

## **OSB Paraprofessional Licensing Implementation Committee – Regulation Subcommittee Status Report**

**March 1, 2021**

Over the course of the last months, the Regulation Subcommittee has met several times to review rules and statutes relating to the potential practice of Licensed Paraprofessional's (LP's) and LP's potential impact on each including what changes should be accommodated to facilitate the two LP practice areas identified by the Oregon State Bar Board of Governors. In addition to the Implementation Committee meetings, the Regulation Subcommittee has met additionally on 1/4/2021, 2/23/2021 and 2/26/2021.

Below are lists of items currently reviewed, items to be reviewed, and work in progress.

### **Items Reviewed**

#### A. Rules/Statutes

1. Minimum Continuing Legal Education (MCLE)
2. Oregon Rules of Civil Procedure (ORCP)
3. Oregon Rules of Professional Conduct (ORPC)
4. Uniform Trial Court Rules (UTCR)
5. Oregon Rules of Evidence (OEC)
6. Oregon Code of Judicial Conduct

### **Items to Review**

#### A. Rules/Statutes

1. OSB Client Security Fund Rules
2. Oregon Rules of Procedure
3. Information Domestic Relations Trials (IDRT)
4. ORS 9.005 et. seq – Oregon State Bar Act (9.010, 9.025, 9.030, 9.080, 9.112, 9.114)
5. ORS 20 et. seq (Fee provisions)
6. ORS 124.060 – Elder Abuse Reporting
7. ORS 419B.005 et seq. – Child Abuse Reporting
8. Court SLR's
9. ORS 3.428 – Family Law Facilitation Programs

### **Items Identified for Implementation Committee to Review**

#### A. Admission Criteria

#### B. LP's scope of practice considerations:

- a. LP's role in DHS proceedings
- b. LP's role in Contempt (remedial when confident requested) proceedings
- c. Military Divorces and Unstipulated Military Divorces
- d. Beal and Beal (Unregistered Domestic Partnership Cases)
- e. Jail/Prison access for LP when client confined
- f. ORS 107.718 - Family Abuse Protection Act (FAPA) Restraining Order
- g. ORS 30.866 - Oregon Stalking Protective Order (SPO)
- h. LP's role in appeals (administrative, circuit court, and appellate court)

- i. Postnups, Prenups, Juvenile cases, QDRO's, ORS 109.199, and Out of State Modifications
- C. LP's discipline reporting requirements
- D. Referral Service – will there be one and how will it impact current ethics rules?

**Items in Draft Status**

- A. Drafting proposed ORPC's for LP's. Proposing independent ORPC's for LP's separate from the ORPC's regulating attorneys.

During the next LP Implementation Committee meeting, the Regulation Subcommittee will be inviting committee members with landlord/tenant experience to provide feedback on specific items relating to LP's potential practice. The Regulation Subcommittee will continue working through each of the above Items to Review.