

Seeking Public Comment:

Proposed Changes to Oregon State Bar Rules for Admission

The Oregon Board of Bar Examiners (BBX) has proposed several changes to the Oregon State Bar Rules for Admission (RFAs). The Oregon State Bar (OSB) will present the proposals to the Oregon Supreme Court at the Court's November 16, 2021 public meeting. The BBX and the OSB invite [comment](#) from the public and members of the Oregon State Bar.

Many of the changes are relatively minor updates to clarify the rules for applicants and Board members.

Several more substantive proposals would change the fee structure for "alternative admission applicants." These include applicants seeking admission based on 1) reciprocity from another jurisdiction; 2) the transfer of a Uniform Bar Examination (UBE) score from another jurisdiction; and 3) the House Counsel rule offering a limited license for lawyers in a corporate counsel role.

These changes would affect primarily out-of-state lawyers seeking admission in Oregon, and employers seeking to recruit lawyers to Oregon. The fee for the majority of OSB applicants would remain unchanged.

Finally, the proposals include increased flexibility in making accommodations under the ADA, and assure employers recruiting from out of state that their new hires would have greater ability to begin their law practice upon arrival in Oregon.

Following are the proposed rule changes.

RFAs 1.10, 3.05, 5.15 and 9.45 (extending Chief Justice Order 20-09). The BBX seeks to continue several temporary practices put in place by the Chief Justice in 2020. Proposals:

- Replace affidavits with declarations in every rule, with the exception that corporate employers of house counsel licensees will still need to complete an affidavit for house counsel applications and annual certifications;
- Establish that the Chair of the Board may impose a seat limit on any bar exam;
- Establish that the Chair of the Board may make ADA Accommodation decisions without full Board approval when a request is made within six weeks of the relevant exam;
- Establish that the presiding member of a hearing panel may decide to conduct all or part of a hearing via videoconference.

Explanation: Streamlines numerous processes, and adds flexibility for efficient decision-making, particularly as the date of an exam or a hearing approaches.

RFA 4.10. Fees for bar exam applications, Alternative Admission Applications, Temporary Practice Applications. Proposals:

- Establish new fee structure for applicants who seek admission through an alternative application, rather than taking the bar exam (reciprocal admission, house counsel, etc.). Each fee will be based on the RFA under which the applicant is seeking admission, as outlined below.
- Increase the investigation fee charged to bar exam applicants who are already admitted in another jurisdiction. Fees would increase from \$425 to \$600. If the applicant had already paid an investigation fee with an earlier application within the previous 12 months, the fee to update the investigation would be cut in half. (RFA 4.10)
- Change the late filing fee from \$350 to a fee equal to one-half of the standard bar exam application fee. At the current rate, the fee would be \$375. (RFA 4.05)
- Change the fee for those who seek to be sworn in more than 13 months after notice of eligibility was provided from \$250 to \$300. (RFA 8.05)
- The new alternative admission fee structure would include the following changes:
 - The application fee paid by House Counsel and Foreign Law Consultant applicants will be set at \$2,500.
 - The application fee paid by Reciprocal Admission applicants will be set at \$1,750.
 - The application fee paid by applicants seeking admission through UBE Score Transfer, Military Spouse License or Law School Teachers will be \$1,350.
- The standard fee for bar exam applicants not admitted in another jurisdiction will remain \$750.00.

Explanation:

Responds to inflationary pressures since the last increase to alternative admission fees (2012), and projected inflation under current models. Additionally, the tiered fee structure will address a significant increase in the staffing and technology needs required for these admissions, brought on by eligibility and process changes implemented in 2018. Finally, with rapid changes taking place in admissions and regulatory processes in Oregon and nationally, the structure will address current resource needs for the BBX and admissions processes.

RFA 5.10. Specific Testing Accommodations. Proposal:

Remove the requirement that late filing accommodation requests meet a good cause standard, and replace it with a requirement that the request “not cause an undue burden on the Board or the Oregon State Bar.”

Explanation: Clarifies the standards used by the BBX in making decisions on late accommodation requests.

RFA 8.05 and 8.10. Report by Board of Bar Examiners; Notice to Applicant. Proposal:

- Remove the requirement that written notice be mailed to applicants, and replace it with a general requirement that the BBX use reasonable means to provide written or electronic notice to applicants.
- Change the processes identified in 8.10 for the submission of Oaths by alternative admission (non-bar-exam) applicants. Oaths must be submitted to the Admissions Department prior to the BBX recommending an applicant for admission to the Court. Oaths will be submitted to the Court with the corresponding recommendation. If a recommended alternative applicant is approved for admission by the Court, the date of admission for that applicant will be the date of the Order approving the applicant for admission.

Explanation: Allows for the more commonly accepted practice of electronic communications, and streamlines the process of getting alternative applicants sworn in and admitted after the Court issues an order authorizing the admission of an applicant.

RFA 13. Temporary Supervised Practice Rules. Proposals:

- Change the Student Appearance Rule to expand the list of activities covered by law student certification;
- Establish a new temporary practice license rule for individuals who qualify for one of our alternatives to the exam admissions (reciprocal, house counsel, UBE score transfer, etc.) and have filed their application with the admissions department before or concurrently with the temporary practice application.

Explanation: Allows out-of-state lawyers seeking admission through an alternative application, and who are members in good standing with their other jurisdiction(s), a process to practice law upon arrival in Oregon under the supervision of a licensed OSB member. Allows employers to be confident that their out-of-state hire will be able to start work on relevant legal matters as soon as their new employee submits applications for admission and temporary practice. The temporary practice license would be good for up to a year, if not terminated earlier by admission, withdrawal or denial;

RFA 16.05. Limited Admission of House Counsel. Proposals:

- Create a new regulatory requirement for house counsel licensees, to annually certify that they are employed by the same employer and that their client still understands the limitations placed upon this type of license, and that they continue to meet all of the requirements for maintaining their house counsel license. Failure to file would result in suspension.

Explanation: Improves regulatory efficiencies. Enhances ability of the bar to enforce existing rules that require house counsel licensees to immediately notify the bar of any changes in their employment. Additionally, by requiring house counsel licensees to remind their employer of the limited nature of their license, the Bar will ensure that corporate executives have all the necessary information regardless of turnover in leadership.