



SUPREME COURT OF THE STATE OF OREGON

RULES FOR LICENSING PARALEGALS

EFFECTIVE [MAY/JUNE] ____, 2022

Oregon State Bar

RULES FOR LICENSING PARALEGALS IN OREGON

Purpose of Licensed Paralegals in Oregon

The purpose of Licensing Paralegals in Oregon is to further the Oregon State Bar’s mission of increasing access to justice by advancing opportunities for low and moderate income Oregonians to receive legal assistance, especially when they otherwise would have gone without such assistance, by licensing paralegals to perform limited-scope legal services in family law and landlord-tenant law.

Purpose of These Rules

The purpose of the Rules for Licensing Paralegals in Oregon is to fulfill the Goals and Functions of the Oregon State Bar, by establishing a well regulated and equitable process for any qualified person to obtain a limited law license, which authorizes the person to provide quality legal services to consumers; and to ensure that any person receiving a limited license has established that the person meets the standards for learning and abilities, and has the requisite character and fitness, to join the licensed legal profession in the State of Oregon.

SECTION 1 – AUTHORITY; DEFINITIONS; FILING; CITATION; AMENDMENTS; REGULATIONS

1.0 Statement of Regulatory Authority

The Rules for Licensing Paralegals in Oregon are rules of the Supreme Court of the State of Oregon. Because licensed paralegals will be permitted to engage in the limited practice of law as associate members of the Oregon State Bar, the Rules for Licensing Paralegals are adopted pursuant to the Supreme Court’s inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar, under Article VII (Amended), section 1, of the Oregon Constitution and ORS 9.006, which includes the statutory authority to direct the manner of examination of Applicants for admission to the Oregon State Bar under ORS 9.220.

1.1 Definitions

In these rules, unless the context or subject matter requires otherwise:

- (a) “Admissions Department” means the Admissions Department of the OSB.
- (b) “Admissions Manager” means the Regulatory Counsel of the OSB or such other OSB employee hired or appointed to oversee or manage the Admissions Department.
- (c) “Applicant” means an individual who submits an application with the Admissions Department to become a Licensed Paralegal in the State of Oregon.
- (d) “Application” means the form developed and provided by the Oregon State Bar for an applicant to apply for a Paralegal License, together with any other document or form required by these rules

and related to an applicant's effort to become a Licensed Paralegal.

- (e) "Attorney OSB member" means a regular member of the OSB, in active status, who is an attorney practicing law in Oregon.
- (f) "Character and fitness" means the combination of the following definitions in considering or analyzing an applicant's qualifications:
 - (1) "Fit to provide Licensed Paralegal services" or "fitness" means an applicant demonstrates through conduct that the applicant (1) has the capacity to identify professional or personal ethical obligations and issues; and (2) is capable of exercising a level of judgment and discernment to avoid engaging in conduct that violates the Oregon Rules of Professional Conduct for Paralegals or that calls into question the Applicant's good moral character.
 - (2) "Good moral character," "moral character," or "character" means the same as "good moral character" under ORS 9.220(2)(b).
- (g) "Committee" means the Committee of Paralegal Assessors described in Section 2 of these rules, which performs the various functions related the licensing of Licensed Paralegals as described in these rules.
- (h) "Court" means the Oregon Supreme Court.
- (i) "Endorsed" or "endorsed area of practice" means that an applicant or Licensed Paralegal has established that the person possesses sufficient learning and ability in a specific area of the law and, pursuant to the person's Paralegal License (once issued to an applicant), may provide Licensed Paralegal services within that specific area of the law without the supervision of an Attorney OSB Member, subject to the scope of practice limitations established by these rules.
- (j) "Endorsement" or "endorsement sought" means the area of law in which an applicant intends to perform Licensed Paralegal services. The only endorsement-eligible areas of law are Family Law and Landlord-Tenant Law.
- (k) "Entry Exam" means an OSB-conducted examination that tests an applicant's competence to become a Licensed Paralegal, as set out in section 6.4 of these rules.
- (l) "Family law," for purposes of a Family Law Endorsed Scope of Practice, means dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, modifications, establishment of filiation (parentage) but not disestablishment, change of name or sex, and remedial contempt.
- (m) "Landlord-Tenant Law" or "Landlord-Tenant," for purposes of a Landlord-Tenant Law Endorsed Scope of Practice, means landlord-tenant issues concerning residential rental agreements or tenancies subject to (1) the Oregon Residential Landlord Tenant Act, ORS chapter 90; and (2)

Forcible Entry and Detainer provisions relating to residential tenancies, ORS 105.126–105.168.

- (n) “Licensed Paralegal” means a person licensed by the State of Oregon as a Licensed Paralegal, authorized to perform limited legal services within a defined and endorsed scope of practice.
- (o) “Licensed Paralegal services” are services that were historically provided by Oregon attorneys to clients for a fee, or by paralegals under the supervision of an Attorney OSB Member, but that may be provided by Licensed Paralegals without the supervision of an attorney under these rules, so long as the services are provided within a Licensed Paralegal's scope of practice and otherwise are authorized by these rules, the Oregon Rules of Professional Conduct for Licensed Paralegals and other applicable statutes and Supreme Court rules.
- (p) "Military service" means extended active service in the armed forces of the United States or deployment with the National Guard.
- (q) “OSB” or “Bar” means the Oregon State Bar.
- (r) “OSB Adjudicator” means the Adjudicator of the OSB.
- (s) “OSB Member” means a regular or associate member of the OSB.
- (t) “OSB Staff” means OSB staff for the Admissions Department or any other OSB staff assigned by the Admissions Manager to work with the Committee.
- (u) “Paralegal License” or “License” means the license issued under these rules, permitting a paralegal to provide Licensed Paralegal services in Oregon without the supervision of an Attorney OSB Member.
- (v) “Portfolio” means samples of work product, produced exclusively by the Applicant, complying with RLP 3.3(b), 5.4, 5.5, and 6.1.
- (w) “Scope of Practice” means the limited legal services permitted to be provided by a Licensed Paralegal within the endorsed area of practice without the supervision of an Attorney OSB Member as defined within Section 11 to These Rules.
- (x) “Substantive paralegal experience” is either (1) the performance of substantive legal work authorized to be provided by Licensed Paralegals in an endorsed area of Practice; or (2) substantive legal work performed under the employment or training of an Attorney OSB Member or an approved paralegal education program identified in RLP 4.2. Substantive paralegal experience requires knowledge of legal concepts and processes that are customarily, but not exclusively, performed by a lawyer, but does not include administrative functions.
- (y) “These Rules” means the Rules for Licensing Paralegals, or “RLP.”

1.2 Filing

- (a) Any document required to be filed or submitted pursuant to These Rules, whether by an Applicant or third party, must be delivered as follows:
 - (1) If the Admissions Department has approved or provided an electronic means, then through those means;
 - (2) If the Admissions department has not approved or provided an electronic means, then:
 - (A) By email to the Admissions Department, at admissions@osbar.org or
 - (B) by First Class U.S. Mail, mailed to Oregon State Bar Admissions Department, P.O. Box 231935, Tigard, OR 97281-1935.

1.3 Citation

These rules may be cited as the “RLP.”

1.4 Amendments to These Rules; Subsequent Regulations

- (a) These rules may be amended or repealed, by the Court, on recommendation from the OSB Board of Governors. Proposed amendments to these rules shall be submitted and considered by the Board of Governors, in compliance with any relevant regulations adopted by the Board of Governors. All proposed rule amendments recommended for adoption, or rejected, by the Board of Governors shall be submitted to the Court.
- (b) The Board of Governors may adopt, amend or repeal Regulations establishing processes and procedures for the enforcement, implementation and regulatory compliance of These Rules (“The Regulations”). All Regulations, and amendments thereto, shall be proposed by the Chief Executive Officer, General Counsel, or Regulatory Counsel.

SECTION 2 –COMMITTEE of PARALEGAL ASSESSORS

A Committee of Paralegal Assessors is established to assess the qualifications of each applicant for a Paralegal License. In carrying out its responsibilities, the Committee shall be supported by the Admissions Manager and other OSB Staff. The Committee shall uphold the standards of a Paralegal License through the policies and procedures provided in these rules.

2.1 Appointment of Members; Structure of Committee; Liaisons.

- (a) All Committee members must be appointed by the Court. The OSB Board of Governors will recruit candidates for appointment to the Committee and nominate selected recruits to the Court on or before November 1 of each year, so that the Committee maintains a minimum of at least five

Committee members at all times.

(b) The Committee shall consist of:

(1) At least four Committee members, but no more than nine members, and at least 75 percent of the Committee members must satisfy at least one of the following qualifications (collectively known as “Assessor Members”):

(A) Be an active Licensed Paralegal;

(B) Be an Attorney OSB Member; or

(C) Be trained as a paralegal and, for the five years immediately preceding appointment, have been continuously employed as a paralegal and supervised by an Attorney OSB Member.

(2) At least one member, but no more than 25 percent, of the Committee shall be neither an Attorney OSB Member, any other lawyer, an active Licensed Paralegal, or a person employed or trained as a paralegal (“Public Members”).

(c) A person who is connected with the faculty or governing body of a school offering degrees or certifications in paralegal studies, except an adjunct professor, is not eligible to become or remain a member of the Committee.

(d) The Court shall adopt, on recommendation from the OSB Board of Governors Regulations establishing the maximum number years for each term of service, and limits for the maximum number of terms, for Assessor Members and Public Members, and if necessary, establish a process by which a liaison to the Oregon State Board of Bar Examiners (“BBX”), and other officers may be appointed by the Committee.

2.2 Duties

In addition to any other duties or obligations described in these rules, the primary duty of the Committee shall be to evaluate and assess an applicant's qualifications for a Paralegal License in the State of Oregon. The Committee shall ensure that each applicant meets the minimum qualifications required by Section 5 of these rules, through the processes outlined in Section 6; and that each applicant upholds the high standards expected of Licensed Paralegals by the bench, Bar and general public as defined in Section 7 of these rules, pursuant to the process outlined in Section 8. When necessary, a Committee member shall participate in a character and fitness proceeding pursuant to Section 9 of these rules. Finally, the Committee shall make recommendations to the Court regarding applicants whose qualifications raised questions or were otherwise not previously approved by the Admissions Manager.

2.3 Activities and Decisions

(a) In determining an applicant's qualifications for a Paralegal License, the Committee shall engage in the following nonexhaustive list of activities:

- (1) Evaluate an applicant's competence, learning, and abilities to engage in a Licensed Paralegal practice through the review of the applicant's Portfolio, described in RLP 6.1, and through the grading of an entry examination as described in RLP 6.7;
 - (2) Evaluate appeals from the Admissions Manager's denial or modification of requests for accommodations on the entry examination, following the procedures set out in RLP 6.5;
 - (3) If the Admissions Manager does not approve an Applicant's character and fitness for a Paralegal License, then review investigation materials provided by the applicant, OSB Staff or a Special Investigator, and evaluate the applicant's moral character and fitness to engage in a Licensed Paralegal practice;
 - (4) Participate in evidentiary hearings related to an applicant for whom the Admissions Manager has recommended denial of license in accordance with these rules; and
 - (5) Make other recommendations to the Court regarding an applicant's qualifications to engage in a Licensed Paralegal practice, as required by these rules.
- (b) Any Committee decision or action shall be made or taken based upon a majority vote of all nonrecused or absent members.

2.4 Disclosure of Committee Records

Unless expressly authorized by the Court or by these rules, the Committee shall not disclose any of its records, work product or proceedings in carrying out its duties.

- (a) The Committee may release an applicant's admissions file to:
- (1) A special investigator appointed under RLP 8.3 – 8.4;
 - (2) Counsel appointed by the Committee to represent the Bar before the Court, if an applicant seeks Court review of an adverse admissions recommendation;
 - (3) Counsel appointed by the Committee, if an applicant initiates civil proceedings against the Committee in connection with the applicant's application;
 - (4) Admissions authorities in other jurisdictions that guarantee the confidentiality of the applicant's files to the same extent as required under Oregon law; or
 - (5) An applicant requesting a copy of the applicant's own file, but the Committee may release only a true copy of that part of the application form completed and submitted by the applicant. The Committee may charge a reasonable administrative fee to an applicant for providing the true copy.

- (b) A special investigator may reveal facts or information contained in the applicant's admissions file to any third party or source only pursuant to a release or waiver signed by the applicant, which the OSB may require the applicant to sign as part of the initial application for a Paralegal License.
- (c) Because all matters reviewed by the Committee relate to a determination whether a particular applicant meets the requirements to become a Licensed Paralegal, and because all such matters are considered a judicial proceeding by virtue of these rules, no materials reviewed by the Committee shall be considered a public record.

SECTION 3 – APPLICATION

3.1 Form and Filing of Application

Applications for a Paralegal License may be filed at any time and shall be in the form prescribed by the Admissions Manager. An application will be considered submitted only when it is accompanied by (1) the required application fee; (2) required documentation related to the applicant's age, education, paralegal experience; and (3) a portfolio for assessment of the applicant's paralegal abilities.

3.2 Application Fees and Refunds

Every Applicant must pay to the OSB, at the time of filing their Application, the required application fee set by the Chief Executive Officer of the OSB. The set fee shall be stated on the online Admissions home page of the OSB (<https://www.osbar.org/admissions>).

3.3 Contents of Application

- (a) Each application shall be on a form prescribed by the Admissions Manager designed to provide the Admissions Manager or the Committee with all information necessary to sufficiently evaluate and assess the Applicant's minimum qualifications, through the processes described in these rules.
- (b) Each application must include a portfolio of work product completed exclusively by the applicant for the applicant's education or employment. All portfolio work product must have been completed within three years immediately preceding the date of the application.
- (c) Each application must include information establishing that the applicant has met the burden to prove knowledge of the Rules of Professional Conduct for Licensed Paralegals, through one or more of the methods set out in RLP 6.2.
- (d) Prior to taking the entry exam described in RLP 6.4, an applicant must complete the application with the following documents, if applicable:
 - (1) An applicant who is a licensed paralegal in another state, the District of Columbia, or a federal territory must file one copy of a certificate of good standing.
 - (2) An applicant who claims certification of qualifications by an organization dedicated to upholding the standards or professionalism or competence of paralegals must submit a

document from that organization, establishing that the certification is current or active, and that the applicant is in good standing with the organization.

3.4 Applicant Duties

- (a) Cooperation. An applicant has a duty to cooperate and comply with requests from the OSB Admissions Department and the Committee.
- (b) Continuing obligation to report. An applicant has a duty to report promptly to the OSB Admissions Department any change, addition, or correction to the information provided in the application.

3.5 Form of Petitions to Court for Waiver of Rules

An applicant whose application is denied under these rules may seek a waiver from the Court through the following process:

- (a) The applicant may file a petition with the Admissions Manager, who shall present it to the Committee for evaluation and comment. The Admissions Manager shall provide the applicant with the Committee's commentary.
- (b) The applicant then may file the petition and the Committee's commentary with the Court. Any petition under this rule shall be signed and shall include a declaration under penalty of perjury that the statements contained in the petition are true to the best of the applicant's knowledge and belief.

SECTION 4 - QUALIFICATIONS OF APPLICANTS

Prior to receiving a Paralegal License, an applicant must establish, by clear and convincing evidence, that the applicant satisfies all requirements for such a license, including as to age, learning and ability, and the character and fitness requirements under Oregon law.

4.1 Minimum Age Required

An applicant must be at least eighteen (18) years old at the time of submitting an application.

4.2 Approved Educational Degrees

An Applicant may meet the minimum learning required for a Paralegal License by obtaining one of the following degrees from a higher learning institution that meets the qualifications outlined in the relevant section:

- (a) Graduate of Approved Paralegal Programs: The applicant has obtained an associate's degree or higher in paralegal studies from an approved paralegal education program that requires sufficient demonstration of core competencies;

- (b) Graduates with Bachelor Degree from Higher Learning Institution: The applicant has obtained a bachelor's degree or higher in any course of study from a nationally accredited U.S. institution of higher learning; or
- (c) Graduate from an ABA Accredited Law School: The applicant has graduated from a law school approved by the American Bar Association, earning a Juris Doctor degree or Bachelor of Law (LL.B.) degree.

4.3 Education Waiver

If an applicant does not meet any requirement described in RLP 4.2, the applicant may submit an Education Waiver Form, provided by the OSB, establishing that the applicant meets all requirements of one of the following waiver categories:

- (a) Highly Experienced Paralegal: The applicant obtained on-the-job training provided through a minimum of 5 years of full-time substantive paralegal experience or 7,500 hours of substantive paralegal experience, with a minimum of 1,500 hours having been obtained within the three years immediately preceding the date of the application.
- (b) Certified Paralegal: The applicant passed one of the following national paralegal certification exams, so long as the resulting credential remains current, and the applicant remains in good standing with the issuing organization, on the date the application is submitted:
 - (1) The National Association of Legal Assistants (NALA) Certified Paralegal Exam® (CP) with current CP® Credentials;
 - (2) The National Federation of Paralegal Associations' (NFPA) (a) Paralegal Advanced Competency Exam® (PACE) with current RP® Credentials; or (b) Paralegal Core Competency Exam® (PCCE) with current CRP™ credentials; or
 - (3) The NALS Professional Paralegal (PP) Exam with current PP™ Credentials.
- (c) Military Paralegal: The applicant achieved the rank of Staff Sergeant E6 or higher as a member of any branch of the United States Armed Forces, qualified in a military operation specialty as a supervisory paralegal within the noted branch of service.

4.4 Mandatory Professional Education Requirements for Admission

An applicant must complete twenty (20) hours of professional education courses approved by the Admissions Department within twelve months immediately preceding the submission date of the application.

4.5 Substantive Paralegal Work Experience Required

In addition to any experience required by RLP 4.2 and 4.3, to establish requisite learning and ability, an applicant must satisfy the following applicable experience requirements:

- (a) Admission Based on an Approved Paralegal Education or Bachelor Degree - Substantive Work Experience Requirements: An Applicant seeking admission under RLP 4.2(a) or RLP 4.2(b) must complete 1,500 hours of substantive paralegal experience within the three years immediately preceding the submission date of the application, with no less than 500 hours being completed within each of the relevant three years.

- (b) Admission Based on a Juris Doctorate Degree - Substantive Work Experience Requirements: An applicant seeking admission under RLP 4.2(d) must complete 750 hours of substantive paralegal experience within the 18 months immediately preceding the submission date of the application, subject to the following:
 - (1) All 750 hours must involve one of the Practice Areas related to the Endorsements described in RLP 4.6;
 - (2) The Applicant must receive at least one of the Endorsements described in RLP 4.6; and
 - (3) All 750 hours must be verified by an Attorney OSB Member through the Work Experience Declaration contained in Attachment C2 to Appendix A.

- (c) Admission Based on Education Waiver – Substantive Work Experience Requirements: An applicant seeking admission under RLP 4.3 must have completed 1,500 hours of substantive paralegal experience within the three years immediately preceding the submission date of the application, subject to the following:
 - (1) At least 500 of the 1,500 hours must have been completed in the last 12 months immediately preceding the submission of Applicant’s Application; and
 - (2) All 1,500 hours must be verified by an active Attorney OSB Member through the Work Experience Declaration contained in Attachment C2 to Appendix A.
 - (3) Hours spent training and working within the area of law for which an applicant seeks an Endorsement may be counted toward both the minimum 500 hours required in RLP 4.5(c)(1)(a) and (b), and the minimum hours required for an Endorsement under RLP 4.6.

4.6 Endorsement of Practice Area; Limitations on Experience Counted

An applicant must be endorsed in at least one of the following approved Scopes of Practice, by meeting the following requirements:

- (a) Family Law Endorsement: An applicant must have completed 500 hours of experience, all focused on Family Law, within the 18 months immediately preceding the submission date of the application.

- (b) Landlord-Tenant Endorsement: An applicant must have completed 250 hours of experience, all

focused on Landlord-Tenant Law, within the 12-months immediately preceding the submission date of the application.

4.7 Learning and Ability Assessment

The Admissions Department and its designees shall develop assessment methods and processes that evaluate an applicant's learning and abilities in the areas of the law for which an Endorsement is sought, the limits of the applicable Scope of Practice, and the ethical rules and professional responsibilities that apply to a Licensed Paralegal. The assessment methods and processes shall be codified in the regulations that accompany these rules.

4.8 Character and Fitness Assessment

An applicant's character and fitness shall be demonstrated through a background screening and, if warranted, a thorough investigation conducted by Admissions Department, and any subsequent interview or hearing required by these rules. An applicant's character and fitness shall be assessed pursuant to the processes set out in Sections 8 and 9 of these rules, and measured against the standards set out in Section 7.

4.9 Comity

Applicants that are currently active licensed paralegals (or, regardless of title, substantially equivalent to an Oregon Licensed Paralegal), in good standing with the licensing agency or relevant jurisdictional body; and has lawfully engaged in providing Licensed Paralegal Services for at least one-thousand (1,000) hours per year, in two of the three years immediately preceding the date of their Application may submit a Comity Request form to be exempt from the requirements described in RLP 4.2, 4.5, the portfolio requirement in RLP 6.1, and the requirements under RLP 6.2. The Applicant shall undertake a Scope of Practice Examination provided at the same time and under the same rules as the Entry Exam under Section 6 of the RLP.

SECTION 5 – POLICIES; STANDARDS; QUALIFICATIONS; and REQUIREMENTS for LICENSED PARALEGALS

In reviewing an applicant's qualifications for a Paralegal License, including character and fitness, the Committee shall uphold the following policies, standards, qualifications and requirements:

5.1 Protection of the Public

The first priority of the OSB and the Committee is protection of the legal consumer public. Any significant doubts about an applicant's qualifications should be resolved in favor of protecting the public by recommending denial of an application.

5.2 Nondiscrimination Policy

The second priority of the OSB and Committee is to execute the policies and standards established by these rules in a manner that considers and fosters diversity and equity in the Oregon legal profession.

5.3 Burden of Proof; Clear and Convincing Standard

An applicant bears the burden of proving that the applicant meets each of the qualifications for a Paralegal License by clear and convincing evidence. "Clear and convincing evidence" requires an applicant to show that it is highly probable that the applicant meets the qualifications.

5.4 Standards of a Licensed Paralegal

An applicant shall have a record of conduct that demonstrates a level of judgment and diligence that will result in competent representation of the best interests of clients and that justifies the trust of clients, adversaries, courts, tribunals, interested third parties and the general public, with respect to all professional duties owed. This standard should be demonstrated in the Portfolio, any required examinations, and in the character and fitness inquiry and investigation, including any interviews or hearings conducted.

5.5 Essential Eligibility Requirements

Demonstration of the following attributes, and the likelihood that an applicant will utilize these attributes in the practice of Licensed Paralegal services, shall be essential to the Admissions Department and the Committee when considering competence, learning, abilities, and moral character and fitness:

- (a) Knowledge of the fundamental principles of law and understanding of how to apply legal principles to the issues and facts presented;
- (b) Ability to competently undertake the fundamental legal skills commensurate with being a Licensed Paralegal; and
- (c) Judgment and character, regardless of circumstance or consequence, to always:
 - (1) Communicate honestly, candidly, and civilly with clients, attorneys, courts, and others;
 - (2) Conduct financial dealings in a responsible, honest, and trustworthy manner;
 - (3) Conduct oneself with respect for and in accordance with the law;
 - (4) Demonstrate regard for the rights, safety, and welfare of others;
 - (5) Demonstrate good judgment on behalf of clients and in conducting one's professional business;
 - (6) Act diligently, reliably, and punctually in fulfilling obligations to clients, lawyers, courts, and others;

- (7) Comply with deadlines and time constraints; and
- (8) Comply with the requirements of applicable state, local, and federal laws, rules, and regulations; any applicable order of a court or tribunal; and the Oregon Rules of Professional Conduct.

SECTION 6 – PROCESS FOR ESTABLISHING LEARNING AND ABILITY

6.1 Portfolio

- (a) The portfolio shall demonstrate competent levels in the qualities, skills, learning and abilities set out in RLP 5.4 and 5.5.
- (b) The portfolio materials should, at a minimum, include a significant body of work in the area of law in which an applicant is seeking Endorsement. Additionally, the portfolio should demonstrate a firm understanding of the types of work that are both within and outside the applicant’s Scope of Practice, and an understanding of when a Licensed Paralegal must refer a client to a qualified lawyer.
- (c) The Committee shall review an applicant's portfolio and determine whether the applicant meets the standards and requirements set out in Section 5 of these rules. If the portfolio provides insufficient materials to assess whether an applicant meets the standards or requirements set out in Section 5, the Committee shall request additional materials from the applicant addressing those specific missing standards or requirements.

6.2 Requisite Knowledge of Professional Responsibilities

An applicant shall prove that the applicant has the requisite knowledge of the professional responsibilities of a Licensed Paralegal, through one of the following methods:

- (a) Having taken an approved course on the Rules of Professional Conduct applicable to Licensed Paralegals in Oregon, and achieved a grade average of 3.3 or higher on a 4.0-point scale (or equivalent by achieving a grade that is equal to 82.5% or higher on the point scale used by the academic institution from which the course was taken);
- (b) Having passed an OSB-conducted professional responsibility examination that tests the knowledge of examinees on the Oregon Rules of Professional Conduct for Licensed Paralegals; or
- (c) Having achieved a score of 75 or higher (“Passing Score”) on the Multistate Professional Responsibility Examination. Prior to submitting the application, the applicant must request that the score be transferred to the Admissions Department prior to submitting the application.

6.3 Prerequisites for Examination and Examination Cycles

- (a) An applicant is required to pass the OSB paralegal entry Exam described in RLP 6.4.
- (b) No applicant may sit for the entry exam unless and until:
 - (1) The applicant has established that the applicant has the requisite skills and abilities to be a Licensed Paralegal through the Committee’s Assessment of the applicant’s Portfolio pursuant to RLP 6.1;
 - (2) The applicant has established that the applicant has the requisite knowledge of the Rules of Professional Conduct for Licensed Paralegals in Oregon pursuant to RLP 6.2; and
 - (3) The OSB or the Committee has determined that the Applicant meets all requirements for a Paralegal License, except that the applicant’s character and fitness may not not be fully assessed until after passing the entry exam.
- (c) Within a reasonable time after determining that an applicant qualifies to sit for the entry exam, the Committee shall provide written notice to the qualified applicant, that the applicant is eligible to sit for the entry exam within the six months following the date of the notice (“entry exam notice”). The entry exam notice shall be sent by email or any other reasonable electronic means provided by the OSB.

6.4 Time, Place, Form and Manner of Entry Exam

The entry exam must test an applicant’s learning and ability to retain and apply the rules and laws related to the scope of practice for, and the referral obligations applicable to, Licensed Paralegals in the State of Oregon. Without limiting the foregoing, the OSB may test Applicants on other subjects relevant to being a Licensed Paralegal or an Endorsement sought. If such other subjects will be included in the entry exam, the OSB must provide notice to the applicant taking the examination, pursuant to RLP 6.6.

- (a) The OSB or its designees shall develop and maintain the questions included in the entry exam.
- (b) The entry exam may be offered multiple times throughout each calendar year.
- (c) Each Entry Exam shall take place at a time, place and location established by the OSB.

6.5 Testing Accommodations for Entry Exam; Assessment; Opportunity to Appeal

- (a) Definitions. For the purpose of this rule:
 - (1) “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 ADA, applicable regulations, and case law.

- (2) “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.
- (b) 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.
- (c) Consistent with the requirements of the ADA, the Admissions Manager shall evaluate any timely and complete accommodation request and determine the extent, if any, to which it will be granted.
- (d) An applicant must file a timely and complete accommodation request, using the forms prescribed by the Committee. The filing deadlines for requests shall be two months following the Entry Exam Notice date.
- (e) An Applicant who is breastfeeding may request accommodations to enable the applicant to express milk during the examination.
- (f) The Admissions Manager shall notify the applicant of any decision shortly after reaching a decision on the accommodation request (“Accommodation Notice”).
- (g) An applicant may appeal any accommodation decision in which the Admissions Manager provided less than, or an alternative to, the accommodation that the applicant requested. An applicant must file an appeal in writing, within two weeks of the date of the Accommodation Notice (“Appeal Notice”).
- (h) Upon receipt of an Appeal Notice, the Admissions Manager shall forward it to the Committee, together with all documentation and communications related to the applicant’s accommodation request and the Admissions Manager’s decision, as relevant to the appeal.
- (i) The Committee shall review any accommodation appeal submitted to it de novo, during the next regularly scheduled judicial proceeding of the Committee. The accommodation decision reached by the Committee shall be final, and no additional appeals or requests for reconsideration shall be considered, related to the applicant’s accommodation requests for the relevant entry exam cycle.

6.6 Notice to Applicant; Contents of Examination; Manner of Examination and Accommodation

- (a) At least one month prior to administration of the entry exam, the Admissions Manager shall notify each applicant sitting for the entry exam of the following:
- (1) The date upon which the examination will be given, and the schedule for the exam day, including the start time, and end time or maximum length of time permitted, for the

- relevant exam session(s);
- (2) The number of questions that will be asked during the exam session(s), and the general format of the questions (i.e. multiple choice, short answer, essay, etc.);
 - (3) If more than one session, any format differences between each session;
 - (4) The location of the examination;
 - (5) The general subject matter(s) upon which the applicant will be tested;
 - (6) Any accommodation provided to the applicant pursuant to RLP 6.5;
 - (7) Equipment or items that the applicant must bring to the exam site or exam room;
 - (8) Equipment or items that are not permitted at the exam site or in the exam room; and
 - (9) Any rules that apply to the applicant's conduct before, during and after the exam.

6.7 Grading

- (a) The entry exam shall be graded by the OSB, or by any third party to which it delegates such duty.
- (b) Grading must be completed within 60 days of the date of the entry exam.
- (c) Within two weeks of completion of grading the entry exam, the Admissions Manager must notify the applicant of the applicant's score and identify whether the score is passing or failing.

6.8 Review of Examination Paper

- (a) Rubrics, point sheets and grading materials developed, created or used to grade the entry exam shall not be made public or provided to any person, including applicants, other than the Committee, the OSB or the Court.
- (b) There shall be no regrade conducted on the entry exam.
- (c) There shall be no appeal or review of any part of any question or answer to the entry exam, unless authorized by the OSB or the Court.
- (d) An applicant who has failed the entry exam:
 - (1) Has the right to be informed of the total score, scaled or otherwise, and the score required to pass the entry exam in Oregon, within the timeframes described in the Regulations; and
 - (2) May, if the entry exam involved essay questions and within the timeframes established in the Regulations, inspect and obtain, at the applicant's expense, copies of the applicant's

handwritten or typewritten answer(s) the essay question(s) to which the answer(s) apply, and the raw scores given for such answer(s).

6.9 Effects of Failing or withdrawing from Entry Exam; Expiration of Exam Cycle; Limits to Entry Exams and Exam Cycles

- (a) An applicant may only sit for one entry exam in any given exam cycle.
- (b) If an applicant fails the entry exam during an exam cycle, then the Committee or OSB Staff shall send the Applicant written notice that the application is denied due to failing the entry exam. To gain a new exam cycle and sit for another entry exam, an applicant must complete a new Application; however, the applicant may not gain a new exam cycle until at least three months have passed since the date for which the applicant was last notified of failure of an Entry Exam.
- (c) If an applicant withdraws the application during an exam cycle, then the applicant waives the ability to be tested during that exam cycle, and must complete a new application to gain a new exam cycle and sit for an entry exam.
- (d) If an exam cycle expires without the applicant sitting for an entry exam, then the applicant must complete a new application to gain a new exam cycle and sit for another entry exam; however, no applicant may receive more than two exam cycles in any twelve-month period.
- (e) Without limiting any rule provided in RLP 6.1 – 6.8, there shall be no limit to the total number of entry exams taken by an Applicant, to pass the examination.

SECTION 7 –POLICIES FOR EVALUATING AND MAKING CHARACTER AND FITNESS RECOMMENDATIONS

In addition to the Standards and Policies set out in Section 5 of these rules, the following Policies shall guide all recommendations regarding the character and fitness for each applicant.

7.1 Timing of Character and Fitness process and recommendations

To preserve the resources of the OSB, no applicant's character and fitness will be reviewed by the Committee unless and until the Applicant has established that all qualifications and requirements set out in Sections 1 through 6 of these rules have been satisfied, including that the applicant has the requisite skills, abilities and learned knowledge to be a Licensed Paralegal.

7.2 Identifying Relevant Conduct; Considering Weight of Evidence; and Evaluation

When considering a recommendation for an Applicant's Character and Fitness under Sections 8 or 9 of these rules, the Committee shall determine the relevance of any facts discovered, and the weight to be given to such facts, in accordance with the Regulations. The following are considered relevant, as they represent potentially disqualifying conduct and will require a determination, pursuant to the Regulations,

that the Applicant has changed as described in RLP 7.3 since the last time the Applicant engaged in the conduct:

- (a) Unlawful conduct;
- (b) Academic misconduct;
- (c) Making or procuring any false or misleading statement or omission of relevant information in connection with any bar application or in any testimony or sworn statement submitted to any licensing board;
- (d) Misconduct in employment;
- (e) Acts involving dishonesty, fraud, deceit, or misrepresentation;
- (f) Acts that demonstrate disregard for the rights or welfare of others;
- (g) Abuse of legal process, including the filing of vexatious or frivolous lawsuits or the raising of vexatious or frivolous defenses;
- (h) Neglect of financial responsibility;
- (i) Neglect of professional obligations;
- (j) Violation of an order of a court;
- (k) Conduct that demonstrates current drug or alcohol use to such an extent that it could impair the ability to practice law within the scope of these rules;
- (l) Denial or delays of admission to the bar in another jurisdiction on character and fitness grounds; or
- (m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
- (n) Failure to satisfy any significant responsibility owed to a third party for whom the applicant was a parent, caregiver or fiduciary; and
- (o) Other conduct that evidences an inability to practice law within the scope of these rules.

7.3 Considerations and Policies for Evaluating Maturation; Reformation or Rehabilitation

If conduct is deemed relevant to an applicant's present character and fitness, then the Committee shall also consider evidence that applicant has changed through a maturation, reformation or rehabilitation process.

7.4 Analysis of Past Conduct; Focus on Conduct; Consideration of Conditions

- (a) Analysis for Past Conduct: The character and fitness processes set out in Sections 8 and 9 of these rules are intended to reveal and analyze potentially relevant evidence supporting conduct as defined in RLP 7.2. If such evidence exists, the weight or value of the evidence must be analyzed. If the evidence is perceived to have sufficient weight or value, such that concerns persist about an applicant's character and fitness, then evidence related to claims of maturation, reformation or rehabilitation by the Applicant should be considered pursuant to RLP 7.3.
- (b) Inquiries into conditions: Notwithstanding anything to the contrary in these rules, the Committee shall not initiate an investigation into an Applicant's physical or mental wellbeing, unless and until an Applicant or third-party reveals a physical or mental health diagnosis, condition or issue, in an attempt to explain or mitigate some prior event or conduct in which the Applicant was engaged.

7.5 Relevance of Scientific Evidence when analyzing Character and Fitness

If an Applicant has engaged in relevant conduct that could call into question the applicant's character or fitness, the Committee or Hearing Panel considering the application shall presume that the conduct speaks to the applicant's character or fitness unless and until the applicant offers evidence that the applicant was hindered by a fitness issue when the applicant engaged in the relevant conduct, and that the applicant no longer has such an issue, or through medication, , treatment, therapy, lifestyle or spiritual awakening, the issue no longer poses a risk that applicant might re-engage in such conduct. The Applicant has the burden of proving the foregoing claim through scientific evidence that meets or exceeds the clear and convincing standard. Other than issues similar to the foregoing, scientific evidence should not be considered in assessing an applicant's character and fitness.

7.6 Standards for Conditional Admission

- (a) Conditional Admission Factors and Considerations. When considering a recommendation for an applicant's character and fitness under Sections 8 or 9 of these rules, if the Committee determines, through the factors and considerations listed in RLP 7.2 to 7.5, that the applicant currently possesses the character and fitness required to be a Licensed Paralegal in Oregon, but cannot say that the risk of relapse is sufficiently reduced, then a recommendation of conditional admission may be appropriate.
- (b) Review of Recommendations. A recommendation of conditional admission must include a description of the conduct, analysis of the mitigating factors, the rehabilitation and reformation attempts of the Applicant, the risk of relapse analysis, and the basis for concluding that the conditions placed on Applicant, coupled with the time of the probationary period will reduce the risk. The recommendations must be submitted to the Court pursuant to RLP 8.8.

SECTION 8 – PROCESS FOR ASSESSING CHARACTER AND FITNESS

8.1 Evaluation Protocols for Assessing an Applicant's Current Character and Fitness

Through the screenings, investigations, interviews, and other activities or processes set out in Section 7 of these rules, the Admissions Manager will initially determine if an applicant has the requisite Character and Fitness to provide Paralegal Services in the State of Oregon utilizing the following protocol:

- (a) Determine if Applicant has engaged in any potentially relevant conduct set out in RLP 7.2(a);
- (b) If potentially relevant conduct is discovered, then determine the weight to be given to such conduct by applying the factors set out in RLP 7.2(b); and
- (c) If the factors set out in RLP 7.2(b) indicate that the potentially relevant conduct should be considered in assessing the applicant's current character and fitness, and such conduct weighs negatively on the assessment of the applicant's qualifications, then determine if the applicant has been adequately rehabilitated or reformed from the issues or concerns that caused the applicant to engage in the prior potentially relevant conduct, through the considerations set out in RLP 7.3.

8.2 Listing of Applicant; OSB Website; Publication

Once an applicant has met the requirements to sit for an entry exam, and prior to the issuance of an applicant's Paralegal License, the Admissions Manager shall cause the name of the applicant to be published on the OSB's website or in any other publication approved by the Court. The name of each applicant shall identify the applicant as applying for a Paralegal License and remain online or published for a minimum of 45 days.

8.3 Investigation of Applicant's Character and Fitness; Report to Committee

- (a) Admissions staff shall perform background screenings and initial investigations into an applicant's character and fitness.
- (b) The Admissions Manager is authorized to conduct investigations, conduct interviews of an applicant and third parties, and request documents and other evidence from the applicant and third parties for the purpose of determining whether the applicant possess the good moral character and fitness required under these rules.
- (c) The Admissions Manager may, prior to making a recommendation to the Committee under RLP 8.4, request an applicant to appear before Admissions Manager or Admissions Staff as part of the Admissions Manager's investigation.
- (d) The Admissions Manager may, as necessary, ask an Applicant to sign a release requiring a third party to provide a particular document or other evidence that might be material to the Admissions Manager's inquiry.
- (e) Once the Admissions Manager determines that the investigation is complete, the Admissions Manager shall submit a report to the Committee.

8.4 Review of Investigation Report; Subsequent Actions

- (a) Following submission of an Admissions Manager's report pursuant to RLP 8.3(e), the Committee must review and deliberate on the report's recommendations at the next meeting scheduled. The Committee's review of Admissions Manager's report is de novo.
- (b) If at least a majority of all nonrecused members of the Committee consider the applicant to be qualified by age and by the requisite good moral character and fitness, and meets or exceeds the requisite learning and ability as required by these rules, then the Committee shall recommend that the Court grant the application and issue a Paralegal License unconditionally or conditionally, pursuant to RLP 8.6.
- (c) If at least a majority of all nonrecused members of the Committee consider the Applicant to not have the requisite good moral character and fitness, then the Committee shall elect to appoint an independent investigator, to further investigate the applicant's background and current good moral character and fitness, pursuant to RLP 8.5.

8.5 Appointment of Independent Investigator – Qualifications, Duties, Investigation and Report

- (a) Appointment Process: Within 28 days of the date of the Committee's election to appoint an independent investigator, the Admissions Manager shall present a pool of potential appointees to the Committee, and whichever investigator receives the most votes shall be appointed as the independent investigator.
- (b) Investigation: The independent investigator shall investigate facts relevant to the applicant's Character and Fitness, including but not limited to the particular matter(s) that prompted the appointment.
- (c) Independent Investigator Report: Once the investigation is complete, the independent investigator shall submit a report to the Admissions Manager and shall be prepared to present the report at a subsequent judicial proceeding of the Committee.
- (d) Additional duties: The independent investigator shall have the following additional duties once the report is submitted to the Committee:
 - (1) Appear before the Committee to provide an oral presentation of the independent investigator report, and answer any questions the Committee may have before deliberating their decision;
 - (2) Provide the Committee with a copies of all evidence gathered and all notes made or taken during the investigation, and provide originals at the request of the Committee or Admissions Manager;
 - (3) Provide reasonable support to the Committee in drafting its opinion to the Court;
 - (4) If the Independent Investigator concludes that the application should be denied, the

Committee follows that recommendation through the process set out in RLP 8.6, and the applicant then seeks a Contested Licensure Proceeding pursuant to RLP 9.1; the Independent Investigator shall have the following ongoing duties related to the application:

- (A) At the request of the special counsel described in RLP 9.2, provide a complete copy of applicant's file, together with all original evidence gathered during the investigation;
- (B) Assist the Special Counsel with contacting witnesses and parties who may have additional evidence or original evidence, rather than a copy, if needed;
- (C) Provide reasonable assistance to the Special Counsel, if needed; and
- (D) Provide testimony or other evidence, at a Contested Licensure Proceeding or a deposition related to such a hearing, if requested by any party.

8.6 Review of Independent Investigator's Report, Deliberations and Post-Investigation Actions

- (a) Presentation of Report: Upon receipt of the independent investigator's report, the Committee shall schedule a meeting, during which the independent investigator shall appear to provide a summary of the report and to answer questions from Committee members.
- (b) Deliberations as to the Sufficiency of the Investigation: Subsequent to the presentation of the independent investigator, the Committee shall deliberate on the evidence gathered, the strengths and weaknesses of the investigation, and the assessment of the independent investigator; compare its conclusions with those of the Admissions Manager's report; and determine by a majority vote of all nonrecused members whether the investigation is sufficiently complete to make a recommendation to the Court, or if additional actions are required before providing the Court with a recommendation.

8.7 Additional Considerations or Actions Available to Committee

- (a) Ask Applicant to take different approach: If the Committee determines that the applicant engaged in prior relevant conduct, and the factors identified in RLP 7.2(b) do not sufficiently mitigate the concerns raised by the conduct, then the Committee can recommend that the applicant take certain remedial steps to eliminate the Committee's concerns. Once the Admissions Manager confirms that such steps have been taken, the Committee shall reconsider the matter to determine if the application is sufficiently complete to provide a recommendation to the Court.
- (b) Abate the Character and Fitness Evaluation to allow for Additional Rehabilitation or Sobriety: If the Committee determines that the applicant is in the process of reformation or rehabilitation, but the applicant needs more time in such process, without a relapse, before the Committee can recommend a conditional admission, then the Committee may recommend that the applicant abate the application for a period of up to one-year. At the end of the abatement period, the Admissions Manager shall confirm that the applicant has remained in rehabilitation, reformation or sobriety without relapse, and report the facts to the Committee. The Committee then shall follow the

procedures set out in RLP 8.8 below.

8.8 Recommendation to the Court

- (a) Following a complete investigation and sufficient deliberations, the Committee shall provide the Court with a recommendation whether the applicant should be granted a Paralegal License.
- (b) The recommendation of the Committee must include one of the following licensing options, selected by a majority vote of all non-recused members:
 - (1) Deny the license for failure to comply with RLP 3.4(a);
 - (2) Deny the license, which may be subject to an evidentiary hearing, as provided in RLP 9.10;
 - (3) Issue a Paralegal License unconditionally; or
 - (4) Issue a conditional Paralegal License, subject to conditions during a probationary period, together with the identification of the party to monitor the Applicant during the probationary period.

8.9 Notice to Applicant of Recommendation

- (a) Recommendations to License Applicant Unconditionally: If the Committee submits an unconditional licensure recommendation to the Court, the Admissions Manager shall provide the Applicant with a copy of the recommendation via email.
- (b) Adverse Recommendations: If the Committee's recommendation to the Court is a conditional Licensure recommendation, or a denial on any basis, the Admissions Manager shall provide the Applicant with a copy of the recommendation via email, and a physical copy sent via certified mail, return receipt requested. The Committee shall file the recommendation with the Court after 28 days if applicant does not contest the recommendation.

SECTION 9 – CONTESTED LICENSURE PROCEEDINGS

Procedural Framework and Responsibilities

9.1 Petition to Review Adverse Recommendation

Not later than 28 days after the Committee submits an adverse recommendation on an application pursuant to RLP 8.9(b), the applicant may contest the Committee's recommendation by filing with the Admissions Department a petition stating that the Applicant seeks a Contested Licensure Proceeding before a hearing panel pursuant to Section 9 of these rules..

9.2 Appointment of Special Counsel; Qualifications

Within 28 days of the date of the receipt of an applicant's petition under RLP 9.1, the Admissions Manager shall submit to the OSB Adjudicator a copy of the adverse recommendation and the applicant's petition. The Admissions Manager shall appoint an individual as the special counsel for the relevant Contested Licensure Proceeding.

9.3 Establishment of Hearing Panel, Responsibilities, Decision Process, Written Opinions

Upon the Admission Manager's notice to the OSB Adjudicator under RLP 9.2, the OSB Adjudicator shall appoint two members of the Committee to serve as members of a hearing panel for the applicant's Contested Licensure Proceeding. The OSB Adjudicator shall be the Presiding Member of the hearing panel. If the OSB Adjudicator is not able to perform the duties of the Presiding Member, then the Board of Bar Examiners liaison to the Committee shall be appointed to be the Presiding Member. The hearing panel shall develop a record from the Contested Admission Proceeding, including any authorized post-proceeding submission by the applicant or special counsel. The hearing panel shall deliberate on such record, to recommend a final disposition of the Contested Licensure Proceeding to the Court. The Hearing Panel shall issue a written opinion to the Court pursuant to RLP 9.6. The hearing panel's deliberations, decisions and written opinions shall follow the policies and processes set out in Section 7 of these rules.

9.4 Initiation and Purpose of a Contested Licensure Proceeding

The hearing panel shall conduct a proceeding, to be known as a Contested Licensure Proceeding:

- (a) Purpose: The hearing panel shall inquire into whether an applicant possesses the requisite character and fitness to practice law in Oregon, as set out in RLP 1.0 and RLP 7.1 to RLP 8.9.
- (b) Initiation of Proceeding: After the hearing panel membership is established, and the special counsel has been appointed, the OSB Adjudicator shall request that the special counsel submit a Denial Statement.
 - (1) Denial Statement: A Denial Statement that includes a statement of facts to be corroborated by evidence presented during the Contested Licensure Proceeding, together with sufficient analysis for the hearing panel to understand the Committee's basis for denying the application.
 - (2) Applicant's Answer to Denial Statement: The applicant shall file an answer to the Denial Statement within 14 days after being served with the statement and notice to answer. The answer shall be filed with the Disciplinary Board Clerk.
 - (3) Initiation of Hearing: After the answer is filed or upon the expiration of the time to file an answer, the matter shall proceed to hearing in the manner and processes ordered by the Presiding Member.

The Contested Licensure Proceeding Hearing

9.5 Hearing Conducted by Presiding Member

- (a) Governing Procedures: Except as otherwise ordered by the Presiding Member, the Contested Licensure Hearing shall be conducted, as much as practicable, in accordance with Titles 4 and 5 of the OSB Rules of Procedure (“Bar Rules” or “BR”).
- (b) Burden of Evidence – Special Counsel: The special counsel shall initially bear the burden of producing evidence that reasonably supports the Committee’s denial recommendation.
- (c) Burden of Proof – Applicant: The applicant bears the ultimate burden of proving that the applicant has the requisite good moral character and general fitness to provide Licensed Paralegal Services in Oregon. The applicant must establish, by clear and convincing evidence, that the applicant meets all the elements of each requirement set out in Section 7.
- (d) Transcript of Proceedings; Correction of Errors; Settlement Order. Each Contested Licensure Hearing shall be transcribed and shall comply with the Oregon Rules of Appellate Procedure as to form. The transcription shall be certified by the person preparing it. If the applicant requests that a transcript, the applicant shall pay the cost of transcription.

Decision of the Hearing Panel

9.6 The Hearing Panel Decision Making Process

- (a) Hearing Panel Decision: The hearing panel shall deliberate and reach a decision pursuant to RLP 9.3.
- (b) Written Decision: Upon the conclusion of Contested Licensure Hearing, the Hearing Panel shall issue a written opinion. The applicant may seek review by the Court of that decision, by filing a request for review pursuant to RPL 9.7. If the applicant does not timely file a request for review, the decision of the Hearing Panel shall be final on the 31st day following issuance of the decision by the hearing panel.
- (c) Extensions of Time to File Opinions: If the hearing panel requires additional time to issue its decision, the Presiding Member may so notify the parties. The notice must include the anticipated date by which a decision shall be issued, not to exceed 90 days after the date originally due. If no decision is issued within 90 days after the date stated in the notice, either party may file a motion with the Disciplinary Board Clerk, seeking issuance of a decision. If no decision has issued by 120 days after the date originally due, either party may petition the Court to enter an order compelling the hearing panel to issue a decision by a date certain.
- (d) Costs and Disbursements: Once the transcript of the proceeding is finalized and the hearing panel's decision has issued, the Presiding Member shall identify the prevailing party and request a statement of costs and disbursements incurred from the Prevailing Party. The prevailing party shall

submit to the Disciplinary Board Clerk an itemized list of permitted costs and disbursements (“Costs and Disbursements”) within five business days following the written request, with an email copy to the other party. If the Committee is the prevailing party, the debt shall be owed to the Oregon State Bar, and any order granting costs and disbursements to the prevailing party shall identify the Oregon State Bar as the creditor.

- (e) Costs and Disbursements Order: Within five business days of receipt of the email copy of the itemized cost and disbursement statement from the prevailing party, the nonprevailing party may submit to the Disciplinary Board Clerk written objections to any of the items listed in the prevailing party’s cost and disbursements. Within five business days following receipt of the nonprevailing party’s objections, or the date for which such objections were due, the Presiding Member shall issue an order awarding the prevailing party costs and disbursements, which lists the items that are included in the award and the amount awarded for each included item. The costs and disbursements order shall be included with any opinion(s) submitted to the Court.

9.7 Request for Review

Within 30 days after the date that the hearing panel issued its decision, the Applicant may file with the State Court Administrator a request for review as set forth in BR 13.8. A copy of the request for review shall be served on the Admissions Manager.

Supreme Court Review of Hearing Panel Decision

9.8 Procedure in Supreme Court

- (a) Record: Within 30 days of the filing of an applicant's request for review, the Presiding Member shall file the hearing panel's written decision with the State Court Administrator, together with the record of the Contested Licensure Proceeding with the State Court Administrator.
- (b) Briefs: No later than 28 days after the Court’s written notice to the applicant and the OSB of receipt of the record, the applicant shall file an opening brief. The opening brief must include a request for relief asking the court to modify or reject, in whole or in part, the decision of the trial panel. Otherwise, the format of the opening brief and the timing and format of any answering or reply briefs shall be governed by the applicable Oregon Rules of Appellate Procedure. The failure of the applicant or the Bar to file a brief does not prevent the opposing litigant from filing a brief.
- (c) Oral Argument: The Oregon Rules of Appellate Procedure relating to oral argument apply in these Contested Licensure Proceedings.

9.10 Nature of Review

The Supreme Court shall consider each matter de novo upon the record and may adopt, modify, or

reject the decision of the Hearing Panel in whole or in part.

9.11 Costs and Disbursements

The Court may award costs and disbursements to the prevailing party. "Prevailing Party" carries the definition provided in RLP 9.6(d). "Costs and Disbursements" carries the definition provided in RLP 9.6(e), with the addition of any expense incurred in the preparation of an appellate brief, in accordance with ORAP 13.05.

SECTION 10 - PARALEGAL LICENSING

10.1 Recommendation of Committee; Notice to Applicant; Oath of Office

Once the Admissions Manager or Committee has determined that an applicant should be recommended for a Paralegal License, OSB Staff shall notify the applicant of the upcoming recommendation and require the applicant to submit a signed Oath of Office to OSB Staff.

10.2 Qualifications for Licensure; Order of Licensure

(a) An Applicant must meet the following requirements:

- (1) Be at least 18 years of age at the time the Paralegal License is issued;
- (2) Have the requisite learning necessary for a Paralegal License, demonstrated by one of the following:
 - (A) Graduation from an approved paralegal education program with at least an associate's degree in paralegal studies, coupled with the substantive paralegal work experience required by these rules, or
 - (B) Satisfaction all of requirements of one of the paralegal education alternatives, coupled with the substantive paralegal work experience required by these rules;
- (3) Have the requisite skills, abilities and learned knowledge required for a Paralegal License;
- (4) Have the required good moral character and fitness, as determined through the processes and procedures set out in these rules; and
- (5) Take the required Oath of Office in the form approved by the Court.

(b) If an applicant has met the requirements of RLP 10.2(a), to the Court's satisfaction, then the Court shall issue an Order of Licensure. The effective date of applicant's Paralegal License shall be the date of the Order of Licensure.

10.3 Residency

Oregon residency is not required for an Oregon Paralegal License.

10.4 Address, Telephone Number, and Email Designation

- (a) After a Paralegal Licensee has received the Court's Order of Licensure and OSB Associate Member Number, the Licensee must immediately log into the OSB Membership Portal and designate a current business address and telephone number, or in the absence thereof, a current residence address and telephone number. The Licensee also must designate a current email address to receive OSB communications.
- (b) A Paralegal Licensee has a duty to promptly notify the OSB in writing of any change in business address or telephone number, or residence address or telephone number, or email address, as the case may be.

SECTION 11 - SCOPE OF PRACTICE RULES FOR LICENSED PARALEGALS IN OREGON

Section 11 lists professional legal activities and services that Licensed Paralegals are authorized to provide, without the supervision of an attorney, so long as the activity or service is provided in an Endorsed practice area.

11.1 Family Law Endorsed Licensed Paralegals - Scope of Practice

- (a) Within the Scope of Practice of Endorsed Licensed Paralegals: Licensed Paralegals, Endorsed in Family Law, may engage in the following tasks in the course of representing or potentially representing Family Law clients, so long as such tasks pertain to an area of law within the definition of Family Law set out in RPL 1.1, and such representation would not otherwise violate any provision of the Rules of Professional Conduct for Licensed Paralegals:
 - (1) Meet with potential Family Law clients to evaluate and determine needs and goals, and advise the potential clients or clients regarding legal steps that could be taken to meet those needs and goals, if appropriate.
 - (2) Enter a contractual relationship to represent a natural person (not including a business entity) in a Family Law matter.
 - (3) Assist by selecting and completing model forms and drafting and serving pleadings and documents, including orders and judgments in a Family Law matter.
 - (4) File Family Law related documents and pleadings with the court, electronically or otherwise.
 - (5) Assist a Family Law client by drafting, serving, and completing discovery and issuing

subpoenas.

- (6) Attend Family Law depositions, but not take or defend them.
- (7) Prepare for, participate in, and represent a party in Family Law settlement discussions, including mediation and settlement meetings.
- (8) Prepare Family Law clients for judicial settlement conferences. A Licensed Paralegal may attend these sessions to advise clients on their options and discuss various proposals.
- (9) Participate and assist with preparations for Family Law hearings, trials, and arbitrations. A Licensed Paralegal may prepare clients for Family Law court appearances (e.g., prepare clients for direct-examination, cross-examination, and oral argument; issue subpoenas; prepare witnesses; prepare and submit exhibits; draft asset and liability statements; and write memoranda to provide to the court).
- (10) Attend court appearances to provide support and assistance in Family Law procedural and ex parte matters. A Licensed Paralegal may not affirmatively represent a client directly during evidentiary hearings or other similar court appearances. For example, a Licensed Paralegal may not make evidentiary objections, offer exhibits, or question witnesses.
- (11) Review Family Law opinion letters, court orders, and notices with a client, and explain how they affect the client, including the right to appeal.
- (12) Notwithstanding the prohibition against providing services related to appeals, as stated in Section-2(b)(1) of Section 11, a Licensed Paralegal may assist a client in an appeal made, pursuant to ORS 25.513(6), from an order of an administrative law judge or a default or consent order entered by an administrator relating to the establishment or modification of child support.
- (13) Notwithstanding the prohibition against juvenile dependency situations stated in Section-2(b)(3) of Section 11, a Licensed Paralegal may be allowed to provide limited divorce services to a client in a Family Law case with a consolidated or related associated juvenile court proceeding where the juvenile court's involvement may not be initiated or may be dismissed if a divorce, separation, custody case, or modification is initiated (and child custody therefore secured for a protective parent).
- (14) Notwithstanding Section-2(b)(13) of Section 11, which prohibits a Licensed Paralegal from providing services to a client against whom a Family Abuse Protective Order (FAPA) claim has been raised, a Licensed Paralegal may continue providing services to an existing client if a FAPA claim is raised after the representation was already established, so long as the Licensed Paralegal refers the client to a qualified FAPA attorney, who is an Attorney OSB Member, for a consultation on the legal consequences of the FAPA claim. If after the consultation, the client still wishes to be represented by the Licensed Paralegal, the Licensed Paralegal may continue representing the client.

(15) Refer Family Law clients or potential Family Law clients to attorneys for tasks or subject matters outside the Scope of Practice for the Licensed Paralegal.

(b) Family Law Matters outside the Scope of Practice for Family Law Endorsed Licensed Paralegals: A Licensed Paralegal may **NOT** provide any services, or attempt to provide services, to a client or potential client related to the following matters or issues, regardless of whether the underlying area of the law involves Family Law, unless the Licensed Paralegal does so under the supervision of an Attorney OSB Member:

(1) Except as provided in Section 2(a)(12), a Licensed Paralegal may not provide services related to appeals, whether they be related to orders from, or appeals to, an administrative body, a trial court, the Court of Appeals or the Court.

(2) Matters involving stalking protective orders.

(3) Except as provided in Section 2(a)(13), a Licensed Paralegal may not provide services in matters related to juvenile court cases (dependency or delinquency).

(4) Modifications of custody, parenting time, or child support when the initial court order originates outside Oregon.

(5) Matters involving premarital or postnuptial agreements.

(6) Matters involving cohabitation agreements.

(7) Matters involving qualified domestic relations orders (QDROs) and domestic relations orders (DROs). While prohibited from drafting such provisions themselves, LPs may engage an Attorney OSB Member with extensive experience in QDROs and DROs on a matter involving QDROs and DROs and use such language provided by an Attorney OSB Member for that specific matter.

(8) Matters involving third-party custody and visitation cases (ORS 109.119).

(9) Matters involving unregistered domestic partnerships ("*Beal v. Beal* cases"). This prohibition does not apply to registered domestic partnerships.

(10) Litigation cases with third-party interveners.

(11) Military divorces unless stipulated. A Licensed Paralegal may represent one party when both parties agree on the dissolution terms, and the role of the Licensed Paralegal is to assist in finalizing the divorce, so long as before the client signs any document, the client is referred to an Attorney OSB Member, who specializes in military divorces, and the client has been advised about the legal consequences and advantages of signing the documents prepared by the Licensed Paralegal.

(12) Matters involving remedial contempt when confinement is requested. While an Licensed

Paralegal may assist with remedial contempt matters, the Licensed Paralegal may only do so when confinement is not before the court.

- (13) Stand-alone Family Abuse Prevention Act (FAPA) cases (ORS 107.700–107.735).
- (14) Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) cases, Sexual Abuse Protection Order (SAPO) cases, Extreme Risk Protection Order (ERPO) cases, guardianships, and adoptions.
- (15) Matters related to the division of defined benefit plans or deferred compensation plans. LPs must refer division of defined benefit plans or deferred compensation plans to an Attorney OSB Member. LP may represent the client in the matter if an Attorney OSB Member represents the client in relation to the defined benefit plan or deferred compensation plan. If the client declines the referral to an Attorney OSB Member, the LP may represent the client upon obtaining informed consent in writing on the form provided in Regulation 11.100 of these rules. LPs may represent a client in a matter involving defined contribution plans (such as IRAs, 401k, 457, and 403(b) plans). If LP undertakes a representation involving a defined benefit plan, deferred compensation plan, or a defined contribution plan, the LP must adhere to subsection (7) if a QDRO or DRO is an option within the matter.

11.2 Landlord-Tenant Endorsed LPs - Scope of Practice

- (a) Within the Scope of Practice of Endorsed Landlord-Tenant LPs: Licensed Paralegals, Endorsed in Landlord-Tenant Law, may engage in the following tasks in the course of representing or potentially representing Landlord-Tenant Law clients, so long as such tasks pertain to an area of law within the definition of Landlord-Tenant Law, and such representation would not otherwise violate any provision within the Rules of Professional Conduct for Licensed Paralegals:
 - (1) Enter into a contractual relationship to represent a natural person or an entity in a Landlord-Tenant matter.
 - (2) Meet with potential Landlord-Tenant clients to evaluate and determine needs, goals, and advise on claims or defenses (e.g., notices of intent to terminate tenancy, inspection of premises, rent increase).
 - (3) Review, prepare, and provide advice regarding a variety of Landlord-Tenant Law documents, including pleadings, notices, orders, and judgments.
 - (4) File Landlord-Tenant Law documents and pleadings with the court. Litigation regarding residential tenancies can occur through small claims court actions as well as FED litigation.
 - (5) Assist in obtaining continuance requests to allow parties to make discovery requests or obtain other discovery in Landlord-Tenant matters.
 - (6) Assist with and attend depositions related to Landlord-Tenant matters, but not take or defend them.

- (7) Participate, prepare for, and represent a party in Landlord-Tenant settlement discussions, including mediation and settlement meetings.
- (8) Prepare parties for judicial settlement conferences in Landlord-Tenant matters
- (9) Participate and assist with hearing and trial preparation in Landlord-Tenant matters.
- (10) Attend court appearances involving Landlord-Tenant Law and provide permitted support and assistance in procedural matters. A Licensed Paralegal may not affirmatively represent a client directly during evidentiary hearings or other similar court appearances, except if state law allows representation of a client by a non-attorney in such appearance.
- (11) Review opinion letters, court orders, and notices pertaining to a Landlord-Tenant Law involving a client and explain how they affect the client, including the right to appeal.
- (12) Refer Landlord-Tenant Law clients or potential Landlord-Tenant Law clients to attorneys for tasks or subject matters outside the Scope of Practice for the Licensed Paralegal. However, a Licensed Paralegal has an ongoing obligation to refer Landlord-Tenant Law clients to an Attorney OSB Member, if information is discovered after the Licensed Paralegal has already begun representing a client, and the new information indicates that there are matters or issues that could affect the Landlord-Tenant Law matter, or the matter poses a significant legal challenge to the client's security, health or well-being, and such matters or issues are outside of the Scope of Practice for a Landlord-Tenant Law Licensed Paralegal .

(b) Landlord-Tenant issues outside the Scope of Practice of Landlord-Tenant Endorsed Licensed Paralegals: A Licensed Paralegal may **NOT** provide any services, or attempt to provide services, to a client or potential client related to the following matters or issues, regardless of whether the underlying area of the law related to the matter or issue involves Landlord-Tenant Law, unless the Licensed Paralegal does so under the supervision of an Attorney OSB Member:

- (1) Affirmative plaintiff cases in circuit court. However, a Landlord-Tenant Endorsed Licensed Paralegal may provide services related to Landlord-Tenant Law, if the client pursues a matter in small claims court that could otherwise have been brought through an affirmative plaintiff's case.
- (2) Matters involving agricultural tenancies and leases.
- (3) Matters involving affirmative discrimination claims (except if asserted as a counterclaim or defense of a Landlord-Tenant matter).
- (4) Matters involving commercial tenancies and leasing.
- (5) Landlord-tenant claims for personal injury.
- (6) Matters involving injunctive relief in affirmative cases.

- (7) Matters involving housing provided in relation to employment.
- (8) Matters involving affirmative subsidized housing claims. However, a Licensed Paralegal who is familiar with subsidized housing–related issues is not precluded from advising on defenses to eviction related to the subsidized status of a unit.

SECTION 12 – SUPERVISED PRACTICE PROGRAM (“SPP”) FOR FUTURE LICENSEES; LIMITED DURATION.

12.1 Purpose of the SPP: The Purpose of the SPP is to ensure that the Licensed Paralegal marketplace commences with quality individuals who have established relationships in their legal communities and have an extensive history of being successful paralegals in such communities. The goal is to have these experienced paralegals establish this new profession in the legal marketplace and show the value and worth of Licensed Paralegals to OSB Members and Oregon residents alike, and to provide early market research data that will assist in the ultimate success of the Licensed Paralegal program.

12.2 Qualifications for SPP Practitioner: To be eligible for the SPP, an applicant must submit a declaration under penalty of perjury, identifying the endorsed area of the law in which the applicant plans to practice; the pathway by which the applicant would qualify for a Paralegal License, including declarations related to education, relevant work experience, and Substantive Paralegal Experience that would meet the qualifications of the chose pathway. Additionally, once licensed, an SPP Practitioner should at least completed one-quarter of the Pre-Licensure Coursework required of Licensed Paralegals, with an emphasis in legal ethics and regulatory compliance issues in the legal professions.

12.3 Nature of the SPP Practice: An SPP Practitioner may not engage in any service, activity or work that would otherwise require having a Paralegal License, unless the service, activity or work is performed under the supervision of an active OSB Attorney Member who meets the qualifications outlined in RLP 12.4.

12.4 Qualifications for Supervising OSB Attorney Member: An OSB Attorney Member supervising any SPP Practitioner must have at least five years of full-time experience at practicing law in Oregon, and must submit a declaration under penalty of perjury affirming satisfaction of this requirement. The declaration must further affirm that the OSB Attorney Member has reviewed the declaration submitted by the SPP Practitioner for entry into the Program and affirm that the statements made therein are true and accurate to the best of the Attorney OSB Member's knowledge and belief.

12.5 Limited Duration of the Program: Unless earlier terminated by the OSB Board of Governors, the SPP Program shall automatically terminate on the second annual anniversary of the date that the Supreme Court adopted the original version of these rules.

12.6 Limited Duration and Conditional Practice:

- (a) The SPP permits a conditional practice that requires SPP Practitioners to remain employed by the employer who employs the supervising OSB Attorney Member. Additionally, to remain a bona fide Applicant, while acting as a SPP practitioner, the practitioner must make all reasonable efforts to continue pursuing a Paralegal License.

- (b) An SPP Practitioner's ability to provide Licensed Paralegal Services under the SPP shall automatically terminate upon the occurrence of the earliest of the following:
- (1) The SPP Practitioner's receipt of a Paralegal License;
 - (2) The Admissions Department's notification to the SPP Practitioner that the practitioner does not qualify for a Paralegal License; or
 - (3) the expiration of one calendar year after the SPP Practitioner's approval to practice under the SPP Program.

12.7 Regulations for the SPP: The Board of Governors may adopt, amend or repeal Regulations establishing processes and procedures for the enforcement, implementation and regulatory compliance of the SPP. All Regulations, and amendments thereto, shall be proposed by the Chief Executive Officer, General Counsel, or Regulatory Counsel.