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Sent: Friday, January 22, 2021 11:26 AM
To: Linda K. Odermott
Subject: Essential Eligibility Requirements

Linda:

Here are the EERs that I mentioned:

ESSENTIAL ELIGIBILITY REQUIREMENTS AND GUIDELINES FOR ADMISSION

1.20 Standards of an Attorney: An attorney 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 trust of clients, adversaries, courts, and the general public with respect to professional duties owed.

1.25 Essential Eligibility Requirements: The board considers demonstration of the following attributes, and the likelihood that one will utilize these attributes in the practice of law, to be essential for all applicants seeking admission to the Oregon Bar:

- a. Knowledge of the fundamental principles of law and application;
- b. The ability to competently undertake fundamental legal skills commensurate with being a lawyer, 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; and
- c. Ability to:
 - i. Communicate honestly, candidly, and civilly with clients, attorneys, courts, and others;
 - ii. Conduct financial dealings in a responsible, honest, and trustworthy manner;
 - 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 diligently, reliably, and punctually in fulfilling obligations to clients, lawyers, courts, and others;
 - vii. Comply with deadlines and time constraints;
 - viii. 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.

1.30 Potentially Disqualifying 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:

- a. Unlawful conduct;
- b. Academic misconduct;
- c. Making or procuring any false or misleading statement or omission of relevant information in connection with any bar application or in any testimony or sworn statement submitted to any licensing board;
- d. Misconduct in employment;
- e. Acts involving dishonesty, fraud, deceit, or misrepresentation;
- f. Acts which demonstrate disregard for the rights or welfare of others;
- g. Abuse of legal process, including the filing of vexatious or frivolous lawsuits or the raising of vexatious or frivolous defenses;
- h. Neglect of financial responsibility;
- i. Neglect of professional obligations;
- j. Violation of an order of a court;
- k. Conduct that evidences current drug or alcohol use to such an extent that it could impair the ability to practice law;
- l. Denial or delays of admission to the bar in another jurisdiction on character and fitness grounds; or
- m. Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.
- n. Other conduct that evidences an inability to practice law.

1.35 Factors Considered for Present Character: In reviewing any prior conduct, the following factors shall be considered potentially mitigating or aggravating regarding an applicant's present good moral character or fitness to practice law;

- a. Applicant's age at the time of the conduct;
- b. Recency of the conduct;
- c. Rehabilitation;
- d. Seriousness of the conduct;
- e. Factors or circumstances underlying the conduct;
- f. Cumulative nature of the conduct;

- g. Candor in the admissions process; and
- h. Materiality of any omissions or misrepresentations.

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

- a. acknowledgement the conduct was wrong and has accepted responsibility for the conduct;
- b. strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
- c. lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against applicant;
- d. full cooperation and candor in the admission process;
- e. a commitment to conform with the standards of good character and fitness for the practice of law;
- f. restitution of funds or property, where applicable;
- g. positive social contributions through employment, community service, or civic service;
- h. 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.
- i. recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts, and the public;
- j. other factors that support an assertion of rehabilitation.

1.45 Nondiscrimination Policy: In determining good moral character and fitness to practice law, the Board shall not discriminate against any applicant on the basis of:

- a. race, color, or ethnic identity;
- b. gender or gender identity;
- c. sexual orientation;
- d. marital status;
- e. creed or religion;
- f. political beliefs or affiliation;

- g. sensory, mental, or physical disability;
- h. national origin;
- i. age;
- j. honorably discharged veteran or military status;
- k. use of a trained service animal by a person with a disability; or
- l. any other class protected under state or federal law.



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