

Paraprofessional Licensing Implementation Committee (PLIC); Admissions and Education Workgroup (“the Workgroup”) Initial Draft Framework and Recommendations for Public Comment - April 5, 2021

Summary

The initial draft recommendations for the Admissions and Education Framework follow this summary. The Workgroup members are Linda Odermott (Chair), Brian Cox and Maxine Tuan. The Workgroup held fourteen virtual public meetings from September 21, 2020 through April 5, 2021 focusing on the PLIC’s charge as outlined by the Oregon State Bar Board of Governors:

Engage stakeholders to develop a regulatory framework for licensing paralegals consistent with the recommendations of the OSB Futures Task Force Report in order to increase access to the justice system while ensuring the competence and integrity of the licensed paralegals and improving the quality of their legal services.

The PLIC also outlined the charge of the Workgroup as “Develop proposed rules of admission and develop educational and exam components” relying on the initial eleven recommendations of the Futures Task Force Report from June 2017 as a foundation for those rules. The Workgroup received invaluable input from other members of the PLIC, the Advisory Committee members and Oregon State Bar staff.

The Workgroup understands that this is the first opportunity for public comment on the initial draft framework and offer the initial draft to engage stakeholders on these preliminary recommendations. The Workgroup focused on priority issues, with an eye on competency and integrity, and the equity and sustainability of such a program in order to improve the quality of legal services. We offer this draft, understanding there is still work left to do to refine the admissions and education framework; as well as the work being done by the PLIC Regulation Workgroup to define the scope of practice for the Licensed Paraprofessionals. We thank you for your consideration and input on the proposal.

Workgroup Initial Draft Recommendations

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 that will result in adequate representation of the best interests of clients and that justifies the trusts of clients, adversaries, courts, and the public with respect to professional duties owed.

Recommendation #2 - Duties of Board

The OSB Board of Admissions is charged with the duty and vested with the power and authority to:

- 1) Determine eligibility of applicants for a Licensed Paraprofessional;
- 2) Determine reciprocal jurisdictions for purposes of admission by motion under these rules;
- 3) Establish a fee schedule for applicants for Licensed Paraprofessionals and for 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 these rules;
 - 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 Bar Admissions;
 - 8) Promulgate, amend and revise regulations relevant to the above duties to implement these rules. The regulations of the board shall be consistent with the provisions of these rules and once approved by the court, shall have the same force and effect as these rules; and.
- *The Workgroup also recommends that a Licensed Paraprofessional member be considered for addition to the membership roster of the Board of Admissions and the MCLE Review Board.

Recommendation #3 - Minimum Eligibility Qualifications

- 1) 18 years of age or older;
- 2) Meet the moral character and fitness standards to practice law under a limited license;
- 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 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 pursuant to these rules.
- 8) Minimum Education

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

- a) Associate Degree or higher in paralegal studies;
- b) Degree must be from a U.S. institutionally accredited paralegal program¹;
- c) Paralegal program must provide and the student must complete course-work in the subject matter of the license practice area, as approved by the Courts, including as outlined below:
 - i) Restrictions on Specific Types of Proceedings
 - (1) Specialty Courts (e.g. Traffic, Justice, Municipal)
 - (2) Domestic Relations
 - (a) Appeals (administrative, circuit court, and appellate court)
 - (b) Consolidated FAPA and family matters; ORS 30.866 - Oregon Stalking Protective Order (SPO)
 - (c) Contempt (remedial when confinement requested)
 - (d) DHS Proceedings
 - (e) Jail/Prison access for LP when client confined
 - (f) Juvenile Cases,
 - (g) Military Divorces and Unstipulated Military Divorces
 - (h) ORS 107.718 – Family Abuse Protection Act Restraining Orders; Consolidated FAPA and family matters
 - (i) ORS 109.199
 - (j) Out of State Modifications
 - (k) Post-marital agreements
 - (l) Pre-marital agreements
 - (m) QDRO
 - (n) Third party practice (ORS 109.119, interveners)
 - (o) Unregistered Domestic Partnership Cases (Beal and Beal type matters)
 - (3) Landlord/Tenant and Evictions
 - (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,

¹ 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 resulting analysis will be reviewed by the Board to assist in determining compliance with these rules.

- requests for reasonable accommodation of a disability, termination of tenancy when called into active service.
- (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.
- ii) Approved Course-Work in Practice Area Specific Content and Scope
- (1) Domestic Relations
- Paralegals should have the ability to meet the following:
- (i) Enter into a contractual relationship with an unrepresented party in order to provide advice and assistance in domestic relation proceedings.
 - (ii) Assist clients in court-sponsored mediation.
 - (iii) Consult with clients to understand their needs and goals and obtain facts relevant to achieving the client's objectives.
 - (iv) Support clients in navigating the legal system by providing information and advice relating to the domestic relations proceedings, including:
 - 1. Explain the process and timelines;
 - 2. Explain what to expect at a hearing;
 - 3. Help clients understand court scheduling, protocols and procedures and what to bring and how to dress and act in court.
 - (v) 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.
 - (vi) Guide clients through court-specific procedures, requirements, and operations.
 - (vii) 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.
 - (viii) Advise clients as to 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.
 - (ix) 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.
 - (x) Perform legal research.
 - (xi) Incorporate key legal writing principles such as citation standards, case law precedence, primary and secondary sources, etc. into professional writing.
 - (xii) Apply limited scope practice and business management principles.

- (xiii) Apply negotiation Alternative Dispute Resolution principles.
- (xiv) Provide the clients with self-help materials prepared by an Oregon lawyer, or approved by the Oregon State Bar, or approved by the court that contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements.
- (xv) Identify scope of 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.
- (xvi) Provide emotional and administrative support to the client in court.
- (xvii) Provide second-hand trauma coping resources. Ability to refer to mental health specialists when necessary.
- (xviii) Identify diminished capacity.
- (xix) Recognize mental health and substance abuse within the legal profession.
- (xx) Screen for domestic violence, child abuse, and elder abuse. Ability to refer to shelters and report abuse as required by statute.
- (xxi) 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.
- (xxii) Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
- (xxiii) Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender or other equity disparities.
- (xxiv) 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:
 - 1. Age
 - 2. Culture
 - 3. Disability
 - 4. Ethnicity
 - 5. Gender and gender identity or expression
 - 6. Geographic location
 - 7. Immigration status
 - 8. National origin
 - 9. Race
 - 10. Religion
 - 11. Sex and sexual orientation
 - 12. Socioeconomic status

13. Veteran status

- (xxv) Apply ethics including the Oregon Code of Professional Responsibility
- (xxvi) Administer IOLTA account administration.
- (xxvii) Identify Oregon State Courts' rules and procedures; including evidence, trial prep documents and service requirements.

(2) Landlord/Tenant and Evictions

Paralegals should have the ability to meet the following:

- (i) Enter into a contractual relationship with an unrepresented party in order to provide advice and assistance in eviction proceedings.
- (ii) Assist clients in court-sponsored mediation.
- (iii) 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 for retaining possession following removal of the perpetrator.
- (iv) Assist qualifying servicemembers and their families to understand and apply for a stay of eviction proceedings.
- (v) Assist clients to understand the process and timeline for recovering abandoned personal property post-tenancy.
- (vi) Assist clients in selecting and completing the forms and understanding the process and procedure to bring an action for recovery of personal property.
- (vii) Consult with clients to understand the client's needs and goals and obtain facts relevant to achieving the client's objectives.
- (viii) Support clients in navigating the legal system by providing information and advice relating to the landlord/tenant matters and eviction proceedings, including:
 - 1. Explain the process and timelines;
 - 2. Explain what to expect at a hearing;
 - 3. Help clients understand court scheduling, protocols and procedures and what to bring and how to dress and act in court.
- (ix) 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.
- (x) Guide clients through court-specific procedures, requirements, and operations.
- (xi) 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.
- (xii) Advise clients as to 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.

- (xiii) 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.
- (xiv) Perform legal research.
- (xv) Incorporate key legal writing principles such as citation standards, case law precedence, primary and secondary sources, etc. into professional writing.
- (xvi) Apply limited scope law practice and business management principles.
- (xvii) Apply negotiation Alternative Dispute Resolution principles.
- (xviii) Provide clients with self-help materials prepared by an Oregon lawyer, or 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.
- (xix) Identify scope of 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.
- (xx) Provide emotional and administrative support to the client in court.
- (xxi) Provide second-hand trauma coping resources. Ability to refer to mental health specialists when necessary.
- (xxii) Identify diminished capacity.
- (xxiii) Recognize mental health and substance abuse within the legal profession.
- (xxiv) Screen for domestic violence, child abuse, or elder abuse. Ability to refer to shelter, knowledge of abuse reporting requirements.
- (xxv) 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.
- (xxvi) Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
- (xxvii) Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender or other equity disparities.
- (xxviii) 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.
 - 1. Age
 - 2. Culture
 - 3. Disability
 - 4. Ethnicity

5. Gender and gender identity or expression
 6. Geographic location
 7. Immigration status
 8. National origin
 9. Race
 10. Religion
 11. Sex and sexual orientation
 12. Socioeconomic status
 13. Veteran status
- (xxix) Apply ethics including the Oregon Code of Professional Responsibility
- (xxx) Administer IOLTA account administration.
- (xxxi) Identify Oregon State Courts’ rules and procedures; including evidence, trial prep documents and service requirements.

*The Workgroup also recommends that out-of-state paralegal programs, that would otherwise be approved except for the Oregon-specific content (such as IOLTA account administration or mandatory reporting), be approved with the condition that paralegal students from those programs complete the 19 CLES required for the Education Waiver applicants.

9) Minimum Paralegal Experience

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

- a) “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.
- b) “Substantive Paralegal Experience” is the performance of substantive work performed a majority of the time that requires knowledge of legal concepts and processes that is customarily, but not exclusively, performed by a lawyer, is not administrative in nature and is supported by education, certification or training in the legal profession.
- c) 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 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
 - i) The substantive paralegal experience shall be verified through certification by the supervising attorney(s). Each attorney certification must include a declaration verifying:
 - (1) The specific dates of employment;
 - (2) The work performed is not administrative in nature;
 - (3) The work performed would otherwise be performed by an attorney ;
 - (4) A list of the paralegal’s substantive duties;
 - (5) Whether the position was full time or part-time;
 - (6) The average number of hours worked per week
 - (7) The duration of employment;
 - (8) The majority of the time was spent performing substantive paralegal duties; and

- (9) The attorney is in support of the individual’s application and verifies the competency of the applicant in the practice area seeking licensure. See Attachment A –Attorney Certification of Substantive Paralegal Experience [Template].
- ii) For applicants seeking licensure in domestic relations, 1/3 of the required 1,500 hours, or 500 hours, must be obtained within the subject matter seeking licensure.
- iii) For applicants seeking licensure in landlord/tenant and evictions, 1/6 of the required 1,500 hours, or 250 hours, must be obtained within the subject matter seeking licensure.
- iv) Experience within the subject- matter seeking licensure 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 licensure such as first appearances, ex parte proceedings, etc. Observation experience must be verified through self-certification on a form prescribed through declaration by the applicant evidencing the dates and duration of the proceedings observed, the parties to the proceeding, the judge overseeing the proceeding, as well as the type of proceeding being observed signed by the judicial clerk verifying the proceeding observed; or
 - (2) Work with a legal aid clinic as verified by the supervising attorney or agency.

*The Workgroup recommends that the OSB develop an ethical guideline or directive that instructs attorneys to provide the necessary certification, if the paralegal meets the guidelines outlined. We believe there may be instances where attorneys may withhold such verification for reasons such as unhappy with the paralegal’s decision to seek licensure or to leave the attorney’s employment. A directive instructing attorneys that this is an ethical obligation, similar to providing a client a copy of their file upon request, would be beneficial in addressing this issue. If the paralegal is unable to obtain certification of substantive experience, for example, if the certifying attorney is deceased, we recommend that the admissions board provide for a self – certification option to address such instances.

Recommendation #4 - 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 obtain a limited license to practice law:

- 1) Attorneys who have been disbarred, suspended for disciplinary reasons, or who resign Form B while discipline is pending;
- 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;
- 5) Academic misconduct;
- 6) Making or procuring any false or misleading statement or omission of relevant information in connection any bar application or in 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) Acts which demonstrate 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 a limited license;
- 15) Denial or delays of admission to the bar in another jurisdiction on character and fitness grounds; or
- 16) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.
- 17) Other conduct that evidences an inability to practice law under a limited license.

Recommendation #5 - Factors Considered for Present Character

In Reviewing any prior conduct, if 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 a limited license:

- 1) Applicant's age at the time of the conduct;
- 2) Recency of the conduct;
- 3) Rehabilitation;
- 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.

Recommendation #6 - Rehabilitation

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

- 1) Acknowledgement 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 a limited license;
- 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 a limited license and justifies the trust of clients, adversaries, courts, and the public;
- 10) Other factors that support an assertion of rehabilitation.

Recommendation #7 - Nondiscrimination Policy

In determining good moral character and fitness to practice law under a limited license, the Board shall not discriminate against any applicant on the basis of:

- 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
Standard	Associates Degree or higher in Paralegal Studies	1,500 hours within last three years	Predetermined Approved Coursework	Roughly \$11,000-\$12,000
Highly Experienced Paralegal I – Education Waiver	N/A	5 years or 7,500 hours, with minimum of 1,500 hours completed within last three years	19 hours predetermined CLES	Cost of CLEs
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 last three years	19 hours predetermined CLEs	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 last three years	19 hours predetermined CLEs	Cost of CLEs
Highly Experienced Paralegal IV – Education Waiver	Tribal court experience - TBD			
Admission by Motion – Education Waiver	Licensed to practice in another jurisdiction	1,500 hours within last three years	19 hours predetermined CLEs	Cost of CLEs + undetermined education costs
Other Education – Education Waiver	Applicants with one of the following: a Masters or PhD 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 last three years	19 hours predetermined CLEs	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, or law clerk experience, or court proceeding observation (self-	19 hours predetermined CLEs	Cost of CLEs + undetermined education costs

		certification), or work with a legal aid clinic.		
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Recommendation #8 - Applicants Seeking Waiver of the Minimum Education Requirements

- 10) Must pay an administrative fee approved by the Board, unless a fee waiver is approved according to these rules;
- 11) Must complete the 19 Hour Mandatory CLE Requirements for Applicants Seeking a Waiver of the Minimum Education Requirements;
- 12) Must meet the Minimum Experience Requirements, except as amended for the Highly Experienced Paralegal I – Education Waiver and the JD Degree – Education Waiver; and
- 13) 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.
- iv) **Highly Experienced Paralegal IV – Education Waiver. Tribal Court - TBD**
- 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 these rules.
- c) **Other Education – Education Waiver.** Applicants who have obtained one of the following degrees from a U.S. institutionally accredited school:²
 - i) Applicants with a Masters or PhD 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 and has obtained a paralegal certificate for an accredited institution.
- 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
 - iii) Observation of court proceedings in the subject matter seeking licensure such as first appearances, ex parte proceedings, etc. The Observation Experience must be verified through self-certification on a form prescribed through declaration by the applicant evidencing the dates and duration of the proceedings observed, the parties to the proceeding, the judge overseeing the proceeding, as well as the type of proceeding being observed signed by the judicial clerk verifying the proceeding observed; or
 - iv) A Law clerk position as substantiated by the Court; or
 - v) Work with a legal aid clinic as verified by the supervising attorney or agency.

Recommendation #9 - Fee Waiver for Qualified Veterans

- 1) To be eligible for a fee waiver, an applicant shall be applying for a limited license under the **Highly Experienced Paralegal III – Education Waiver** and shall be all of the following:
 - a) An individual.

² 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 resulting analysis will be reviewed by the Board to assist in determining compliance with these rules.

- 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 of 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 in the national guard.
 - ii. A person who was discharged from a reserve component of the U.S. armed forces or from 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) Individuals who meet the criteria for the fee waiver under this provision and request a waiver of their fees under these rules shall be granted a waiver of those fees.

Recommendation #10 - Mandatory CLE Requirements for Applicants Seeking Waiver of Minimum Education Requirements

All applicants seeking a waiver of the minimum education requirements must complete nineteen (19) hours of continuing legal education as approved by the Board within the twelve-month period in advance of the application date.

Mandatory CLE Subjects:

- 1) Three (3) hours must cover Diversity, Equity and Inclusion and/or Access to Justice. Access to Justice CLE credit should be guided by three principles:
 - (1) Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
 - (2) Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender or equity disparities.
 - (3) 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:
 - 5) Oregon State Specific Court Practice for Trial Court Rules including Uniform Trial Court Rules,
 - 6) Supplemental Local Rules; and
 - 7) Uniform Trial Court Rules;
 - 8) One (1) hour must cover identifying Scope of License and Practical Identification of Mandatory Referral Scenarios;
 - 9) One (1) hour must cover education on limited scope law practice management skills for new licensed paraprofessionals;
 - 10) One (1) hour must cover Mandatory Reporting of Child Abuse and Sexual Abuse;
 - 11) One (1) hour must cover Mandatory Reporting of Elder Abuse;
 - 12) One (1) hour must cover mental health/substance abuse in the legal profession; and
 - 13) Remaining five (5) hours must cover the practice area seeking licensure and must be accredited by the Oregon State Bar Minimum Continuing Legal Education Program Manager, which should include CLES approved for attorneys or paralegals;
- *Recommend that the Oregon State Bar offer free or low cost CLEs to the paraprofessional licensees and applicants by offering the same CLEs available for free to attorneys or student learners; access to bar materials; preferred rates such as those offered to attorneys with less practice experience; offer CLEs in the practice area specific topics; and those applicants showing good faith efforts should be allowed to complete CLES within a 12-month window in advance of their application using these free or low cost options. We also recommend that an LP section be added and made available through the Bar.

Recommendation #12 - Renewal of License

- 1) Continue to meet the moral character and fitness standards to practice law under a limited license; Continue to comply with Professional Rules of Conduct.
- 2) Submit a Paraprofessional License Renewal application and pay the appropriate fee, as set forth by the OSB Board of Governors;
- 3) Submit the required number and type of Mandatory CLE Requirements for the Renewal of the Limited License:

Recommendation #13 - Mandatory CLE Requirements for Renewal of License

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

Mandatory CLE Subjects:

- 1) Three (3) hours must cover Diversity, Equity and Inclusion and/or Access to Justice. Access to Justice CLE credit should be guided by three principles:
 - (1) Promote access to justice by eliminating systemic barriers that prevent people from understanding and exercising their rights.
 - (2) Work to achieve fairness by delivering fair and just outcomes for all parties, including those facing financial, racial, gender or equity disparities.
 - (3) 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 licensure 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 offered to attorneys; including access to bar books, PLF recorded CLEs, etc.

*Those Licensed Paraprofessionals seeking renewal of more than one practice area license may use CLEs for duplicative license renewals, except the specific subject matter CLEs required for the renewal must be unique and specific to the licensure content and fulfill the number required for this purpose.

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] Substantive Paralegal Experience for Application for Limited Licensure in [Domestic Relations] 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/or revise pleadings; Draft motions and orders, Draft parenting/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 domestic relations; 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 the application of this individual and believe them to be competent in the practice area seeking licensure. 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