**OSB Paraprofessional Licensing Implementation Committee**

Regulation Workgroup (Sue Gerhardt, Ralph Gzik, Robin Wright (chair))

**DRAFT – 11/9/20**

Phases

1. By 11/9/20
   1. Identify and distill relevant regulatory provision recommendations from OSB Futures Taskforce Report (see below)
   2. Determine applicable regulations/rules/statutes to review (see below)
   3. Outline substance of initial determinations (see below)
   4. Share w/ subcommittee for review
2. On 11/23/20
   1. Review work from 11/9/20
   2. Revise earlier determinations
   3. Determine if any provisions to add
   4. Present 1st draft recommendations to Advisory and Implementation Committees for review/comments

**ACTION**:

ORPC: Ralph

ORCP: Sue

UTCR: Sue

Client security fund rules: Robin

CLE: Katherine Denning

Recommendation to Admissions: no prenups

What are we missing; which ones need revisions.

1. By 1/11/21
   1. Identify specific provisions for review/change
   2. Start first draft of revisions to current attorney-focused rules
   3. Add new rules unique to paraprofessionals
   4. Identify and discuss areas of special concern if any
2. On 1/25/21
   1. Present 2d draft to Advisory and Implementation Committees for review/comment
   2. Revise draft to follow up on review/comments
3. After 1/25/21
   1. Present 2nd draft recommendations to Advisory and Implementation Committees for review/comments
   2. Develop additional phases and timelines based on progress to date

Framework

1. Applicable regulatory recommendations from Futures Task Force (FTF)
   1. Good moral character -- FTF Recommendation 1.1 – “FTFR 1.1”)
   2. Attorneys suspended, resigned (Form B) or disbarred ineligible – FTFR 1.1
   3. Liability insurance required – FTFR 1.4
   4. Comply with professional rules of conduct like those applicable to attorneys – FTFR 1.5
   5. Meet continuing legal education requirements – FTFR 1.6
   6. Use written engagement agreements with mandatory disclosures – FTFR 1.7
   7. Advise clients to seek attorney advice for services outside limited scope practice – FTFR 1.7
   8. Allow alternative business structures– FTFR 2.3
2. Additional provisions to add to FTFR?
   1. OSB oversight (make explicit)?
   2. Disciplinary rules needed outside of those modeled on attorney rules?
   3. Scope of practice limitations?
   4. Admissible fee structures?
   5. Fee splitting?
   6. Sale of practice limitations?
   7. Communication confidentiality?
   8. Evidentiary privileges?
   9. Conflicts of interest/screening?
   10. Business interests with clients?
   11. Restrictions on Intimate contact with clients?
   12. Organization as client?
   13. Access to OECI
3. Rules/regulations to review
   1. Oregon Rules of Professional Conduct (ORPC)
   2. Client Security Fund Rules
   3. Oregon State Bar Minimum Continuing Legal Education Rules, Regulations (MCLE)
   4. Oregon Evidence Code (OEC – ORS 40.010 – 40.585)
   5. Oregon Rules of Civil Procedure (ORCP)
   6. Oregon State Bar Rules of Procedure
   7. ~~Oregon Rules of Civil Procedure (ORCP)~~
   8. Uniform Trial Court Rules (UTCR)
   9. Supplementary Local Rules (SLR)
   10. ORS 9.080-PLF
   11. ORS 3.428?-facilitators
   12. 419(A) mandatory reporters
   13. Others?
4. First draft of initial recommendations