty identified topics for the **Education Waiver Applicants** (~~which fall under the Futures Task Force Recommendation 1.2 exemption~~ for highly experienced paralegals and JD applicants), detailed in Recommendation #12 below.

In conversations with the Community Colleges Partners, this could be offered as a bundle of 20-hour or two 10-hour track of non-credit courses but the details of such a proposal are yet to be determined and subject to approval of these recommendations.

c. The **Mandatory CLE Requirements for Renewal of License of LP Track** (through Workforce Development) outlined in Recommendation #4C below, providing non-credit continuing legal education courses for LPs to renew their licenses.

Recommendation #4A – Standard Application Education Track (or also referred to as a CTE program)] as a first education track.

1. The paralegal programs offering the additional Standard Education Application Track 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. 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.
3. Standard Application Education Track Programs offered out-of-state, such as in Washington, California, or Idaho, ~~that would otherwise be approved~~ may not offer 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 and those applicants may need to~~ complete the 20 CLES required for Education Waiver applicants but defer to the OSB to determine those guidelines.

Recommendation #4B – **Education Waiver Application Track** through a Partnership with Oregon Community Colleges (Workforce Development of Incumbent Workers) ~~as a second education track.~~

**Education Waiver Application Track** offered through a Partnership with Oregon Community Colleges (Workforce Development of Incumbent Workers) and the Oregon State Bar to provide the recommended 20 courses for those applicants who do not meet the Standard Application education requirements.

The Futures Task Force provided an exemption for JD applicants and those highly experienced paralegals who are extremely competent and skilled because many paralegals did not follow the standard path to become a paralegal offered by an associate degree in paralegal studies. The exemption outlined by the Futures Task Force takes this into account.

The Education Waiver Pathways exempts those specific applicants from the degree requirements in Recommendation #5. However, after careful consideration the Admissions & Education Workgroup identified 20 course topics that each applicant, regardless of application pathway, should be competent ~~in~~. Because these applicants ~~s~~ may not have received training on these topics through formal education, and there is also the possibility that they may not have been exposed to these issues in their supervised training either; the Admissions & Education Workgroup felt ~~competency exposure~~ in these topics were vital enough to be required of all applicants, irrespective of the Futures Task Force recommended exemption ~~instruction~~ so included ~~d~~ them as a requirement for the waiver applicants to ensure that exposure.

#### Recommendation #4C – Continuing Legal Education

In addition to the usual and customary MCLE programs offered to attorney-members of the Bar, the Admissions & Education Workgroup also recommends a partnership with the Oregon community colleges and the Oregon State Bar to offer the CLEs necessary for the LPs to renew their licenses every three years. One such option for offering CLEs to LPs could be modeled after the Florida Bar's Florida Registered Paralegal (FRP) program as either part of the membership benefits of licensure or as part of a stand-alone CLE program.

A summary of the Florida Bar's FRP CLE Program provided by Florida Bar, Programs Division Assistance Director, Francisco-Javier P. Digon-Greer, Esq is included in Attachment C.

#### Recommendation #5 – Standard Eligibility Pathway: Minimum Education Requirements

The Standard Eligibility Pathway requires an education sufficient to ensure legal education training in the subject matter necessary to provide adequate legal services as outlined in the Futures Task Force Recommendation No. 1.2<sup>3</sup>. To meet this standard, the applicant must have an Associate Degree or higher in paralegal studies from an U.S. institutionally accredited paralegal program.

Applicants seeking licensure through the Standard Pathway are still required to obtain the Minimum Experience Requirement of 1,500 hours, with 500 hours in Family Law and 250 in Landlord/Tenant law. The Committee recommends that 750 hours of this requirement could be completed as part of the Standard Education Application through a structured practicum or internship program offered by a paralegal program, provided the students are supervised by the program faculty with routine feedback and assessment; as well as verification of the student's competency and experience is verified in much the same manner as the Attorney verification, using the Attorney Certification Template as a basis for such an assessment.

#### Recommendation #6 - 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 or as part of a paralegal program practicum or internship as outlined in Recommendation 5~~(5)~~ above. Part-time employment is calculated on a pro-rata basis.

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<sup>3</sup> "An applicant should have an associate's degree or better and should graduate from an ABA-approved or institutionally accredited paralegal studies program, including approved coursework in the subject matter of the license. Highly experienced paralegals and applicants with a J.D. degree should be exempt from the requirement to graduate from a paralegal studies program."

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.<sup>4</sup>
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 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 #7 – Attorney Verification of Paralegal’s Substantive Experience

The Workgroup recommends the Bar research and 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 and should 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, ~~we~~ **the Committee** also ~~recommends~~ an ethics analysis or opinion outlining an attorney’s obligations to respond to a request for verification of substantive paralegal experience.

Recommendation #8 - 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:

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<sup>4</sup> The Admissions & Education Workgroup requested 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. Initial responses from this group in support of this proposal.

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 #9 - 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 #10 - 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 #11 - 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.

#### Recommendation #12 - Applicants Seeking Waiver of the Minimum Education Requirements

The Admissions and Education Workgroup worked diligently to identify a number of different Waiver Pathways that would meet the exception requirement of the Futures Task Force, taking into account the many different pathways an individual may have traveled to become a paralegal, such as military service, education in another discipline, working their way up in a law firm, etc. The Admissions and Education Workgroup felt strongly the education waiver pathways outlined below address the exemption that the Futures Task Force identified, as well as considering access and equity issues of the LP applicants.

The LP applicants must:

1. Pay an administrative fee approved by the Board, unless a fee waiver is approved pursuant to the LP program guidelines ultimately approved;
2. Complete the 20-Hour Mandatory Courses Requirement for Applicants Seeking a Waiver of the Minimum Education Requirements;
3. Meet the Minimum Experience Requirements, except as amended for the Highly Experienced Paralegal I – Education Waiver and the JD Degree – Education Waiver; and
4. 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,” 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]. 750 of the required 1,500 hours may be obtained through a practicum or structured internship offered by a qualifying paralegal program as noted previously.
    - ii. **Highly Experienced Paralegal II – Education Waiver.** A paralegal who has successfully passed one of the listed national paralegal certification exams, evidenced by submission of evidence of passing the exam, as well as evidence that the credential remains current and in good standing with the issuing 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**<sup>5</sup>. Applicants who have obtained one of the following degrees from a U.S. institutionally accredited school:
- i. Applicants with a master’s or Ph.D. in any course of study; or
  - ii. Applicants with a bachelor’s 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<sup>6</sup>.
- 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, the JD Applicant would not be required to have the 500 hours in Family Law or 250 in Landlord/Tenant for certification in those areas, the experience, 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 using 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-iii. 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-iv. 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

<sup>5</sup> Note, Portland Community College and Umpqua Community College’s paralegal programs agree with the Futures Task Force Recommendation 1.2 requiring an exemption for the highly experienced paralegals and JD applicants, but disagree that other education consisting of a bachelor’s degree, master’s degree, and PhD in any subject should qualify an applicant for an education waiver. Portland Community College and Umpqua Community College agree that highly experienced paralegals (7,500 hours of experience or more) and those with J.D.’s should not have to complete the requisite education.

<sup>6</sup> This language is similar to that outlined for the assessment of foreign degrees for an attorney applicant.

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.

~~h.v.~~ 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 attendance<sup>7</sup>;  
or

~~f.c.~~ Law clerk position as substantiated by the court; or

~~g.f.~~ 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.

#### Recommendation #13 - 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 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.

##### 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 #14 - Mandatory Course Requirements (in advance of a License) for Applicants Seeking Waiver of Minimum Education Requirements

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<sup>7</sup> Id.

This recommendation is in conjunction with Recommendation 4B to partner with the Oregon Community Colleges to provide these Bar approved courses.

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

Mandatory Course 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
    - 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 #15 - 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 Endorsement) for the Renewal of the LP every three years.

Recommendation #16 - Mandatory CLE Requirements for Renewal of LP Endorsements

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.
  - 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
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, like 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 and make 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.

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 ~~and as av-~~ 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.

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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 the information provided above is true and accurate.

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



## Attachment B: Summary of Capstone Assessment Program of Paralegal Students at Portland Community College

### **Assessment of Competency**

The PCC paralegal program employs a variety of means to assess the efficacy of its program, and to provide program level snapshots of student learning. The primary methods used to assess program efficacy include a capstone portfolio project, exit surveys from graduating students, course evaluations for all courses, faculty assessments, six-month graduate employment surveys, occasional student surveys, and surveys of paralegal employers. The faculty in the program review the assessment information to inform changes to the program. The College reviews the assessment results to ensure that the program's students are achieving its stated outcomes.

### **Portfolio as a Means of Assessment**

#### **The PCC Experience**

For many years, PCC used a complex and extensive portfolio project embedded in a required paralegal course to assess our degree and certificate outcomes. In a Portfolio project, students select artifacts to demonstrate competence in, or satisfaction of, specified program outcomes. For example, to demonstrate competence in legal analysis and writing, students would select an analytical legal document, or to demonstrate competence in technology, students would take and report industry-standard testing results that meet a defined level of accomplishment. The Portfolio also included a cover letter and resume, and a reflection essay intended to articulate the student's attainment of competence in each specified outcome area, and the relationship between the outcome area and the artifact selected. The completed portfolio was reviewed by the assigned faculty member for the student's grade and was then passed to a panel of legal professionals to review and comment upon in a brief one-on-one meeting with the student. If the student satisfied the panel that they demonstrated competence in almost all the outcome areas via the portfolio and the meeting, the student would pass the class and graduate from the paralegal program. Over the time PCC has implemented the portfolio, the outcomes measured have been reorganized and pared down, to reflect the reality that a portfolio project demands significant resources in both classroom time with students to explain and review the portfolio project, and volunteer and other assistance from the community to review the portfolios.

Currently, PCC uses a project, called a Capstone, which is a portfolio-based project, to measure four program outcomes. The Capstone includes a resume and cover letter to the student's dream position, a writing sample of 10-pages or less, and a reflective essay describing how the student attained the outcomes and the relationship between the artifact selected and the outcomes. The Capstone is scored by the class instructor based upon a specific set of performance criteria integrated into a scoring rubric. Students have opportunities to revise their work in response to feedback. Once the Capstone is finalized, students are matched with a legal professional (based on location or area of practice) who volunteers to review the Capstone and score it using specified criteria in a rubric. This rubric asks the legal professional to rank the student as exceeding criteria, meeting criteria, or failing to meet criteria in the four specified outcome areas. The legal professional then meets with the student to discuss their Capstone, their career plans, and other informational topics. The legal professional then returns the completed scoring sheet to the program and student. The scoring of the Capstone by the instructor yields the course grade,

but the Capstone determines whether the student can graduate the program or not - a successful Capstone must be completed and reviewed for a student to earn a passing grade in the class.

### **Portfolio Projects in General**

The approach of mapping specified outcomes to artifacts and using the artifacts to demonstrate specific competencies is the essence of a portfolio-based assessment. The necessary ingredients for designing a defensible portfolio review include: (1) specific assessable outcomes; (2) a sufficiently limited number of specific outcomes to be reasonably assessable via the portfolio method; (3) trained portfolio reviewers with acceptable inter-rater reliability; (4) guidelines for participants on what items to include (a portfolio with more than 3-4 artifacts and a reflective essay will likely be too extensive to reasonably review); (5) scoring criteria to judge the quality of the portfolio; and (6) established standards of performance and examples (e.g. examples of high, mid, and low scoring portfolios).

Once these ingredients have been developed, implementing the portfolio process takes three primary steps. First, the authority must communicate with applicants about how to: (a) collect artifacts; (b) select artifacts and map them to specific outcomes; (c) write a reflective essay that explains their selection and how the artifacts demonstrate their satisfaction of the specific outcomes; and (d) format and submit the document. Next, the authority organizes the scoring of the portfolios using the scoring criteria and reviewers who have been shown examples and completed inter-rater reliability training. Finally, the authority collects the portfolio scoring sheets and portfolios from the reviewers.

The primary advantage of using a portfolio-based assessment is that this type of assessment is particularly well suited to assessing complex tasks with examples of different types of work. The primary disadvantage of using a portfolio-based assessment is the cost and time associated with training reviewers and reviewing the portfolios.

Attachment C: Summary of the Florida Bar's Florida Registered Paralegal (FRP)  
CLE Program

In 2008, the Florida Registered Paralegal Committee was created after the Supreme Court of Florida adopted [Ch. 20](#) of the Rules Regulating The Florida Bar, which establishes the Florida Registered Paralegal Program, a voluntary registration for paralegals which also outlines how complaints are handled against a Florida Registered paralegal. To become a Florida registered paralegal (FRP), a paralegal must meet one of three eligibility requirements — education and training, certification by NALA or NAFP, or grandfathering through work experience alone. However, the grandfathering provision was designed to sunset in three years from its adoption, which was March 2011.

The [Florida Registered Paralegal Enrichment Committee](#) is charged with developing education programming, creating networking and social events to foster camaraderie among FRPs, and raising awareness of the FRP program and the benefits of FRP membership. The [Florida Registered Paralegal Enrichment Committee](#) is the committee that sponsors the monthly Continuing Education (CE). The Committee has a CE Subcommittee, and this Subcommittee is responsible for finding the CE speakers. Once they find the speaker, the administrator works with the speaker to get the course approved for TFB CE and set up all the logistics for the monthly CE currently offered via zoom. During the shutdown caused by COVID, the Subcommittee went virtual and now has a free monthly CE as a membership benefit for their FRP credential holders.

Francisco-Javier P. Digon-Greer, Esq.  
Assistant Director, Programs Division  
The Florida Bar

Attachment D: Example of Action Items and Specific Tasks that could be used to assess -the  
“Approved Coursework” (or Competencies) Identified in the Futures Task Force  
Recommendation 1.2

- Access to Justice
  - Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
  - Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or equity disparities.
  - 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.
  - 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 include each of the following topics<sup>8</sup>:
    - Age
    - Culture
    - Disability
    - Ethnicity
    - Gender and gender identity or expression
    - Geographic location
    - Immigration status
    - National origin
    - Race
    - Religion
    - Sex and sexual orientation
    - Socioeconomic status
    - Veteran status
- Enter a contractual relationship with an unrepresented party to provide advice and assistance in domestic relation proceedings.
- Assist clients in court-sponsored mediation.
- Consult with clients to understand their needs and goals and obtain facts relevant to achieving the client’s objectives.
- Support clients in navigating the legal system by providing information and advice relating to the Family Law proceedings, including:
  - Explain the process and timelines;
  - Explain what to expect at a hearing;

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<sup>8</sup> 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.

- Help clients understand court scheduling, protocols and procedures, what to bring, and how to dress and act in court.
- Guide clients through court-specific procedures, requirements, and operations.
- 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.
- 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.
- 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.
- 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.
- 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.
- Provide emotional and administrative support to the client in court.
- Provide second-hand trauma coping resources—the ability to refer to mental health specialists when necessary.
- Screen for domestic violence, child abuse, and elder abuse. Ability to refer to shelters and report abuse as required by statute.
- Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
- Achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender, or other equity disparities.
- Address systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard.
- Be able to appropriately identify and apply Oregon State Courts' rules and procedures, including process for submission of evidence, trial prep, and service requirements.
- 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.
- Assist qualifying servicemembers and their families to understand and apply for a stay of eviction proceedings.
- Assist clients to understand the process and timeline for recovering abandoned personal property post-tenancy.
- Assist clients in selecting and completing the forms and understanding the process and procedure to bring an action for recovery of personal property.
- Consult with clients to understand the client's needs and goals and obtain facts relevant to achieving the client's objectives.
- Support clients in navigating the legal system by providing information and advice relating to the landlord/tenant matters and eviction proceedings, including:
  - Explain the process and timelines;
  - Explain what to expect at a hearing;

- Help clients understand court scheduling, protocols and procedures, what to bring, and how to dress and act in court.
- Apply and identify elements of diminished capacity to client's unique situation.

Table 1 – Eligibility Pathways Summary

Pathway	Education, Certification, Licensure, or Military Experience	Substantive Paralegal Experience verified through Attorney Certification . A portion of the hours may also be obtained through a supervised practicum/internship overseen by a qualifying paralegal program	Education Requirements
<b>Document Preparer</b> <b>*Limited in scope, No legal advice may be provided</b>	Associates Degree or higher in Paralegal Studies from an institutionally accredited paralegal program	1,500 hours within the last three years	Competencies assessed by <a href="#"><u>a Board or Committee under the Bar-BBX</u></a>
<b>Standard Endorsement in either Family Law or Landlord/Tenant</b>	Associates Degree or higher in Paralegal Studies from an institutionally accredited paralegal program	1,500 hours within the last three years; 1/3 or 500 hours must be in Family Law to receive that Endorsement or 1/6 or 250 hours must be in landlord/tenant and evictions to receive that Endorsement	Competencies assessed by <a href="#"><u>by a Board or Committee under the BarBBX</u></a>
<b>Highly Experienced Paralegal I – Education Waiver</b>	N/A	Five years or 7,500 hours, with a minimum of 1,500 hours within the last three years; 1/3 or 500 hours must be in Family Law to receive that Endorsement or 1/6 or 250 hours must be in landlord/tenant and evictions to receive that Endorsement	20 hours predetermined courses-in advance of Endorsement, <a href="#"><u>with Competencies assessed by by a Board or Committee under the Bar</u></a>
<b>Highly Experienced Paralegal II – Education Waiver</b>	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; 1/3or 500 hours must be in Family Law to receive that Endorsement or 1/6 must be in landlord/tenant and evictions to receive that Endorsement	20 hours predetermined courses in advance of Endorsement, <a href="#"><u>with Competencies assessed by by a Board or Committee under the Bar</u></a>
<b>Highly Experienced Paralegal III – Education Waiver</b>	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	1,500 hours within the last three years; 1/3 or 500 hours must be in Family Law to receive that Endorsement or 1/6 or 250 hours must be in landlord/tenant and evictions to receive that Endorsement	20 hours predetermined courses in advance of Endorsement, <a href="#"><u>with Competencies assessed by by a Board or Committee under the Bar</u></a>

	rate or higher as a supervisory paralegal.		
<b>Admission by Motion – Education Waiver</b>	Licensed to practice in another jurisdiction	1,500 hours within the last three years; 1/3 or 500 hours must be in Family Law to receive that Endorsement or 1/6 or 250 hours must be in landlord/tenant and evictions to receive that Endorsement	20 hours predetermined courses in advance of Endorsement, <u>with Competencies assessed by a Board or Committee under the Bar</u>
<b>Other Education – Education Waiver</b>	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 or 500 hours must be in Family Law to receive that Endorsement or 1/6 or 250 hours must be in landlord/tenant and evictions to receive that Endorsement	20 hours predetermined courses in advance of Endorsement, <u>with Competencies assessed by a Board or Committee under the Bar</u>
<b>JD Degree – Education Waiver</b>	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 courses in advance of Endorsement, <u>with Competencies assessed by a Board or Committee under the Bar</u>