

Proposed Oregon Legal Paraprofessional Licensing Program

Nearly four out of five Oregonians do not have the assistance of an attorney in Family Law or Landlord/Tenant cases. The Oregon State Bar proposes licensing trained non-lawyer paraprofessionals to provide limited legal services in these important matters. The Paraprofessional Licensure Implementation Committee is working to create rules that will promote access to legal services while protecting the public, with attention to providing legal services to traditionally underserved communities. Paraprofessionals will have limits on eligible services and may be required to consult with an attorney in some circumstances.

What kinds of cases would licensed paraprofessionals assist with?

Family Law

- Dissolution of marriage
- Separation or Annulment
- Custody and Parenting time
- Child support and Spousal support
- Remedial contempt (excluding confinement)

Landlord/Tenant

- Oregon Residential Landlord/Tenant Act (ORS Chapter 90)
- Forcible Entry and Wrongful Detainer (Provisions of ORS 105.126-168 related to residential tenancies)

What could licensed paraprofessionals do?

- Enter into a contractual relationship to represent a client. For Family Law cases, this would be limited to representing individuals, not businesses.
- Meet with potential clients to evaluate and determine needs and goals and advise.
- Assist clients in choosing, drafting, and filing forms on domestic relations and landlord/tenant cases.
- Assist clients in drafting and servicing of pleadings and documents including orders and judgments.
- File documents/pleadings with the court.
- Assist, draft, serve and complete written discovery.
- 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.
- Prepare for, participate in, and represent a party in settlement discussions, including mediation.
- Assist in preparing for hearings, trials, and arbitrations.
- Prepare clients for court appearances and for judicial settlement conferences
- Attend court appearances and depositions with clients to provide support and assistance in procedural matters.
- Respond to the court on behalf of clients to inquiries when requested.
- Review opinion letters, court orders, and notices with a client and explain how they affect the client including the right to appeal.

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How would paraprofessionals be licensed?

Multiple pathways for determining the competency of eligible applicants are under consideration, and it is likely that multiple pathways for paralegals from different backgrounds will be available. Many LPs will have graduated from an approved paralegal program. Others may qualify by demonstrating substantial substantive experience in the field.

- 1500 hours of substantive paralegal work will be required for all LPs.
- 500 of those hours must be in family law in order to be licensed in those cases.
- 250 of those hours must be in landlord/tenant law in order to be licensed in those cases.
- Licensees will be required to have an attorney attest to completion of these hours.
- The Bar Exam will not be a part of certification.

Additional ongoing licensure requirements

- Mandatory CLE requirements, including specific requirements for CLEs in the certification areas.
- As with attorneys, MCLE requirements will include Ethics, Access to Justice, and Abuse Reporting.
- Paraprofessionals will be required to have IOLTA accounts where appropriate.
- Paraprofessionals will be required to pay into the Client Security Fund.
- Paraprofessionals will be required to have malpractice insurance.
- Paraprofessionals will be prohibited from sharing fees with anyone who is not a lawyer or another paraprofessional, and from sharing ownership in a firm with individuals not licensed by the Oregon State Bar, as is the case with lawyers now.

Additional information and feedback

- For additional information, please see the Oregon State Bar Paraprofessional Licensing Implementation Committee's website: <https://paraprofessional.osbar.org/>
- If you would like to comment or provide feedback on what the committee is doing, please reach out to paraprofessionalcommittee@osbar.org.