

Seeking Comment on Changes to Rules for Admission.

The Oregon Board of Bar Examiners has proposed several changes to the OSB Rules for Admission, and invites comment on the proposal prior to presenting to the Oregon Supreme Court in November. A brief overview and explanation of the changes can be found [here](#), and an opportunity to comment is [here](#). Following are the proposed changes.

4.10 Fees for bar Exam Applications, Alternative Admission Applications, Temporary Practice Applications.

- (1) Bar Exam Application and Investigation Fees: Every bar exam applicant must pay to the Board, at the time of filing their bar exam application, each of the following fees that are applicable to their application:
 - (a) A bar exam application fee of \$750.
 - (b) In addition to the fee prescribed by paragraph (a) of this rule, if an applicant was previously admitted to the practice of law in any other jurisdiction or has a pending application for admission to practice law in any other jurisdiction, then the applicant must pay an investigation fee of \$600. If an applicant applied for admission to the practice of law in Oregon within the 12 months prior to the submission of the current application, and the applicant paid an investigation fee of \$600 with their last application, then the investigation fee shall be reduced to \$300.
 - (c) In addition to the fees prescribed by paragraphs (a) and (b) of this rule, a bar exam applicant who files an application after the timely filing deadline stated in Rule 4.05(1) shall pay to the Board, at the time of filing such application, a late filing fee equal to one-half of the application fee stated in paragraph (a) of this rule.
 - (d) An applicant who, in conformance with Rule 8.10(4), seeks to take the oath and be admitted more than thirteen months after notice was mailed by the Board as provided by Rule 8.05(2), shall pay to the Board a fee of \$300.
 - (e) If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar, at the time of application, any unpaid judgment for costs and disbursements assessed by the Court therein.
 - (f) If an applicant is found to be unqualified to take the examination for any reason under these rules, the applicant shall be entitled to a refund of \$300 dollars.

- (g) If a bar exam applicant withdraws his or her application, the applicant shall be entitled to a partial refund of the bar exam application fees only as follows:
 - (i) The applicant must request in writing that the application be withdrawn;
 - (ii) If the application withdrawal is received by the Board on or before the second Tuesday before the first day of the examination, one-half of the application fee specified in subsection (a) of this rule will be refunded;
 - (iii) If the application withdrawal is received by the Board after the deadline specified in section (g)(ii) of this rule, no refund will be made.
 - (iv)
- (h) In no event shall any portion of the fees specified in subsections (b), (c) and (d) of this rule be refunded.

(2) Alternative Admission Applications Fees: Any applicant seeking admission through an application other than the current Oregon bar exam application or Rule 8.10, must pay the Board the correct alternative admission application fee at the time of filing the application. The correct alternative admission application fee is based on the RFA under which the applicant is seeking admission, which includes only the following:

- (a) House Counsel Application Fee: The alternative admission application fee for applicants seeking admission under RFA 16.05 (House Counsel) is \$2,500.
- (b) Foreign Law Consultant Application Fee: The alternative admission application fee for applicants seeking admission under RFA 12.05 (Foreign Law Consultants) is \$2,500.
- (c) Reciprocity Application Fee: The alternative admission application fee for applicants seeking admission under RFA 15.05 (Reciprocity Admission) is \$1,750.
- (d) Out-of-State (UBE) Score Transfer Application Fee: The alternative admission application fee for applicants seeking admission under RFA 19.05 (Admission by Out-of-State Bar Examination Score) is \$1,350.
- (e) Military Spouse Application Fee: The alternative admission application fee for applicants seeking admission under RFA 18.05 (Admission of Military Spouse Attorneys) is \$1,350.

- (f) Admission of Law Teacher Application Fee: The alternative admission application fee for applicants seeking admission under RFA 11.05 (Admission of Law Teachers) is \$1,350.
 - (g) Admission of Out-of-State Active Pro Bono Attorneys Application Fee: The alternative admission application fee for applicants seeking admission under RFA 17.05 (Admission of Out-of-State Active Pro Bono Attorneys) is \$600.
 - (h) If an applicant provides the Board with a written request to withdraw their application within sixty (60) days of the Board's receipt of their application, then the applicant will be entitled to a refund of one-half of their alternative admission application fee.
 - (i) If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar any unpaid judgment for costs and disbursements assessed by the Court therein. This payment shall be in addition to, and must be paid concurrently with, the alternative admission application fee required for the applicant's alternative admission application.
 - (j) If an applicant is unqualified under the RFA for which they sought admission, then the applicant shall be entitled to a refund of one-half of the alternative admission application fee paid with their application.
 - (k) An alternative admission applicant shall receive a 20% reduction to the fees stated in RFA 4.10(2), if the applicant is applying for admission because they have been employed to work for one of the following types of employers: (1) any State of Oregon government agency or an instrumentality of a government agency; (2) any non-profit that has received tax exempt status as a 501(c)(3) or 501(c)(4) organization; (3) any contractor, agency or organization providing public defense services to Oregon residents; and (4) any organization recognized by Legal Aid Services of Oregon, Oregon Law Center or the Oregon State Bar as an entity that provides legal aid to Oregon residents.
- (3) An applicant for a temporary practice license under 13.70 et seq, shall pay to the Regulatory Counsel's Office a temporary practice application fee of \$500. The fee must be submitted concurrently with the applicant's temporary practice application. The temporary practice application fee is non-refundable upon submission.

OTHER RULES REQUIRING AMENDMENT DUE TO 4.10 CHANGES

Rule 4.05(3):

Applications for admission by examination may be filed late, subject to the fee prescribed by Rule 4.10(1)(c), but such late applications, with all appropriate fees, must be received by the Board no later than December 15 for the February examination, or no later than May 15 for the July examination.

Rule 8.10(4):

An applicant who does not take and file the oath of office within thirteen months after the mailing of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(1)(d). Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.

Rule 8.10(5):

An applicant who does not take and file the oath of office within three years after the mailing of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(1)(d), and shall be required to either (a) demonstrate that the applicant has been actively, substantially and continuously engaged in the practice of law for at least three of the five years immediately preceding the application or (b) take and pass the bar examination and the Multistate Professional Responsibility Examination within the provisions of Rule 7.05. Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.

5.10 Specific Testing Accommodations

- (1) Definitions. For the purpose of this rule:
 - (a) The term "disability" means a disability as the term is defined under the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) (ADA), amendments to the act, applicable regulations and case law.
 - (b) The term "qualified professional" means a licensed physician, psychologist, or other health care provider who has

comprehensive training in the field related to the applicant's claimed disability.

- (2) An applicant with a disability that substantially limits one or more major life activities and who desires an adjustment or modification to the standard testing conditions to alleviate the impact of the applicant's functional limitation on the examination process may request reasonable accommodation(s) to take the examination.
- (3) Consistent with the requirements of the ADA, the Board shall evaluate all timely and complete accommodation requests and determine the extent, if any, to which they will be granted. In fashioning an accommodation, the Board shall strive for an accommodation that is reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and which does not fundamentally alter the nature of the examination as necessitated by the applicant's disability.
- (4) Applicants must file timely and complete accommodation requests using the forms prescribed by the Board. The filing deadlines for requests shall be set by the Board. Incomplete or untimely requests will be rejected except where: (a) disability occurs after the application filing deadline; or, (b) the accommodation request does not cause an undue hardship on the Board or the Oregon State Bar.
- (5) An applicant requesting accommodations must fully complete the forms approved by the Board and submit:
 - (a) Medical and/or psychological verification completed by a qualified professional. The medical and/or psychological verification shall, at a minimum, describe:
 - (i) The basis of the assessment, including all tests used to diagnose the disability and the results of those tests;
 - (ii) the effect of the disability on the applicant's ability to take the examination under regular testing conditions; and
 - (iii) the recommended accommodation.
 - (b) A letter from the applicant's law school setting forth any accommodations that were provided to the applicant for examinations taken at the law school.
 - (c) A letter from each jurisdiction in which the applicant has applied to practice law setting forth any accommodations that were provided to the applicant for taking the bar exam.

An applicant who is breastfeeding may request accommodations to enable the applicant to express milk during the examination. Request for accommodations must be submitted timely using the procedures and forms prescribed by the Board for specific testing accommodations. Applicants must submit medical documentation from a qualified medical provider supporting the request for accommodations, including verification that the applicant is breastfeeding and the child's date of birth.

8.05 Report by Board of Bar Examiners; Notice to Applicant

- (1) Not later than the 60th day after the date prescribed for the written examination in Rule 5.05, the Board shall file with the Court a written report identifying by number each applicant whom the Board recommends for admission on the examination.
- (2) As soon as the Court has acted upon the report, the Board shall notify each applicant whether the applicant has passed or failed the examination and whether or not the applicant has been recommended for admission on moral character and fitness grounds. Notice shall be given through any reasonable written or electronic means.
- (3) If the Board is unable to complete its investigation of an applicant's moral character and fitness and make a recommendation to the Court at the time the results of the applicant's written examination are reported to the Court, the Board shall make its report as soon as possible thereafter. As soon as the Court has acted on the report, the Board shall notify the applicant by mail whether the applicant has been recommended for admission on moral character and fitness grounds.

8.10 Qualifications for Admission; Oath of Office

(A) Examination Applicants

- (1) In order to be qualified to be admitted to the practice of law in Oregon, an applicant must have passed the Oregon Bar Examination and the Multistate Professional Responsibility Examination, be at least 18 years of age at the time of admission, and be approved for admission by the Court on moral character and fitness grounds.
- (2) Each qualified applicant must execute a prescribed oath of office to be filed with the State Court Administrator at the admission ceremonies, or as provided in subsections (3), (4) or (5) of this rule. Each applicant's date of admission shall be the date the oath of office is received by the State Court Administrator.

- (3) A qualified applicant who does not take and file the oath of office at the time of the admission ceremonies may take such oath before any person authorized by law to administer oaths in the jurisdiction within which the applicant may be. The date of admission cannot be prior to the admission ceremonies next following the date that notice is mailed advising that the applicant passed the bar examination.
- (4) An applicant who does not take and file the oath of office within thirteen months after the mailing of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(4). Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.
- (5) An applicant who does not take and file the oath of office within three years after the mailing of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(4), and shall be required to either (a) demonstrate that the applicant has been actively, substantially and continuously engaged in the practice of law for at least three of the five years immediately preceding the application or (b) take and pass the bar examination and the Multistate Professional Responsibility Examination within the provisions of Rule 7.05. Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.
- (6) An applicant who does not take and file the oath of office within five years after the mailing of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10 and take and pass the bar examination and the Multistate Professional Responsibility Examination within the provisions of Rule 7.05.

Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability.

(B) Other Applicants

- (1) In order to be qualified to be admitted to the practice of law in Oregon, an applicant must meet the requirements of the rules under which the applicant seeks admission and be approved for admission by the Court on moral character and fitness grounds.
- (2) Each qualified applicant must execute an oath of office prescribed by the Court. The applicant shall file the executed oath of office with the Admissions Department of the Oregon State Bar, who will forward it to the State Court Administrator when the applicant is recommended to the Court for admission. Each applicant's date of admission shall be the date the Order of Admission is issued by the Court. Applicants must comply with the requirements of Admission Rule 8.20 (Address and Telephone Designation).

13.01 Temporary Supervised Practice Rules

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay reasonable fees for these services. In an effort to meet the needs of the legal consumer public, expand the diversity of the Oregon bar and to increase access to justice, the following rules are adopted to permit qualified persons to engage in the temporary limited practice of law prior to their admission by examination or other alternative means. All temporary practices must occur under the supervision of a current member of the Oregon State Bar.

LAW STUDENT APPEARANCE PROGRAM

13.05 Purpose of Law Student Appearance Program

In order to develop early trial and appellate advocacy skills and to encourage law schools to provide clinical instruction in trial and appellate work, Rules 13.05 to 13.30 are adopted.

13.10 Appearances and Activities of Eligible Law Student

- (1) An eligible law student may appear before any court or before any administrative tribunal in this state in accordance with this rule. As used herein, "appear" or "appearance" means personal appearance before a court or an administrative tribunal.
- (2) The law student shall at all times be subject to the supervision of a member of the Oregon State Bar, except as provided in subparagraph (3) of this rule.
- (3) Subject to the client's approval as hereinafter provided, an eligible law student may appear for a client, with or without the supervising attorney being present, except as hereinafter provided. The extent of the law student's participation shall be determined by the supervising attorney, giving due consideration to the nature of the case, the ability and experience of the student and the complexity of the factual and legal issues involved.
- (4) Except as provided for in subparagraph (5) of this rule, no law student shall appear without the supervising attorney in (a) any criminal case in which the defendant may be subject to a felony conviction, (b) any juvenile case where the act committed by the juvenile if committed by an adult would have been considered a felony, (c) any commitment proceedings, or (d) any appellate court to make oral argument.
- (5) Subject to the requirement of 13.20(2)(d) as to any law student eligible through 13.20(2), an eligible law student may appear in any civil or criminal matter, on behalf of the state or any other governmental body, with the written consent of the supervising attorney of the state agency or governmental body.
- (6) No law student shall appear until the client, the supervising attorney and the judge of the court or the presiding officer of the tribunal have consented to such appearance. The supervising attorney shall be responsible for explaining to the client the nature and extent of the law student's participation and for obtaining the client's consent to such participation. The client's consent shall be in writing and filed with the court or tribunal and become part of the record of the case.

13.15 Other Activities of Eligible Law Student

- (1) An eligible law student may engage in other activities, under the general supervision of a member of the bar but outside the personal presence of that attorney, including:
 - (a) Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear; but such pleadings or documents must be signed by the supervising attorney;
 - (b) Preparation of briefs, abstracts and other documents to be filed in the appellate courts of this state; but such documents must be signed by the supervising attorney;
 - (c) Assistance to indigent inmates of correctional institutions or other persons convicted of crimes who request such assistance in preparing habeas corpus applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of the Court; provided that if there is an attorney of record in the matter, all such assistance must be supervised both by the supervising attorney and the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record.
 - (d) The taking of depositions or statements under oath, the preparation of affidavits or declarations of witnesses, negotiations and investigations related to an active litigation matter.
- (2) Each document or pleading prepared under subparagraph (1) of this rule must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it that fact may be mentioned.
- (3) Eligible law students may engage in non-litigation related matters, under the general supervision of a member of the bar, but outside the personal presence of that attorney, including without limitation: client intake, documents related to estate planning, contract drafting and negotiations, documents related to interests in real estate and personal property, and business formation. Any document prepared by the eligible law student must be signed or approved by the supervising attorney before execution by any interested party, and the document must state the extent to which the student was involved in drafting the document. If an activity does not result in a legal document to be reviewed, a memorandum recording the eligible law student's activities must be kept in the file related to the relevant matter.

13.20 Requirements and Limitations

- (1) Unless a law student falls within subsection (2) of this provision, to be eligible for certification pursuant to these rules, a law student must:
 - (a) Be duly enrolled in or have graduated from a law school approved by the American Bar Association;
 - (b) Have completed legal studies amounting to at least four semesters of full-time law study or the equivalent, which may include summer, night or externship courses;
 - (c) Be of good character and be adequately trained to perform competently as a legal intern;
 - (d) Certify in writing to the dean of the law school that the student has taken and passed either the Multistate Professional Responsibility Examination (MPRE) or a course on professional responsibility;
 - (e) Certify in writing to the dean of the law school that the student has taken and passed a course on evidence; and
 - (f) Cause the dean of the student's law school to certify that the student is eligible under subsections (a), (b), (c), (d) and (e) substantially in the form set forth in Appendix A.
- (2) A student currently enrolled in a law school approved by the American Bar Association need not satisfy section (1) to be eligible for certification, but the law student must:
 - (a) Have completed legal studies amounting to at least two semesters of full-time law study or the equivalent, which may include summer, night or externship courses;
 - (b) Be of good character and be adequately trained to perform competently as a legal intern;
 - (c) Be enrolled in a law school clinic class that trains students about the relevant substantive, procedural and practical issues, including evidence and professional responsibility.
 - (d) Be supervised by an active member of the Oregon State Bar, who will be physically present at counsel table and able to supervise the law student at all court appearances; and
 - (e) Cause the dean of the student's law school to certify that the student is eligible under 13.20(2), substantially in the form set forth in Appendix B.
- (3) A law student's certification and ability to appear under section 13.20(2) expires at the end of the law school clinic class.
- (4) A certified law student shall neither ask for nor receive any compensation or remuneration of any kind for the student's services directly from the client on whose behalf service is rendered; but an attorney, legal aid organization, law school, public defender or any governmental body may pay compensation to the eligible law student as an employee, and the employer may charge for the student's services.

The certified law student's supervising attorney shall introduce the law student to the court or tribunal in which the student is to appear.

13.25 Certification Procedure

The certification of a student by the law school dean:

- (1) Shall be filed with the State Court Administrator and, unless it is withdrawn sooner, shall remain in effect until twelve (12) months following the date the student graduates from the law school. To file a certification with the State Court Administrator, a law school dean may email an electronic version of the signed certification to the Executive Administrator for the Oregon Supreme Court, who acts as the State Court Administrator's designee for the purpose of processing law student certifications.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the State Court Administrator. It is not necessary that the notice state the cause for withdrawal.
- (3) May be terminated by the Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the State Court Administrator.

13.30 Supervision

The member of the bar under whose supervision an eligible law student does any of the things permitted by these rules shall assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work. The supervising attorney shall assist the student's analysis, preparation and performance to the extent the supervising attorney considers appropriate, giving at all times consideration to the interests of the client.

13.40 – 13.65 Reserved

TEMPORARY PRACTICE PENDING ADMISSION BY ALTERNATIVE APPLICANTS

13.70 Eligibility

Applicants who meet the following criteria may register with Regulatory Counsel's Office in order to perform legal services that would otherwise require membership in the Oregon State Bar, subject to the conditions and restrictions outlined in 13.70 to 13.85:

- (1) The applicant must submit the application for Temporary Practice Pending Admission by Alternative Applicants with Regulatory Counsel's office and pay the fee required under RFA 4.10(3);
- (2) Concurrent with, or prior to the submission of, the application required by RFA 13.70(1), the applicant must submit with the Board an application for admission to the Oregon State Bar pursuant to RFA 15.05, 16.05, 17.05, 18.05 and 19.15;
- (3) By filing the application with Regulatory Counsel's Office, applicant asserts that the applicant has a good faith belief that they meet the requirements for admission to the Oregon State Bar, including the requisite good more character and fitness to practice law in Oregon.
- (4) Applicant must not have been subject to disciplinary suspension or disbarment in any other state, district or territory of the United States;
- (5) Applicant must not have been previously denied admission to the practice of law in any other state, district or territory of the United States due to a determination that the applicant lacked the requisite good moral character and fitness to practice law;
- (6) Applicant must submit a certificate of good standing and disciplinary statement from every state, district or territory in which applicant is admitted to the practice of law;
- (7) Applicant must submit proof of one of the following:
 - a. Employment with a company whose legal services are provided from an office physically located within the State of Oregon, and an affirmation that the applicant will provide legal services from such office;
 - b. Employment with a law firm who has an office physically located within the State of Oregon, and an affirmation that the applicant will provide legal services from such office; or
 - c. Association with an active member of the Oregon State Bar.
- (8) The employer or associated Oregon lawyer identified in 13.70(7) must identify a supervising attorney. The supervising attorney must sign a declaration acknowledging and agreeing that it is the supervising attorney's responsibility to oversee the conduct of the applicant, which includes ensuring the applicant's compliance with the Oregon Rules of Professional Conduct and avoidance of malpractice; and
- (9) Has never applied for temporary practice under these rules before.

13.75 Duration, Termination Limits and Disclosures Required – Practice Pending

- (1) No authorization to temporarily practice law under RFA 13.70 et seq., shall become effective until applicant has established to the Oregon State Bar's satisfaction that applicant meets the requirements of RFA 13.70 and, if engaging in the private practice of law, has provided a certificate of insurance establishing that the Applicant's legal activities in the State of Oregon will be covered by a professional liability insurance policy from, or substantially equivalent to, the Oregon State Bar Professional Liability Fund plan.
- (2) Upon confirmation that an applicant has met the requirements of RFA 13.70 and, if required, has sufficient insurance coverage to protect Oregon legal consumers, Regulatory Counsel shall provide applicant notice that the applicant is authorized to practice law subject to the terms of RFA 13.70 et seq., and other relevant laws, rules and regulations governing the applicant's practice of law in Oregon.
- (3) The ability to practice pending admission under this section shall immediately terminate upon any of the following:
 - (a) if the applicant is admitted to the practice of law in Oregon;
 - (b) if the applicant withdraws the application for admission or if such application is denied;
 - (c) if the applicant becomes disbarred, suspended, or resigns while a disciplinary action is pending in any other jurisdiction in which the applicant is licensed to practice law;
 - (d) if a formal complaint is filed against the applicant by the Disciplinary Counsel's Office of the Oregon State Bar;
 - (e) if an indictment is filed against the applicant; and
 - (f) if the applicant is not admitted to the practice of law in Oregon within one year of the date that the applicant first filed their application under RFA 13.70(1).
- (4) Upon termination of the practice pending admission, the applicant shall not undertake any new representation that would require the applicant to be admitted to practice law in Oregon and, within ten days, shall:
 - (a) cease to occupy an office or other systematic and continuous presence for the practice of law in Oregon unless authorized to do so pursuant to another Rule;
 - (b) notify all clients being represented in pending matters, and opposing counsel or co-counsel, of the termination of the lawyer's authority to practice pursuant to the authority in this section; and
 - (c) take all other necessary steps to protect the interests of the lawyer's clients.

13.80 Change in Office/Association

- (1) The applicant's ability to practice law shall be immediately suspended if the employment or association with the company, law firm or lawyer

- that the applicant originally sought practice pending admission with under RFA 13.70(7) terminates.
- (2) Applicant must immediately notify Regulatory Counsel's Office of any termination of the relationship identified 13.80(1).
 - (3) Applicant's ability to practice pending admission shall be reinstated if applicant meets the following requirements within ten days following the date that applicant was required to send notice to Regulatory Counsel's Office under RFA 13.80(2).
 - (a) associates with another company, law firm or lawyer meeting the requirements under RFA 13.70(7);
 - (b) submits a new application for Temporary Practice Pending Admission under RFA 13.70(1);
 - (c) pay a new fee associated with Temporary Practice Pending Admission under RFA 4.10(3); and
 - (d) have a new supervising attorney sign a new declaration identified in RFA 13.70(8).
 - (e) in the case of a house counsel applicant, they must file a new house counsel application and any fee required under RFA 4.10(2);

13.85 Disciplinary Complaints, Program Oversight, Fees and Records

- (1) If a complaint is filed against the applicant with the Client Assistance Office, the Applicant must immediately notify Regulatory Counsel, the applicant's employer and supervising attorney. The applicant must include with the notice the actual complaint materials filed by the complaining party. Regulatory Counsel shall forward the complaint to the Client Assistance Office and name the supervising attorney as the attorney against whom the complaint is filed.
- (2) The temporary practices permitted by RFA 13.70 to 13.85 shall be overseen and regulated by the Regulatory Counsel's Office. The Board shall not be responsible for any regulatory decisions made related to an applicant or application pursuant to RFA 13.70 to 13.85.
- (3) All application fees paid under RFA 13.70(1), shall be collected by the Regulatory Counsel's Office and not be considered part of the Board's budget.
- (4) RFA 2.15 shall not apply to any applications or other documents submitted to the Regulatory Counsel's Office under RFA 13.70 to 13.85. All such documents shall be public records
- (5) Regulatory Counsel shall submit copies to the Board of any documents related to the applicant's application for practice pending admission.

16.05 Limited Admission of House Counsel

An attorney employed by a business entity authorized to do business in Oregon, who has been admitted to practice law in another state, federal territory or commonwealth, or the District of Columbia, or in any foreign jurisdiction, may be admitted to practice law as house counsel in this state, subject to the provisions, conditions and limitations in this rule, by the following procedure:

(1) The attorney, if at least 18 years of age, may apply for admission to practice law as house counsel by:

(a) Filing an application as prescribed in Rule 4.15; and

(b) Presenting satisfactory proof of (i) admission to the practice of law; (ii) good moral character and fitness to practice; and

(c) Providing verification by a signed declaration signed by the applicant and an affidavit signed the business entity that the applicant is employed as house counsel and has disclosed to the business entity the limitations on the attorney to practice law as house counsel as provided by this rule. The required declaration and affidavit shall be in the form provided by the Board in the House Counsel Application.

(2) The applicant shall pay the application fees prescribed in Rule 4.10.

(3) The applicant shall be investigated as prescribed in Rule 6.05 to 6.15.

(4) The applicant shall take and pass the Professional Responsibility Examination prescribed in Rule 7.05.

(5) If a majority of the non-recused members of the Board considers the applicant to be qualified as to the requisite moral character and fitness to practice law, the Board shall recommend the applicant to the Court for admission to practice law as house counsel in Oregon.

(6) If the Court considers the applicant qualified for admission, it shall admit the applicant to practice law as house counsel in Oregon. The applicant's date of admission as a house counsel member of the Oregon State Bar shall be the date the applicant files the oath of office with the State Court Administrator as provided in Rule 8.10(B)(2).

(7) In order to qualify for and retain admission to practice law as house counsel, an attorney admitted under this rule must satisfy each of the following conditions, requirements and limitations:

(a) The attorney shall be limited to practice exclusively for the business entity identified in the affidavit required by section (1)(c) of this rule, and except as provided in subsection 7(f) below regarding pro bono legal services, is not authorized by this rule to appear before a court or tribunal, or to offer legal services to the public. Participating as an attorney in any arbitration or mediation that is court-mandated or is conducted in connection with a pending adjudication shall be considered an appearance before a court or tribunal under this rule.

(b) All business cards, letterhead and directory listings, whether in print or electronic form, used in Oregon by the attorney shall clearly identify the attorney's employer and that the attorney is admitted to practice in Oregon only as house counsel or the equivalent.

(c) The attorney shall pay the Oregon State Bar all annual and other fees required of active members.

(d) The attorney shall be subject to ORS Chapter 9, these RFAs, the Oregon Rules of Professional Conduct, the Oregon State Bar's Rules of Procedure, the Oregon Minimum Continuing Legal Education Rules and Regulations, and to all other laws and rules governing attorneys admitted to active practice of law in this state.

(e) The attorney shall within 30-days notify the Oregon State Bar of the occurrence of any of the following: a change in employment; a change in membership status, good standing or authorization to practice law in a state, federal territory, commonwealth, the District of Columbia, or in any foreign jurisdiction where the attorney has been admitted to the practice of law; or the commencement of a formal disciplinary proceeding in any such jurisdiction. The attorney must provide the notice required by this rule on a change of status form provided by the Oregon State Bar.

(f) An attorney admitted in another United States jurisdiction may provide pro bono legal services through a pro bono program certified by the Oregon State Bar under Oregon State Bar Bylaw 13.2, provided that the attorney has professional liability coverage for such services through the pro bono program or otherwise, which coverage shall be

substantially equivalent to the Oregon State Bar Professional Liability Fund coverage plan.

(g) On or before October 1 of each year in which the attorney is licensed under this rule, the attorney must submit an annual certification of compliance, on a form provided by the Oregon State Bar, which asserts that the attorney has complied with the requirements to retain their house counsel membership. The annual certification shall include an affidavit in the form provided by the Oregon State Bar which must be signed by the attorney's employer certifying that the attorney is still employed by the business.

(8) The membership and license granted under this rule shall be automatically suspended, when:

(a) Employment by the business entity is terminated; or

(b) The attorney fails to maintain active status or good standing as an attorney in at least one state other than Oregon, federal territory, commonwealth, or the District of Columbia; or

(c) The attorney fails to submit the annual certification required by 7(g) of this rule on or before the deadline stated therein.

(9) The membership and license granted under this rule shall be automatically suspended when the attorney is suspended or disbarred for discipline, or resigns while disciplinary complaints or charges are pending, in any jurisdiction. An attorney whose admission as house counsel in Oregon has been suspended pursuant to this section, and who again seeks admission to practice in this state as house counsel, must file a new application with the Board under this rule.

(10) An attorney suspended pursuant to section (8)(a) of this rule shall be reinstated to practice law as house counsel when able to demonstrate to the Oregon State Bar that, within six months from the termination of the attorney's previous employment, the attorney is again employed as house counsel by a qualifying business entity, upon verification of such employment as provided in section (1)(c) of this rule and proof of active status in another jurisdiction. The attorney shall certify their new qualified

employment through a house counsel reinstatement form provided by the Oregon State Bar.

(11) An attorney suspended pursuant to section (8)(b) of this rule shall be reinstated to practice law as house counsel when able to demonstrate to the Oregon State Bar that, within six months from the attorney's failure to maintain active status or good standing in at least one other jurisdiction, the attorney has been reinstated to active status or good standing in such jurisdiction. The attorney shall certify their reinstatement to active or good standing status in the required jurisdiction through a house counsel reinstatement form provided by the Oregon State Bar.

(12) An attorney suspended for six months or less pursuant to section (8)(c) of this rule shall be reinstated to practice law as house counsel upon submission of the annual certification required under section 7(g), together with a house counsel reinstatement form provided by the Oregon State Bar.

(13) An attorney required to submit a reinstatement form under sections (10), (11) and (12) of this rule must pay a reinstatement fee of \$250 with the reinstatement form.

(14) An attorney whose admission as house counsel in Oregon has been suspended for longer than six months pursuant to section (8) of this rule, and who again seeks admission to practice in this state as house counsel, must file a new application with the Board under this rule.

(14) The admission granted under this section shall be terminated automatically when the attorney has been otherwise admitted to the practice of law in Oregon as an active member of the Oregon State Bar.

(15) For the purposes of this Rule 16.05, the term "business entity" means a corporation, partnership, association or other legal entity, excluding governmental bodies, (together with its parents, subsidiaries, and affiliates) that is not itself engaged in the practice of law or the rendering of legal services, for a fee or otherwise.

(16) For the purposes of this Rule 16.05, "tribunal" means all courts and all other adjudicatory bodies, including arbitrations and mediations described in Rule 16.05(7)(a), but does not include any body when engaged in the promulgation, amendment or repeal of administrative or other rules.

(15) All applicants pursuing admission under this rule, must complete such application and submit such other information as may be required by the Board and the Court within six months of the date of filing the application.

Various Changes to continue rules from CJO 20-09

Changes to continue rules from CJO 20-09

Changing from Affidavits to Declarations Requires the following Amendment to RFA 3.05 (4), (5) and relevant exhibits following RFA 3.05:

3.05 Qualifications of Applicants

...

- (4) An applicant may be allowed to sit for the examination prior to earning a Juris Doctor degree or Bachelor of Law (LL.B) degree if the applicant:
- (a) is currently enrolled in a law school approved by the American Bar Association;
 - (b) is expected to earn a Juris Doctor degree or Bachelor of Law (LL.B) degree within 120 days of sitting for the examination;
 - (c) has satisfied all graduation requirements to earn a Juris Doctor degree or Bachelor of Law (LL.B.) degree except law school coursework that can be completed during the applicant's post examination final semester (or quarter);
 - (d) will not be actively engaged in more than two semester hours (or quarter hour equivalent) of law school course work other than bar examination preparation courses during the month prior to the examination and the month the examination is held; and
 - (e) has submitted timely a properly signed Declaration for Examination on the form provided by the Oregon State Bar,

certifying that the applicant is academically prepared to take the examination.

- (5) No applicant shall be recommended to practice law until an applicant has earned a Juris Doctor degree or Bachelor of Law (LL.B.) degree and submitted Certificate of Graduation. If an applicant qualifying under Rule 3.05(4) to take the examination does not complete degree requirements within 120 days of sitting for the examination and has not filed an Declaration for Waiver of the 120 Days Requirement, all parts of the examination, including the applicant's scores, shall be void for purposes of being admitted to practice law in Oregon and the applicant's examination scores shall not be disclosed for any purpose.

RFA 3.05 - Declaration A
Oregon State Bar – Admissions Department
Declaration for Examination

Name _____ Last Name First Name Middle
Month/Year of Exam

Law School

Law School Address

Pursuant to Rule 3.05(4), Rules of Admission, I certify that my law school is accredited by the American Bar Association and that I meet the following examination requirements:

1. I am currently enrolled as a student in good standing;
2. I expect to earn a Juris Doctor Degree or Bachelor of Law (LL.B.) degree within 120 days of sitting for the examination;
3. I will satisfy all graduation requirements to earn a Juris Doctor degree or Bachelor of Law (LL.B.) degree except law school course work that can be completed during my post examination final semester (or quarter);
4. I will not be actively engaged in more than two semester hours (or quarter hour equivalent) of law school course work other than bar examination preparation courses during the month prior to the examination and the month the examination is held; and
5. I have been determined by my law school to be academically prepared to take the examination.

NOTE: *If after you file this form you no longer meet the above stated requirements, you must within 10 days of the date you no longer qualify submit written notification to the Oregon State Bar – Admissions Department and your*

law school.

Signature of Applicant/Declarant

DATE

Name and Title of Dean or Designee Signature of Dean or Designee

RFA 3.05 - Declaration B

Oregon State Bar – Admissions Department

Declaration for Waiver of the 120 Day Requirement

Last Name First Name Middle Name

Month/Year of Exam

Law School

Law School Address

Pursuant to Rule 3.05(4), Rules of Admission, I certify that my law school is accredited by the American Bar Association and that I am unable to earn a Juris Doctor Degree or Bachelor of Law (L.L.B) degree within 120 days of sitting for the examination due to the following extraordinary circumstances:

Attach supporting documents, e.g., evidence of major illness, family emergency, etc., to support waiver request.

Signature of Applicant/Declarant

Date

Waiver: Granted Juris Doctor Degree or Bachelor of Law (L.L.B)
degree must be earned within (no more than 120) days
of the date of this Waiver.

Denied

Designee Signature of Dean or Designee

Name and Title of Dean or Designee

Please note that RFA 16.05 also has a modification in it related to the affidavit requirement, but as this rule has other unrelated amendments, these changes are identified in the exhibit related to that rule exclusively.

Authorizing the Chair to rule on ADA accommodation requests received within six-weeks or less from the bar exam will require the following amendment to RFA 5.15(3):

(3) Consistent with the requirements of the ADA, the Board shall evaluate all timely and complete accommodation requests and determine the extent, if any, to which they will be granted. In fashioning an accommodation, the Board shall strive for an accommodation that is reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and which does not fundamentally alter the nature of the examination as necessitated by the applicant's disability. If an applicant submits a request for accommodation within six-weeks or less of the first day of the applicable bar exam, then pursuant to this paragraph, the Chair of the Board, or the Chair's designee, is delegated the authority to act on behalf of the Board and fulfill its required functions under this paragraph.

Authorizing the Chair to limit the number of bar applicants allowed to take an Oregon Bar Exam will require the addition of the following RFA 5.15(5):

(5) The chair of the Board may limit the number of bar applicants allowed to take the Oregon Bar Exam on any exam date to comply with any local, state, or national public health order or recommendation that imposes limits on gatherings of persons in one location, as follows:

(a) If the chair of the Board imposes a limit on the number of Oregon Bar Exam takers, the Oregon State Bar Admissions Department shall assign available seats based on the date and time on which an individual's bar application was received, starting with the first application received.

(b) Any applicants who are otherwise qualified to sit for an exam, but are excluded from a test date due to a limit imposed under this rule, shall be entitled to a credit for any monies paid toward the fees described in in Rules 4.10(1), which may be applied toward the next scheduled Oregon Bar Exam."

Authorizing a Presiding Member of a hearing panel to order that the hearing take place via videoconference rather than in person, would require following addition of RFA 9.45(5)(f):

(5)(f) If the Presiding Member determines that remote participation is necessary to comply with local, state or national health orders or recommendations, or the parties so stipulate, the Presiding Member may order that a Character Review Proceeding take place by videoconference, or such other means that allows for remote participation of all parties."

Requiring Documents to be submitted via mail or electronically will require the following amendment to RFA 1.10(1):

(1) Any document required to be filed with the Board under the Rules for Admission of Attorneys shall be delivered by mail to the Board, P. O. Box 231935, Tigard, Oregon 97281-1935 or through such electronic means provided or authorized by the Board.