# GENERAL RECOMMENDATION 1: IMPLEMENT PARAPROFESSIONAL LICENSING PROGRAM

After careful consideration, the workgroup recommends that the OSB’s Board of Governors:

* **Appoint a committee to develop a detailed implementation plan for licensing paraprofessionals consistent with the recommendations in this report**.
* **Propose amendments to ORS chapter 9 to provide for licensure of paraprofessionals who would be authorized to provide limited legal services, without attorney supervision, to self- represented litigants.**
* **Enact measures to protect consumers who rely on newly licensed paraprofessionals.**

# Minimum Qualifications

**RECOMMENDATION NO. 1.1: An applicant should be at least 18 years old and of good moral character. Attorneys who are suspended, resign Form B, or are disbarred from practicing law should not be eligible for a paraprofessional license.**

# RECOMMENDATION NO. 1.2: An applicant should have an associate’s degree or higher 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.

# RECOMMENDATION NO. 1.3: Applicants should have at least one year (1,500 hours) of substantive law-related experience under the supervision of an attorney.

# RECOMMENDATION NO. 1.4: Licensees should be required to carry liability insurance in an amount to be determined.

# RECOMMENDATION NO. 1.5: Licensees should be required to comply with professional rules of conduct modeled after the rules for attorneys.

# RECOMMENDATION NO. 1.6: Licensees should be required to meet continuing legal education requirements.

# RECOMMENDATION NO. 1.7: To protect the public from confusion about a licensee’s limited scope of practice, licensees should be required to use written agreements with mandatory disclosures. Licensees also should be required to 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.

# RECOMMENDATION NO. 1.8: Initially, licensees should be permitted to provide limited legal services to self-represented litigants in family-law and landlord-tenant cases. Inherently complex proceedings in those subject areas should be excluded from the permissible scope of practice.

# RECOMMENDATION NO. 1.9: Licensees should be able to select, prepare, file, and serve forms and other documents in an approved proceeding; provide information and advice relating to the proceeding; communicate and negotiate with another party; and provide emotional and administrative support to the client in court. Licensees should be prohibited from representing clients in depositions, in court, and in appeals.

**RECOMMENDATION NO. 1.10: Given the likely modest size of a paraprofessional licensing program, the high cost of implementing a bar-like examination, and the sufficiency of the education and experience requirements to ensure minimum competence, we do not recommend requiring applicants to pass a licensing exam. If the Board of Governors thinks that an exam should be required, we recommend a national paralegal certification exam.**

# RECOMMENDATION NO. 1.11: To administer the program cost effectively, we recommend integrating the licensing program into the existing structure of the bar, rather than creating a new regulatory body.

# RECOMMENDATION 2:

**REVISE RULES OF PROFESSIONAL CONDUCT TO REMOVE BARRIERS TO INNOVATION**

* 1. **Amend current advertising rules to allow in-person or real-time electronic solicitation, with limited exceptions.**
  2. **Amend current fee-sharing rules to allow fee-sharing between lawyers and lawyer referral services, with appropriate disclosure to clients.**
  3. **Amend current fee-sharing and partnership rules to allow participation by licensed paraprofessionals**.
  4. **Clarify that providing access to web-based intelligent software that allows consumers to create custom legal documents is not the practice of law.**

**2.5 The Bar should seek clarification whether providing access to web-based intelligent software that allows consumers to create custom legal documents is not the practice of law, and should seek opportunities to incorporate increased consumer protections.**

# RECOMMENDATION 3: IMPROVE RESOURCES FOR SELF-NAVIGATORS

* 1. **Coordinate and integrate key online resources utilized by self-navigators.**
  2. **Create self-help centers in every Oregon courthouse.**
  3. **Continue to make improvements to family law processes to facilitate access by self-navigators.**
  4. **Continue to make improvements to small claims processes to facilitate access by self-navigators.**
  5. **Promote availability of unbundled legal services for self-navigators.**
  6. **Develop and enhance resources available to self-navigators.**

**RECOMMENDATION NO. 4:**

**Embrace Data-Driven Decision Making**

**RECOMMENDATION 4.1: The OSB should adopt an official policy embracing Data-Driven Decision Making.**

**RECOMMENDATION 4.2: The OSB should adopt a formal set of Key Performance Indicators to monitor the state of its Values**.

**RECOMMENDATION 4.3: The OSB and the Oregon Judiciary should adopt an Open-Data Policy.**

**RECOMMENDATION 4.4: The OSB should have a dedicated resource responsible for data collection, design, and dissemination**.

**RECOMMENDATION NO. 5:**

**Expand the Lawyer Referral Service and Modest Means Programs**

**RECOMMENDATION 5.1: The OSB should set a goal of increasing the number of inquiries to the LRS and MMS—and, by extension, the corresponding number of referrals to Oregon lawyers—by 11% per year for the next 4 years, and should adequately fund the RIS to achieve this goal.**

**RECOMMENDATION 5.2: Explore and develop a blueprint for a “Nonfamily Law Facilitation Office,” which can become a certified OSB pro bono program housed within the circuit courts of Oregon.**

**RECOMMENDATION NO. 6:**

**Enhance Practice Management Resources**

# RECOMMENDATION 6.1: The OSB should develop a comprehensive training curriculum to encourage and enable Oregon lawyers to adopt modern law-practice management methods, including (but not limited to) automation, outsourcing, and project management.

**RECOMMENDATION NO. 7:**

**Reduce Barriers to Accessibility**

# RECOMMENDATION 7.1: The OSB should promote the provision of limited-scope representation, also known as unbundled legal services.[16](#_bookmark241)

**RECOMMENDATION 7.2: The OSB should more actively promote the use of technology as a way to increase access to justice in lower income and rural communities.**

# RECOMMENDATION 7.3: Make legal services more accessible in rural areas.

# RECOMMENDATION 7.4: Improve the public perception of lawyers.

# RECOMMENDATION NO. 8:

**Establish a Bar-sponsored Incubator/Accelerator Program**