



Oregon State
Board of
Bar Examiners

SUPREME COURT OF THE
STATE OF OREGON

RULES

FOR

ADMISSION OF ATTORNEYS

REVISED JANUARY 1, 2023

Table of Contents Edit - UBE

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ADMISSION OF OUT-OF-STATE ACTIVE PRO BONO ATTORNEYS	77
17.05 ADMISSION OF OUT-OF-STATE ACTIVE PRO BONO ATTORNEYS	77
ADMISSION OF MILITARY SPOUSE ATTORNEYS.....	80
18.05 TEMPORARY ADMISSION OF MILITARY SPOUSE ATTORNEYS	80
ADMISSION BY OUT-OF-STATE BAR EXAMINATION SCORE	84
19.05 ADMISSION BY BAR EXAM SCORE EARNED IN ANOTHER JURISDICTION	84
19.15 ADDITIONAL REQUIREMENTS FOR ADMISSION BY OUT-OF-STATE BAR EXAM SCORE.....	85

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Rule 4.10 is amended to reflect the \$250 increase to the exam application fee, replace refunds for withdrawal with transferring whole or partial credits to another alternative pathway for admission, and remove any reference to the UBE.

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

- (1) Bar Exam Application and Investigation Fees: Every bar exam applicant must pay to the Board, at the time of filing their bar exam application, each of the following fees that are applicable to their application:
 - (a) A bar exam application fee of \$1000.
 - (b) In addition to the fee prescribed by paragraph (a) of this rule, if an applicant was previously admitted to the practice of law in any other jurisdiction or has a pending application for admission to practice law in any other jurisdiction, then the applicant must pay an investigation fee of \$600. If an applicant applied for admission to the practice of law in Oregon within the 12 months prior to the submission of the current application, and the applicant paid an investigation fee of \$600 with their last application, then the investigation fee shall be reduced to \$300.

- (c) In addition to the fees prescribed by paragraphs (a) and (b) of this rule, a bar exam applicant who files an application after the timely filing deadline stated in Rule 4.05(1) shall pay to the Board, at the time of filing such application, a late filing fee equal to 40% of the application fee stated in paragraph (a) of this rule.
 - (d) An applicant who, in conformance with Rule 8.10(4), seeks to take the oath and be admitted more than thirteen months after notice was provided by the Board as provided by Rule 8.05(2), shall pay to the Board a fee of \$300.
 - (e) If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar, at the time of application, any unpaid judgment for costs and disbursements assessed by the Court therein.
 - (f) If an applicant is found to be unqualified to take the examination for any reason under these rules, the applicant shall be entitled to a refund of \$300 dollars.
 - (g) Up to 28 days prior to the first day of a bar exam, an applicant who has applied for that exam may request a one-time transfer of a portion of their exam application fee as a credit toward fees owed for their application for admission through another Oregon bar admission pathway for which they are presently eligible. Once a transfer has taken place, those funds may not be transferred to any other program or application and shall be the property of the Board and the Oregon State Bar. The amount of the application fee eligible for transfer shall be determined by a process developed by the Board and published on the bar's admissions website.
 - (h) Except as outlined in 4.10 (f) and (g), there shall be no refunds or credits of any fees, including application, investigation, or late fees, penalties, or costs paid to the Board or Oregon State Bar.
- (2) Alternative Admission Applications Fees: Any applicant seeking admission through an application other than the current Oregon bar exam application or Rule 8.10[.] must pay the Board the correct alternative admission application fee at the time of filing the application. The correct alternative admission application fee is based on the RFA under which the applicant is seeking admission, which includes only the following:
- (a) House Counsel Application Fee: The alternative admission appli-

ation fee for applicants seeking admission under RFA 16.05 (House Counsel) is \$2,500.

- (b) Foreign Law Consultant Application Fee: The alternative admission application fee for applicants seeking admission under RFA 12.05 (Foreign Law Consultants) is \$2,500.
- (c) Comity Application Fee/Conversion Application Fee: For applicants seeking admission under RFA 15.05 (Comity Admission), the alternative admission application fee is \$1,750. For applicants with a current limited license, but seeking to gain full membership in the Oregon State Bar through a conversion application under RFA 15.10, the Conversion Fee is one-half the Comity Fee stated in the preceding sentence.
- (d) Out-of-State Score Transfer Application Fee: The alternative admission application fee for applicants seeking admission under RFA 19.05 (Admission by Out-of-State Bar Examination Score) is \$1,350.
- (e) Military Spouse Application Fee: The alternative admission application fee for applicants seeking admission under RFA 18.05 (Admission of Military Spouse Attorneys) is \$1,350.
- (f) Admission of Law Teacher Application Fee: The alternative admission application fee for applicants seeking admission under RFA 11.05 (Admission of Law Teachers) is \$1,350.
- (g) Admission of Out-of-State Active Pro Bono Attorneys Application Fee: The alternative admission application fee for applicants seeking admission under RFA 17.05 (Admission of Out-of-State Active Pro Bono Attorneys) is \$600.
- (h) If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar any unpaid judgment for costs and disbursements assessed by the Court therein. This payment shall be in addition to, and must be paid concurrently with, the alternative admission application fee required for the applicant's alternative admission application.
- (i) An alternative admission applicant shall receive a reduction to the fees stated in RFA 4.10(2), if the applicant is applying for admission because they have been employed to work for one of the following types of employers: (1) any State of Oregon government agency or an instrumentality of a government

agency; (2) any non-profit that has received tax exempt status as a 501(c)(3) or 501(c)(4) organization; (3) any contractor, agency or organization providing public defense services to Oregon residents; and (4) any organization recognized by Legal Aid Services of Oregon, Oregon Law Center or the Oregon State Bar as an entity that provides legal aid to Oregon residents. The amount of the reduction shall be established by the Board each year, and posted on the admissions homepage and relevant admission applications.

- (3) An applicant for a temporary practice license under 13.70 et seq, shall pay to the Regulatory Counsel's Office a temporary practice application fee of \$500. The fee must be submitted concurrently with the applicant's temporary practice application. The temporary practice application fee is non-refundable upon submission.

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Section 5 is amended to remove references to the UBE, and to establish a flexible and dynamic process by which the developer, contents and framework of the exam shall be determined through a recommendation of the Board to the Court or through an order of the Court. When selected by the Board, the outcome must be published on the Admissions Homepage.

EXAMINATION

5.05 Time and Place of Examinations; Special Examinations

The bar exam shall be the examination approved for use by the Court upon recommendation from the Board. Any exam provided by the National Conference of Bar Examiners (NCBE) will be held on the date and at the time set by NCBE for administration nationally and at a place approved by the Board. The Board shall publish the dates, times and locations of the exam on the admissions webpage within a reasonable period of time after final selections of the locations have been made. The Board shall hold special examinations only as directed to do so by the Court.

5.10 Specific Testing Accommodations

- (1) Definitions. For the purpose of this rule:

- (a) The term "disability" means a disability as the term is defined under the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) (ADA), amendments to the act, applicable regulations and case law.
 - (b) The term "qualified professional" means a licensed physician, psychologist, or other health care provider who has comprehensive training in the field related to the applicant's claimed disability.
- (2) An applicant with a disability that substantially limits one or more major life activities and who desires an adjustment or modification to the standard testing conditions to alleviate the impact of the applicant's functional limitation on the examination process may request reasonable accommodation(s) to take the examination.
- (3) Consistent with the requirements of the ADA, the Board shall evaluate all timely and complete accommodation requests and determine the extent, if any, to which they will be granted. In fashioning an accommodation, the Board shall strive for an accommodation that is reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and which does not fundamentally alter the nature of the examination as necessitated by the applicant's disability. If an applicant submits a request for accommodation within six-weeks or less of the first day of the applicable bar exam, then pursuant to this paragraph, the Chair of the Board, or the Chair's designee, is delegated the authority to act on behalf of the Board and fulfill its required functions under this paragraph.
- (4) Applicants must file timely and complete accommodation requests using the forms prescribed by the Board. The filing deadlines for requests shall be set by the Board. Incomplete or untimely requests will be rejected except where: (a) disability occurs after the application filing deadline; or (b) the accommodation request does not cause an undue hardship on the Board or the Oregon State Bar.
- (5) An applicant requesting accommodations must fully complete the forms approved by the Board and submit:
 - (a) Medical and/or psychological verification completed by a qualified professional. The medical and/or psychological verification shall, at a minimum, describe:
 - (i) The basis of the assessment, including all tests used to diagnose the disability and the results of those tests;

- (ii) the effect of the disability on the applicant's ability to take the examination under regular testing conditions; and
 - (iii) the recommended accommodation.
 - (b) A letter from the applicant's law school setting forth any accommodations that were provided to the applicant for examinations taken at the law school.
 - (c) A letter from each jurisdiction in which the applicant has applied to practice law setting forth any accommodations that were provided to the applicant for taking the bar exam.
- (6) An applicant who is breastfeeding may request accommodations to enable the applicant to express milk during the examination. Request for accommodations must be submitted timely using the procedures and forms prescribed by the Board for specific testing accommodations. Applicants must submit medical documentation from a qualified medical provider supporting the request for accommodations, including verification that the applicant is breastfeeding and the child's date of birth.

5.15 Examination

- (1) The examination shall be:
 - (a) Administered in appropriate times and places in the State of Oregon approved by the Board, unless otherwise ordered by the Court.
 - (b) Conducted in the manner and according to the method prescribed by the Board and consistent with any policies pertaining to administration of the exam by the NCBE or order of the Court.
- (2) Each applicant shall be examined as to requisite general learning in subjects tested by NCBE or as otherwise directed by the Court.
- (3) The bar exam shall be designed to test foundational concepts and lawyering skills.
- (4) The chair of the Board may limit the number of bar applicants allowed to take the Oregon Bar Exam on any exam date to comply with any local, state, or national public health order or recommendation that imposes limits on gatherings of persons in one location, as follows:
 - (a) If the chair of the Board imposes a limit on the number of Oregon Bar Exam takers, the Oregon State Bar Admissions Department

shall assign available seats at the affected location based on the date and time on which an individual's bar application was received, starting with the first application received.

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

5.20 Review of Examination

- (1) The Board will adopt and publish protocols for ensuring the validity of the assessment, to be consistent with NCBE policies, unless otherwise directed by the Court.
- (2) Except as set forth in rule 5.20(1), or as may be authorized by the Board, there shall be no further review of any portion of the examination.
- (3) .An applicant who has failed the examination has the right to be informed of their total scaled score on the exam, and the scaled score required to pass the examination in Oregon.
- (4) An applicant who has failed the examination may request copies of the applicant's exam materials, but such materials shall only be available as authorized by the Board, NCBE or other copyright owner to be disclosed solely to the applicant.
 - (a) An applicant must request the information within 30 days of the date that the bar published the exam results to its website.
 - (b) The Board shall thereafter establish a date, time and place to inspect and/or obtain the materials as prescribed in paragraph (3)(b) of this rule not later than 120 days after the exam results are published to the bar's website.
 - (c) Disclosure of the information and inspection and copying of materials shall be provided only under conditions which, in the opinion of the Board, protect the security of the examination.
 - (d) The applicant shall not share any information provided pursuant to this rule to any third party.

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Section 7 is amended to remove reference to the UBE and provide for the possibility that alternatives to the MPRE may come about in the

future.

7.05 Time and Place

- (1) Every applicant for admission by examination, by bar exam score earned in another jurisdiction under Rule 19.05, and as house counsel under Rule 16.05 is required to pass a Professional Responsibility Examination as a requirement for admission. The passing score for each examination shall be determined by the Court upon the recommendation of the Board. The examination shall be the Multistate Professional Responsibility Examination (MPRE) as given under the auspices of the National Conference of Bar Examiners (NCBE). The MPRE will be conducted at the times, places and in the manner prescribed by the NCBE or its duly authorized representatives.

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Rule 19 is amended to remove any reference to the UBE. Additionally, as more than three years has passed since the October 2020 remote bar, provisions related to that remote exam have been replaced by the possibility of the Board recommending that other types of exam results might be considered for score transfer in the future.

ADMISSION BY OUT-OF-STATE BAR EXAMINATION SCORE

19.05 Admission by Score Earned in another Jurisdiction

- (1) Applicants who have taken the bar exam, in another United States jurisdiction may be admitted to the practice of law in Oregon without having to take and pass the bar examination in Oregon, subject to the following requirements:
- (a) The exam taken must be an exam approved pursuant to Rule 5.05 by the Court on the recommendation of the Board;
 - (b) The applicant must have earned a passing scaled score, as set by the Court upon the recommendation of the Board;
 - (c) The applicant must have earned the passing scaled score on an exam taken no more than 36 months prior to the date of application for admission in Oregon under this rule.

 - (d) The applicant must meet all other requirements of Rules 19.05, 19.10 and all other applicable rules for admission.

19.10 Additional Requirements for Admission by Out-of-State Bar Exam Score

- (1) Applicants for admission under Rule 19.05 shall:
 - (a) Present satisfactory proof of graduation from an ABA approved law school with either a (i) Juris Doctor (J.D.) or (ii) Bachelor of Law (LL.B.) degree; or satisfaction of the requirements of Rule 3.05(2) or (3);
 - (b) Transfer their bar exam score to Oregon by requesting an official exam transcript through the NCBE or an official transcript through the jurisdiction that administered the exam;
 - (c) Possess the good moral character and fitness required of applicants for admission to practice law in Oregon;
 - (d) Take and pass the MPRE prescribed in Rule 7.05;
 - (e) File an application as prescribed in Rule 4.15; and
 - (f) Pay such application fees as may be established by the Board and the Court for applicants under this rule.
- (2) The character and fitness of applicants under this rule shall be reviewed under the procedures set forth in ORS 9.220 and Rules 6.05, 6.10, 6.15, and 9.05 to 9.60.
- (3) As part of completing the 15 hours of accredited CLE activity required by MCLE Rule 3.3(b) to be completed in the first reporting period after admission as an active member, every applicant admitted under this rule shall complete and certify that, of the 15 required hours, 1 hour of the 2 credit hours in ethics is devoted to Oregon ethics and professionalism, and 4 hours of the 10 credit hours in practical skills is devoted to Oregon practice and procedure, as regulated and approved by the Board.

