

Progress Report of the Paraprofessional Licensing Implementation Committee

Introduction

In 2019, the OSB Board of Governors voted to create the Paraprofessional Licensing Implementation Committee (PLIC). The Board was acting on the 2017 Futures Task Force recommendation to license paralegals to assist clients in family law and landlord/tenant matters.

In September 2020, the PLIC began meeting to create a structure for implementing the Board of Governors charge. SB 768 was passed by the Oregon Legislature in 2021, allowing the licensure of paraprofessionals with the approval of the Oregon Supreme Court. This progress report is intended to assist the Supreme Court with a summary of the committee's efforts to date, and the expected next steps we will take to continue our charge. Detailed records of the committee's work are available through the OSB website at <https://paraprofessional.osbar.org/>.

The PLIC includes a diverse group of committee members including two senior judges, paralegals, attorneys who specialize in family and landlord/tenant law, and a public member. We are supported by OSB CEO Helen Hierschbiel, OSB Director of Public Affairs Susan Grabe, and OSB Public Affairs Staff attorney Matt Shields. In addition to the PLIC, an advisory group including attorneys, educators, paralegals, and family law facilitators has assisted the PLIC as it formulates Regulations and Admissions recommendations. Complete committee rosters are available on the OSB website.

Many litigants proceed to court without legal representation in family and landlord/tenant matters. In the critical issues of how to divide a marital estate at time of dissolution; how to manage the issues of custody, parenting, and support of children; and the support of dependent spouses 2016, statistics find between 68-80% of parties are self-represented, or pro se. Likewise, in the area of landlord/tenant, 85% of residential landlord/tenant matters proceed with one party unrepresented (see Appendix B to the Futures Task Force). The biggest barrier to representation in both case categories is money. Although these figures are five years old, anecdotal evidence support that the numbers remain about the same. Without legal advice, many

litigants struggle to complete routine legal matters, and are at a disadvantage to other litigants who have assistance of counsel.

Notably, Oregon is not the only jurisdiction which is actively considering, or has already implemented, licensure of paralegals to increase access to justice for litigants who may lack the means to hire attorneys. Arizona, California, Minnesota, Utah, Washington, British Columbia, and Ontario are among the states and Canadian provinces which have implemented, or are considering implementation of licensed paralegal programs. The PLIC has relied on materials and information compiled by the committees and task forces from many of these states to assist in development of our recommendations.

Taking the charge from the Futures Task Force report, the PLIC formulated recommendations for the admission and regulation of associate members of the Oregon State Bar, keeping in mind the goals of access to justice, and protection of the public. The PLIC refers these new associate members of the OSB as “Licensed Paraprofessionals.” A licensed paraprofessional could work within a law firm, or legal clinic setting, or as a standalone professional, and provide competent legal assistance in limited subject matters at a lower cost than a fully licensed attorney.

Our Stakeholders Workgroup has identified avenues for community outreach, and a tracking system to collect feedback. The OSB has provided recommendations regarding the regulatory framework from the point of view of the bar. The PLF has provided feedback about the critical issue of liability insurance coverage. With lower requirements for overall education, but more specialized training for the two limited license areas of family law and landlord/tenant, licensed paraprofessionals should be available to bridge the gap between no legal assistance, and appropriate licensed assistance in these routine matters.

The following report details the recommendations of the Committee’s Regulation Workgroup, Admissions Workgroup, Stakeholders’ Workgroup, and the Oregon State Bar’s proposal regarding the regulatory framework for these new associate members of the bar.

Regulation Workgroup – Progress Report

The Regulation Workgroup is charged with recommending a state level regulatory framework related to the implementation of paraprofessional licensing, including defining the scope of practice for licensed paraprofessionals (LPs) in two specific subject matter areas (domestic relations and landlord/tenant), recommending appropriate tasks for LPs to engage in within that scope of practice, and identifying current or new regulations and rules that will need to be revised or added to address the addition of LPs.

There are three “official” members of this Workgroup – all with experience primarily in domestic relations law. The Workgroup also is receiving substantial, invaluable assistance in landlord-tenant law from four attorneys who currently practice landlord/tenant (LLT) law (some

of whom are PLIC members), as well as other PLIC members, advisory committee members and OSB staff.

1. Scope of practice definition and limitations

To date, the Workgroup has defined the proposed scope of practice in terms of what LPs would be prohibited from doing substantively in domestic relations or landlord/tenant practice when compared to what an attorney is allowed to do. The Workgroup hopes to soon include a more “glass half full” approach by also defining the scope of practice in terms of what LPs will be allowed to do in their practice. See 2, below. We also intend to make recommendations to address what happens when a particular case goes beyond the LPs practice scope.

To date, the Workgroup recommends that these types of family law cases be outside an LP’s scope of practice:

- *Appeals (administrative, trial court and court of appeals)* – except de novo appeals of administrative child support judgment, given that appeals are complicated and have strict timelines;
- *Stalking protective orders* – which do not customarily fall within the family law or landlord/tenant scope of practice;
- *Juvenile court cases (dependency or delinquency)* – these complex cases involve multiple parties, child protective services, and can lead to termination of parental rights. Financially qualified trial level parties are entitled to court appointed counsel. Consolidated/related family law cases with associated juvenile court proceedings may be appropriate for LP representation;
- *Modifications when the initial court order originates outside Oregon* – out of state modifications often involve complex jurisdictional or UCCJEA issues;
- *Premarital or postnuptial agreements (drafting, reviewing, or litigating)* – the stakes in these cases are often monetarily high and may have significant consequences if not properly drafted. The agreements are contracts and not exclusively limited to family law;
- *Cohabitation agreements (drafting, reviewing, or litigating)* – these involve primarily contract law and are not within traditional family law or landlord/tenant practice.
- *Qualified Domestic Relations Orders (QDROs) and Domestic Relations Orders (DROs) (drafting, reviewing, or litigating)* – Attorneys often get assistance from specialized attorneys for QDROs/DROs. LPs should be able to use language for QDROs/DROs provided by these specialized attorneys.
- *Third party custody/visitation cases (ORS 109.119)* – Specific detailed and necessary facts must be alleged to file these cases, which can be quite complex and involve multiple parties. The statute is quite complex.
- *Unregistered domestic partnership (Beal and Beal) cases* – These can be contract cases or “de-facto” spouse cases involving complicated issues and the application of facts to the law, including contract law.

- *Cases with third party intervenors* – Specific facts must be alleged in order to intervene, resulting often in more complicated cases.
- *Military Divorces* – These cases often involve the Servicemembers Civil Relief Act (SCRA) and military retirement benefits that can be extremely complex. The exception is stipulated military divorces, as discussed in section 2 below.
- *Contempt* – Remedial contempt when there is a request for confinement.
- *FAPA* – As a standalone matter, LPs should not assist with FAPA cases. However, if there is a related family law matter, an LP should be allowed to continue to assist parties.
- EDDAPAs, SAPOs, emergency guardianships, and adoptions should also be excluded.

To date, the Workgroup recommends that these types of landlord/tenant cases be outside an LP's scope of practice:

- *Affirmative Plaintiff Cases in Circuit Court* – Parties can file small claims up to \$10,000 and affirmative plaintiff cases often include matters beyond scope of LLT practice areas.
- *Agricultural tenancies and leasing* – These areas are outside of Oregon Residential Landlord Tenant Act (ORLTA) and more similar to tort claims often requiring specialized knowledge.
- *Affirmative Discrimination Claims* (except as asserted as a counterclaim or defense) – This is a complex area of law requiring significant specialized legal knowledge – often implicating other areas of state and federal law.
- *Commercial tenancies and leasing* – Requires extensive knowledge of complicated business law and contract law.
- *Landlord/tenant claims for personal injury* – This area of law is beyond ORLTA and requires significant specialized legal knowledge including significant factual development and discovery. These cases often implicate other areas of law.
- *Injunctive relief in affirmative cases.*
- *Housing provided in relation to employment* – This area is generally excluded from ORLTA and implicates significant state and federal law claims. Additionally, these claims can be brought in both state and federal court.
- *Affirmative subsidized housing claims* – This is complex and involves significant overlap with federal laws and regulations.

2. Tasks within the scope of practice

The Workgroup used a three-step evaluation process to: (1) identify impermissible practice areas of LPs, (2) identify permissible areas of LPs practice, and (3) audit and review lists (1) and (2) to create a final list of tasks specifically within the scope of LP practice.

The Workgroup recommends that LPs be authorized to practice within the following:

- **Family Law** (dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, and remedial contempt) – if not in conflict with the above-listed outside of scope practice areas.
 - Enter into a contractual relationship to represent a natural person (not including a business entity);
 - Meet with potential clients to evaluate and determine needs and goals and advise;
 - Assist, draft, and serve pleadings and documents including orders and judgments;
 - File documents/pleadings with the court;
 - Assist, draft, serve and complete written discovery (e.g., requests for production, responses to requests for production, protective orders, drafting and advising on motions to compel, conferring with opposing party or their representative, subpoenas, uniform support declarations, requests for admissions, and motions for and responses to motions for the following: custody and parenting time evaluations; drug and alcohol assessments; psychological evaluations; inspection of property; real and personal property appraisals; and vocational assessments).
 - Attend depositions, but not take or defend. May assist with scheduling and compelling deposition appearances and preparing clients for being deposed and for taking a deposition;
 - Participate, prepare for, and represent a party in settlement discussions, including mediation and settlement meetings;
 - Prepare parties for judicial settlement conferences;
 - Participate and assist with hearing, trial, and arbitration preparation. Prepare clients for court appearances (e.g., direct and cross examination, oral argument, exhibit preparation and submission, asset/liability statements, and memoranda to the court); and
 - Review opinion letters, court orders, and notices with a client and explain how they affect the client including the right to appeal.

- **Landlord/Tenant** (ORS 90 (ORLTA) and Forcible Entry and Wrongful Detainer provisions of ORS 105.126-168 related to residential tenancies) - if not in conflict with the above-listed outside of scope practice areas.
 - Enter into a contractual relationship to represent a natural person (not including a business entity);
 - Meet with potential clients to evaluate and determine needs, goals, and advise on claims or defenses (e.g., notices of intent to terminate tenancy, inspect premises, rent increase, etc.);
 - Assist, draft, and serve pleadings and documents including orders and judgments;
 - File documents/pleadings with the court;

- Assist, draft, serve and complete written discovery (e.g., requests for production, responses to requests for production, protective orders, drafting and advising on motions to compel, conferring with opposing party or their representative, subpoenas, requests for admissions, and discovery related motions for and responses to motions).
- Attend depositions, but not take or defend. May assist with scheduling and compelling deposition appearances and preparing clients for being deposed and for taking a deposition;
- Participate, prepare for, and represent a party in settlement discussions, including mediation and settlement meetings;
- Prepare parties for judicial settlement conferences;
- Participate and assist with hearing and trial preparation. Prepare clients for court appearances (e.g., direct and cross examination, oral argument, exhibit preparation and submission, and memoranda to the court); and
- Review opinion letters, court orders, and notices with a client and explain how they affect the client including the right to appeal.

3. Regulations/Rules to add or revise

The Workgroup identified a large number of current statutes, rules, and regulations that will need to be reviewed and revised when LPs are licensed and begin their practice. There was discussion about whether there should be a simple overarching statement added to each of the various major statute/rule categories (e.g., an addition to the ORCPs that “all rules in the ORCP applicable to attorneys shall also apply to LPs”) versus changes to the text of specific rules in each major statute/rule category (e.g., a change to ORCP 17A to add “licensed paraprofessional” to the list of who must sign a pleading, motion or other document). The Workgroup recommends changing the text of specific rules/statutes to add LPs to promote clarity with regard to which rules/statutes apply to LPs and which do not. There was some concern on what impact this method might have on statutory interpretation and precedent. There was also concern about the amount of time such detailed revisions might take, as well as what might happen if a revision was missed.

The specific rules/statutes identified as pertinent to the domestic relations prong of LP practice that would need review/modification include but are not limited to:

- Oregon Rules of Civil Procedure (ORCP)
- Uniform Trial Court Rules (UTCRR)
- Oregon Rules of Professional Conduct (ORPC)
- Minimum Continuing Legal Education Rules (MCLE)
- OSB Client Security Fund Rules
- OSB Rules of Procedure
- Oregon Code of Judicial Conduct
- Rules related to Informal Domestic Relations Trial (IDRT)

- Various Supplementary Local Rules
- ORS 3.428 – Family Law facilitation programs
- ORS 9.005 et. seq. (Oregon State Bar Act)
- ORS 20.075 (Factors to be considered by a court in awarding attorney fees)
- ORS 40.090 et seq. (Oregon Evidence Code, including rules 202, 503, 503-1, 504-5, 509-2, 511, 513.)
- ORS 124.060 (Elder Abuse Reporting)
- ORS 419B.005 et. seq. (Child Abuse Reporting)

4. Next Steps

Identify applicable rules/statutes specific to LLT practice to be revised.

Admissions & Education Workgroup – Recommendations

1. Futures Task Force RECOMMENDATION NO. 1.1:

Admissions focused on the requirement to "ensur[e] the competence and integrity of the licensed paralegals" while "improving the quality of their legal services" and recommends the following:

- Balancing education and experience to determine competency while addressing equity access for applicants.
- Activities related to the *Unauthorized Practice of Law* be included in the good moral character analysis.
- Incorporating the Oregon State Bar's (OSB) philosophy of rehabilitation as part of determining an applicant's good moral character.

2. Futures Task Force RECOMMENDATION NO. 1.2:

- Eliminate the ABA-approved program requirement, which is redundant and confusing for students and is not available to programs that are only offered online. Admissions recommends relying on the language "institutionally accredited," which is the process of review and certification of higher education programs by regional educational institutions, such as the *Northwest Commission on Colleges and Universities*, which handles the accreditation for colleges and universities in Oregon and Washington.
- Paralegal programs should be approved through an application where the paralegal program acknowledges the "approved coursework" requirements and ensures the competencies are achieved by the students. The approved coursework would incorporate the *scope of practice* recommendations of the Regulation Workgroup. Admissions recommends the paralegal program obtain approval through an application to the OSB, not the individual applicant, because each

paralegal program requires students to receive a C or better in core paralegal courses to graduate from the paralegal program. Certification of each student's competency would be a redundant process.

- There should be multiple eligibility pathways made up of various experience, education, paralegal certification, and attorney verification requirements (with additional CLE components to ensure critical competencies are supplemented as part of the applicant's training). These pathways include options for military service, JD education, pro bono & low bono experience, as well as others. Admissions chose to look at the education waiver pathway as a tool for offering more diverse application options to ensure competency, then identified several potential education deficiencies that some education waiver applicants might possess and how to cure them. Finally, Admissions recommends Education Waiver Applicants take an essential CLE track designed to cure any deficiencies in their training.
- Paralegal programs outside of Oregon should be permitted to provide the approved coursework through the application process noted previously, even if they do not offer Oregon-specific education, provided those applicants complete the required CLE track to cure those deficiencies.

3. Futures Task Force RECOMMENDATION NO. 1.3:

- The PLIC agrees to a minimum 1,500-hour substantive paralegal experience work requirement; adding those hours should be obtained within 3-year's of the application to ensure part-time paralegals could meet this requirement.
- Admissions further recommends applicants seeking licensure in domestic relations obtain 1/3 of the requisite 1,500 hours of substantive paralegal experience, or 500 hours, within the subject matter seeking licensure within 3-year's of the application [which is similar to the subject matter hourly requirement in Utah's *Licensed Paralegal Practitioner Program* ([URGLPP Rule 15-0703\(a\)\(5\)](#)) and Arizona's *Limited License Legal Practitioner Program* [Second Amended Draft ACJA Section D 2\)\(c\)\(ii\)](#)]
- Admissions further recommends applicants seeking licensure in landlord/tenant and evictions obtain 1/6 of the requisite 1,500 hours of substantive experience, or 250 hours, within the subject matter seeking licensure within 3-year's of the application [which is similar to the subject matter hourly requirement in [Arizona's Limited License Legal Practitioner Second Amended Draft ACJA Section D 2\)\(c\)\(ii\)](#)]
- The Futures Task Force recommended that the paralegal verify their experience through Attorney certification to meet this requirement. The PLIC also recommends verification through a supervising Attorney Certification Letter, confirming the substantive experience of the applicant. In addition, the PLIC recommends the inclusion of a template letter and a few examples of the types of activities that a paralegal performs to help assist the attorney certifying the experience, rather than an all-encompassing list of possible substantive duties.

- While the PLIC recommends Attorney Certification to verify the applicant's substantive experience, Admissions recommends expanding that directive to ensure attorneys are ethically bound to respond to a request for verification of a paralegal's experience, just as they are to respond to a client's request for their file when they terminate the attorney-client relationship. An exception can be carved out for a claim of incompetence. Still, the goal would be to ensure attorneys cannot withhold their verification without cause, for instance, if they were angry that the paralegal applied for the license. For that reason, the Admissions group recommends an ethics opinion outlining an attorney's obligations to respond to a request for verification of substantive paralegal experience.

4. Futures Task Force RECOMMENDATION NO. 1.6:

Though CLEs for the renewal of the endorsements fall to the OSB, Admissions includes the following recommendations for CLEs:

- Differentiate between a CLE track offered as an alternative to the Traditional Associates Degree pathway outlined in Recommendation No. 1.1 for "highly experienced paralegals" and those CLEs offered after licensure to renew subject matter endorsements.
- In addition to the OSB approved CLE providers, the approved paralegal programs should be permitted to not only offer the approved coursework in the traditional application pathway but also to offer the CLE track to the highly experienced paralegal applicants; as well as the CLEs required for renewal of the endorsements.
- The Mandatory CLE Requirements for Highly Experienced Paralegal Applicants should be 19 hours of predetermined coursework as approved by the Board within twelve months in advance of the application date.
- The Mandatory CLE Requirements for the Renewal of the Endorsements should be 40 hours of continuing legal education predetermined and approved by the Board every three years
- Require double the Access to Justice requirement of renewing attorneys because Access to Justice and Equity education programs and CLES are vital to the success of this program and the services to the underserved members of the public.

5. Futures Task Force RECOMMENDATION NO. 1.8:

- The PLIC recommends a minimum of 1,500 hours of substantive paralegal experience be required to issue the initial "license" to Licensed Paraprofessionals ("LP"). Further, Admissions recommends that multiple "endorsements" be available, in addition to the requisite license, provided the applicant meets the subject matter experience and education requirements. The addition of multiple endorsements ensures the LP program remains viable and sustainable by

providing an opportunity to increase the types of endorsements as access to justice practice areas are identified.

- Admissions recommends evaluating additional practice areas for inclusion in the LP program in the future (such as debt collections or elder law).
6. Futures Task Force RECOMMENDATION NO. 1.10:
- Admissions echoes the Futures Task Force's Recommendations in Recommendation 1.10 not to require an admissions exam.
7. Futures Task Force RECOMMENDATION NO. 1.11:
- The PLIC recommends that the administration of the LP program be rolled into the existing programs within the OSB to avoid the creation of additional infrastructure and utilize procedures and processes already built into the licensing of attorneys. For example, the recommendation that the BBX would oversee the Admissions of LP applicants.
8. Admissions did not specifically address the Futures Task Force Recommendations 1.4, 1.5, 1.7, or 1.9, except as it relates to the following:
- Admissions is working to synthesize the Recommendations of the Regulation Workgroup on *Scope of Practice* into the approved coursework and CLE guidelines within the Admissions & Education Framework.
 - The PLIC recommends that the Rules of Professional Conduct be included within the educational guidelines for the paralegal program, the CLE requirements for those applying through an educational waiver, and the CLES required for renewal of the endorsements.
 - Admissions believes that admission application reviews, IOLTA account administration, insurance liability, PLF coverage, and CLEs required for endorsement renewal would fall under the OSB administration. However, the PLIC and Admissions considered the following issues and recommend the following:
 - The PLIC recommends that the type of membership within the Bar offered to LPs should be decided as part of the administrative policies of the OSB.
 - Based upon the PLIC's recommendation that LPs should be mandatory reporters, Admissions recommends Mandatory Reporting of Child or Elder Abuse be included within the approved coursework, the CLE requirements for those applying through an educational waiver, and the CLES required to renew the endorsements.
 - Based upon the PLIC's recommendation that LPs should participate in IOLTA and be allowed to set up Trust Accounts, Admissions recommends education on IOLTA accounts be included within approved coursework, the CLE requirements for those applying through an educational waiver, and the CLES required for renewal of the endorsements. The PLIC further suggests there be random automatic audits of LP trust accounts.

- The PLIC recommends that any LP who has their license suspended in another state must report the matter to Oregon.
- The PLIC recommends access to free or low-cost CLEs equivalent to what is made available to new attorneys.
- The PLIC recommends the Board consider a Referral Service for LPs.

Stakeholder Workgroup – Outreach

Stakeholder Outreach

The Regulation and Admissions Workgroups have refined the ultimate proposal on paraprofessional licensure. The PLIC Stakeholder Workgroup has begun an extensive outreach process intended to inform both the legal community and the public that paraprofessional licensure will be considered by the Oregon Supreme Court. This outreach process is intended to solicit input from impacted groups and communities that will inform final decisions about the proposal.

Stakeholder outreach and refinement of the proposal are intended to occur simultaneously. This will facilitate community input as the proposal is developed and be shared with additional groups.

The PLIC outreach strategy is to meet with stakeholders and to also survey stakeholder communities with whom it is not possible to meet. The full committee will review and consider feedback it receives.

The Stakeholder Workgroup has identified three categories of entities with whom they will meet to gather input on the proposal.

1. OSB and OJD groups. This group includes professional and advocacy groups that are internal to the Oregon State Bar or the Oregon Judicial Department. Among the entities in this group are OSB Sections, and groups of judges and trial court administrators.
2. External legal advocacy groups. These are groups, not affiliated with the bar or the courts, which advocate for or who provide legal services. Entities in this group consist of specialty bar associations, legal aid organizations, and other groups representing attorneys.
3. Public and community advocacy groups. This group includes organizations that provide services to communities that paraprofessionals are expected to serve. Landlord/tenant advocacy organizations are included in this group.

The Stakeholder workgroup has gathered input from several groups and will continue to refine the proposal throughout summer and fall.

Public Outreach

In addition to stakeholder outreach, the bar will poll the public separately to assess the public's desires and concerns about paraprofessional licensing.

PLIC will ask members of the public questions related to their use of legal services, difficulty finding legal representation, unmet legal needs, and limitations or roadblocks they have encountered within the judicial system.

The purpose of this polling, as with stakeholder outreach in general, is to identify community needs, and to ensure that paraprofessional licensure is structured to meet those needs. Polling the non-legal community is essential it highlights the perceived needs of legal consumers, as opposed to what the committee presumes are their needs.

The Stakeholder workgroup will continue to work with the committee to gather as much community input as possible.

Organizational Structure

In 2017, the Oregon State Bar Futures Task Force recommended that the OSB develop a license for paralegals to provide limited-scope legal services in family and landlord/tenant matters. In making that recommendation, the task force sought to balance three interests: protecting consumers, increasing access to justice, and cost-efficiency. With respect to cost-efficiency, the Task Force sought to take advantage of existing system-wide efficiencies within the Oregon State Bar for the administration of a new license.

The Paraprofessional Licensing Implementation Committee agrees cost efficiency should be considered in development and administration of the paraprofessional licensing program. To that end, the committee envisions the following organizational structure for paraprofessional licensing.

Enrolled SB 768, which is currently awaiting the Governor's signature, expands the bar's governing statute to allow for associate membership in the bar under ORS 9.241. It provides in pertinent part:

“(3) Notwithstanding 9.160, the Supreme Court may adopt rules pursuant to ORS 9.210 to admit individuals with substantial legal education as associate members of the Oregon State Bar without taking the examination required by ORS 9.210. An individual admitted as an associate member under this subsection must meet all character and fitness requirements under ORS 9.220.”

This change would allow another class of membership administered and regulated by the Oregon State Bar, pursuant to Supreme Court rules, rather than creating a separate, duplicative, licensing entity.

The proposed paraprofessional admission requirements include an educational component, experiential practice, and character and fitness examination. Existing procedures for evaluating character and fitness of applicants for a lawyer license would be used to evaluate the character and fitness of applicants for the paraprofessional license. Character and fitness evaluations could be performed by OSB Admissions staff, and the Board of Bar Examiners (BBX) could oversee the character and fitness examination process, at least at the outset of program implementation. A new board may be created to provide oversight, when demand for the license exceeds the capacity of the BBX and application fees can fund additional administrative costs.

With respect to the educational and experiential practice requirements, we anticipate (at minimum) the development of a certification form to be used by the schools and lawyer supervisors. Whether additional oversight by a volunteer board would be necessary has yet to be determined. Creation of a volunteer board would result in increased administrative costs in order to support the work of the board. As noted above, however, depending on demand for the license, application fees could potentially fund these increased costs at some point in the future, as long as existing OSB Admissions staff and OSB operations could be leveraged to reduce overhead. These issues are still under consideration.

The paraprofessional regulatory framework includes compliance with mandatory continuing legal education requirements and applicable rules of professional conduct, IOLTA account certification, and malpractice liability insurance coverage. OSB staff already is responsible for administration of these requirements for lawyers and has existing procedural framework in place to do so. We recommend adding the paraprofessional regulatory work to the existing disciplinary proceeding framework and other regulatory frameworks that currently exist for lawyers. By doing so, we avoid unnecessary cost of duplicating an existing administrative framework. While staff anticipates incurring additional costs for initial implementation (e.g. to re-configure existing software), staff does not anticipate a need for additional staffing once implemented. This organization framework would also allow for more consistent application of standards to similar situations faced by both groups of licensees.

The admission and regulation of licensed paraprofessionals within the existing Oregon State Bar and Supreme Court regulatory frameworks would allow for comprehensive planning with respect to the provision of legal services to the public. A separate licensing entity, on the other hand, could inevitably result in conflict, on any number of issues of public policy and concern.

Conclusion to Progress Report of PLIC to Supreme Court

In conclusion, the committee has been actively grappling with the issues presented by the prospect of licensing a new category of associate members of the OSB. We are confident that

there is a need for additional legal assistance for individuals who have these important legal needs. Assuming that the Supreme Court does not object to the direction our work has taken us thus far, our next steps will be:

1. Synthesize our recommendations for regulation, admissions, and support structure from the OSB into a briefer document for dissemination and feedback to the stakeholders identified by our Stakeholders Workgroup;
2. Seek public comment and feedback;
3. Refine our recommendations based on feedback received and circulate revisions for feedback;
4. Present our final report to the Oregon Supreme Court by the end of 2021.