

## Licensed Paralegals: Frequently Asked Questions

### **Why did Oregon create this new type of legal licensure?**

Oregon faces a crisis in civil legal services, with up to 85% of Oregonians unable to access help for significant legal issues affecting their lives. The Courts and the Bar – together with other civic leaders – are exploring innovative solutions. This new type of licensure will be an additional tool to bring affordable legal assistance to Oregonians in family and housing law, the two areas where the crisis is most acute.

### **What process did the Bar and Court follow in considering this change?**

The idea of licensing paralegals in Oregon was proposed by a 2016-17 *Futures Task Force* that examined challenges facing the long-term provision of legal services in Oregon. From 2018-2022 the proposal went through extensive study and development by multiple task forces (*see: resources*). Each stage included outreach to both the public and bar members for substantive input. The final proposal was approved by the Oregon Supreme Court in July 2022. Between 2022 and 2023, additional workgroups crafted the rules, regulations and policies to prepare for implementation.

### **Is Oregon the first state to license paralegals for some limited legal services?**

No. Oregon is among a small group of states establishing similar limited licenses, but is not the first. Oregon looked at models that have been implemented in other states, including what lessons were learned, to craft the Oregon LP program. Priorities were to incorporate robust consumer protections while increasing access to a diverse and inclusive bar to serve the legal needs of Oregonians.

### **What will Licensed Paralegals (LPs) be licensed to do?**

Oregon LPs will be licensed to offer some specific legal services in family law and landlord/tenant law, the two areas of highest unmet need. LPs will be required to demonstrate that they have a clear understanding of the scope of their license, and what legal issues would require a referral to a lawyer for more complex legal assistance.

### **What consumer protections are built into the program?**

Licensed Paralegals are subject to the same regulatory framework as Oregon lawyers.

Prior to admission to the Bar, they must pass a review of their knowledge and competency, an examination related to the scope of their license, and a review of their character and fitness to practice law, all administered by the Oregon Board of Bar Examiners (BBX).

After admission, they are required to carry malpractice insurance; comply with rules for managing client funds; complete minimum continuing legal education requirements; and comply with Oregon Rules of Professional Conduct for Licensed Paralegals, or “ethics rules.” Those who violate the LP RPCs can be subject to discipline ranging from reprimand to suspension or disbarment.

As members of the bar, LPs will also have full access to OSB resources such as BarBooks and Fastcase, to support their knowledge and competency.

### **How many people do you expect to seek licensure?**

While there is significant interest in the program, we have no hard data on how many will apply for licensure. We expect the program to grow slowly, as more Oregonians learn of this as a career option. We have conservatively estimated between 10 and 20 applicants in this first year, with growing interest over the next five years.

### **What is the timeline to get the program fully functioning?**

We opened the application process in July 2023. The Board of Bar Examiners will assess the competency and eligibility of this first cohort of applicants through the end of this year, including administering an LP Examination in October. We expect to license the first LPs in early 2024.

### **How will the public find and access these professionals?**

We anticipate that some law firms will have Licensed Paralegals on staff, and consumers can inquire directly. Other LPs or firms will offer services through traditional community outreach. The Oregon State Bar's Lawyer Referral Service will also help Oregonians access LPs for appropriate legal issues.

### **What if someone has a problem with their LP?**

Complaints about Oregon Licensed Paralegals should be directed to the Oregon State Bar at the [here](#). LPs will be subject to the same disciplinary framework as Oregon lawyers.

### **What are the requirements to become licensed?**

Applicants are required to demonstrate minimum competence to practice within the scope of their license, and the requisite character and fitness to practice law. The knowledge, education and competency requirements depend in part on an applicant's prior experience. The Rules for Licensing Paralegals (RLPs) can be found [here](#), and a helpful flow-chart is [here](#).

### **How long will the application process take?**

The process for the first cohort of applicants will run from July through December 2023, with an examination offered in October 2023. We will begin licensing this first group in January 2024. We will accept applications throughout 2024 and will offer at least two examinations in 2024. We anticipate the entire process from application to licensure to take between four and six months and the exam will be offered at least twice per year.

### **How much will it cost to become licensed?**

The Licensed Paralegal application fee is \$750. The annual member fee is \$344.00 (50% of the lawyer member fee). Members are required to carry malpractice insurance through the Professional Liability Fund, with an annual assessment of \$3,500, discounted by 40% in the new admittee's first year of coverage with the PLF and by 20% in years two and three.

*\*Note: The PLF assessment is pending final approval of the PLF Board of Directors*

**What is a “character and fitness” review?**

The nature of legal work requires a high degree of public trust. Legal professionals work with sensitive client information, hold client money, and uphold the laws of Oregon and the United States. For this reason, the admissions process for lawyers and Licensed Paralegals includes a review of applicants’ character and fitness to practice law. At its most basic, this includes a background check and review of applicant history – criminal, financial, educational, regulatory, etc. It is anticipated that most applications will progress through this review, and move forward.

If the review raises concerns, the applicant will be asked for further explanation of any past conduct raised in review. If concerns remain, the OSB Regulatory Counsel can request the appointment of a special investigator, who would report findings to the Committee of Paralegal Assessors (CoPA). If the CoPA’s determination is to recommend against admission, and the applicant wishes to continue toward admission, the matter would be referred to the OSB Adjudicator for a hearing subject to Rule 9 of the Rules for Licensing Paralegals. Throughout this review, the applicant is afforded due process and opportunity to present their case and demonstrate eligibility.

**Will Licensed Paralegals be covered if they are sued by a client?**

Yes. All LPs are required to carry malpractice coverage through the Oregon State Bar Professional Liability Fund. In addition to malpractice coverage, members will have full access to all of the services of the PLF. These include free and confidential practice management assistance through the PMAP team, claims assistance by the PLF claims attorneys, a wide range of legal education and resources, and the free and confidential services of the Oregon Attorney Assistance Program that helps members with well-being and personal challenges.