

November 25, 2019

Hon. Martha L. Walters  
Chief Justice  
Oregon Supreme Court  
Supreme Court Bldg  
1163 State St  
Salem, OR 97301

Re: Limited License for Paralegals

Dear Chief Justice Walters:

At its September 27, 2019 meeting, the Board of Governors unanimously voted to convene an implementation committee for the establishment of a limited scope license program for paralegals. The limited scope license would allow individuals who might not have a law degree, but who meet other rigorous qualifications, to provide some legal services specifically in family law and landlord-tenant matters – two areas where a large segment of the public struggles to afford legal help.

The BOG understands that this program represents a departure from current Oregon legal practice, and does not take these changes lightly. In fact, the board sought member input and engaged in multiple discussions prior to making a final decision to proceed. Ultimately, the board was persuaded to move forward by its public service mission to advance a fair, inclusive, and accessible justice system. Despite the best efforts and generosity of Oregon lawyers over decades, the access to justice gap remains vast and largely unmoved. This puts substantial strain on the courts, contributes to inequality, and erodes the public's trust in our legal system. With its public service mission in mind, the BOG approved the creation of an implementation committee to develop a licensed paraprofessional program as recommended by the 2017 Futures Task Force Report.

The charge of the implementation committee will be to develop an implementation plan, including preparation of proposed education and licensure requirements that will ensure the competent and ethical provision of limited scope legal services in the areas of landlord/tenant and family law. These proposals will be submitted to the Court for its consideration, input and final approval.

### Background Information

In June 2017, the Oregon State Bar Futures Task Force recommended that the bar take steps to establish a program for licensure of paraprofessionals who would be authorized to provide limited legal services, without attorney supervision, to litigants in family law and landlord-tenant proceedings. A summary of the recommendations are set forth in the OSB Futures Task Force Executive Summary<sup>1</sup> and include the following:

1. To qualify for a limited scope license, applicants would have to:
  - Be at least 18 years old and of good moral character;
  - Have an associates degree from an ABA-approved or institutionally accredited paralegal studies program with approved coursework in the subject matter of the license; or a juris doctorate degree; or have the equivalent in experience as a paralegal;
  - Have at least one year (1,500 hours) of substantive law-related experience under the supervision of an attorney; and
  - Pass a national paralegal certification exam.
2. Once licensed, the paraprofessional would have to do the following in order to retain that license:
  - Comply with rules of professional conduct similar to those applicable to lawyers;
  - Meet continuing legal education requirements;
  - Use written fee agreements with mandatory disclosures relating to the scope of practice; and
  - Carry professional malpractice insurance.
3. A licensed paraprofessional in good standing would be allowed to do the following:
  - Select, prepare, file and serve forms and other documents in approved family law and landlord-tenant cases.

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<sup>1</sup> The Futures Task Force Executive Summary can be found here:

[http://www.osbar.org/docs/resources/taskforces/futures/FuturesTF\\_Summary.pdf](http://www.osbar.org/docs/resources/taskforces/futures/FuturesTF_Summary.pdf).

The full report of the Futures Task Force can be found here:

[https://www.osbar.org/docs/resources/taskforces/futures/FuturesTF\\_Reports.pdf](https://www.osbar.org/docs/resources/taskforces/futures/FuturesTF_Reports.pdf).

- Provide information and advice relating to the proceeding;
  - Communicate and negotiate with the opposing party; and
  - Provide emotional and administrative support to the client in court.
4. A licensed paraprofessional would NOT be allowed to do the following:
- Represent clients in depositions;
  - Represent clients in court; and
  - Represent client on appeal.

As noted in the Futures Task Force Report, Oregon will not be the first to develop a limited-scope license for paraprofessionals. Washington has licensed over forty Limited License Legal Technicians since it began its program in 2014. Since publication of the OSB Futures Task Force Report, Utah has completed implementation of its licensed paralegal practitioner program. <https://www.utahbar.org/licensed-paralegal-practitioner/>. In addition, California and New Mexico have begun to discuss the possibility of providing limited law licenses to paralegals. <http://www.calbar.ca.gov/About-Us/Who-We-Are/Committees-Commissions/Task-Force-on-Access-Through-Innovation-of-Legal-Services>. [https://www.nmbar.org/Nmstatebar/About\\_Us/LLLT\\_Dashboard.aspx?WebsiteKey=687d8cd9-4ff9-4f83-a12f-6657211dab17](https://www.nmbar.org/Nmstatebar/About_Us/LLLT_Dashboard.aspx?WebsiteKey=687d8cd9-4ff9-4f83-a12f-6657211dab17). Because we are not the first, we will be able to learn from those who have gone before us.

Thank you for the opportunity to present this concept in the early stages of its development. We welcome the Court's input regarding the concept itself, as well as the implementation process, and anything else the Court deems relevant.

As always, please let me know if the Court has any questions, concerns, or need for additional information.

Sincerely yours,



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