

OREGON STATE BAR

MCLE Committee Agenda

Meeting Date: September 8, 2023
Memo Date: August 22, 2023
From: Kellie Baumann, MCLE Program Manager and Regulatory Project Manager
Re: New Lawyer Mentoring Program Mentor Credit

Issue

Approve language to amend the Oregon State Bar Minimum Continuing Legal Education Rules and Regulations (“MCLE Rules”) to clearly define when a New Lawyer Mentoring Program (“NLMP”) mentor may claim MCLE credit for participation in the program.

Background

As discussed at our June meeting, we ran into an issue this reporting period where a dozen or so mentors that could not claim MCLE mentoring credit under the reporting period ending 4/30/2023 due to having too many excess credits and hitting their carry over limit. In order to ensure repeat participation in the program and to ensure mentors receive MCLE credit for their work, the MCLE Committee directed staff to draft a rule amendment to clearly define that a member may claim credit for NLMP mentor participation in either the same reporting period as their mentee or the reporting period immediately succeeding.

Draft Language

The MCLE Committee should discuss potential language for a rule amendment:

MCLE Regulation 5.100 is currently written as follows:

(b) Members who serve as mentors in the NLMP may earn a total of 8.0 CLE credits, including 2.0 ethics credits and 6.0 general credits, upon filing of a NLMP Completion Certificate. If a member serves as a mentor for more than one new lawyer, the member may claim up to 16.0 total credits, including 4.0 ethics credits, during the three year reporting cycle. If another lawyer assists with the NLMP completion, the mentoring credits must be apportioned between lawyers in a proportionate manner agreed upon by the NLMP mentors

A potential amendment to make the rule clearer is below:

(b) Members who serve as mentors in the NLMP may earn a total of 8.0 CLE credits, including 2.0 ethics credits and 6.0 general credits, ~~upon filing of a NLMP~~

Completion Certificate. The mentor may claim these credits in either the same reporting period that their mentee files a NLMP Completion Certificate or the reporting period immediately succeeding. If a member serves as a mentor for more than one new lawyer, the member may claim up to 16.0 total credits, including 4.0 ethics credits, during the three year reporting cycle. If another lawyer assists with the NLMP completion, the mentoring credits must be apportioned between lawyers in a proportionate manner agreed upon by the NLMP mentors

Options

The MCLE Committee should vote on language to amend the MCLE Rules and Regulations to clearly define when a NLMP mentor may claim MCLE credit for participation in the program. Potential options are as follows:

1. Amend MCLE Regulation 5.100(b) as written above
2. Instruct staff to draft new language
3. Keep the MCLE rules as written.

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MCLE Committee Agenda

Meeting Date: December 1, 2023
From: Catherine Petrecca, Member Services Manager
Re: Proposed Change to the New Lawyer Mentoring Program Fee Exemption

Issue

Whether to increase the New Lawyer Mentoring Program Accreditation Fee Exemption salary threshold.

Background

The New Lawyer Mentoring Program (NLMP) launched in 2011, under Supreme Court Rule, to assure that every new lawyer in Oregon would have the benefit of a more senior bar member to welcome them into the profession, and serve as a resource during their transition from student to practitioner. At the time of its creation, the NLMP was the third mandatory mentoring program in the country. At least two more states have since created mandatory mentoring programs since then.

While few changes have been made to the NLMP measures, the NLMP came under the auspices of the MCLE rules in 2019. Changes to the NLMP now must be recommended by the MCLE Committee to the Supreme Court.

From 2011 to 2018, attorneys could apply for a waiver of the \$100 fee, required to complete the NLMP. In 2018 the NLMP regulations were changed to exempt from the \$100 fee any attorney who made \$65,000 or less per year, and whose employer did not pay the fee. The salary threshold for exemption has not increased since that time.

Discussion

Currently, the financial burden facing newer lawyers is rather high, as the average educational debt for lawyers who graduated in 2023 is \$111,000. For many new attorneys, of course, the debt is significantly higher.

The [2022 OSB Economic Survey](#) shows us that in 2021, the median salary of new lawyers (those practicing 0 – 3 years) was \$80,000, with a mean compensation of \$98,104, considerably higher than when the \$65,000 threshold was created. Because of inflation, of course, a salary of \$65,000 in 2023 does not go as far as the same salary did in 2018.

Staff recommends that the threshold for exemption from the \$100 fee be raised to at least \$75,000 for attorneys who complete the NLMP. For comparison's sake, the OSB Loan Repayment Assistance Program, designed to provide forgivable loans to repay student debt to attorneys who work in public service, has a current salary cap of \$85,000. Increasing the NLMP exemption would be in line with that OSB program.