

Redlined Version of Amendments to 13.70 - 13.85

Approved by BBX Rules Committee for Public Comment on 10/17/22

TEMPORARY PRACTICE PENDING ADMISSION BY ALTERNATIVE APPLICANTS

13.70 Eligibility

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

- (1) ~~The a~~Applicant must submit the application for Temporary Practice Pending Admission by Alternative Applicants with Regulatory Counsel's office and pay the fee required under RFA 4.10(3);
- (2) Concurrent with, or prior to the submission of, the application required by RFA 13.70(1), the applicant must submit ~~with to~~ the Board an application for admission to the Oregon State Bar pursuant to RFA 15.05, 16.05, 17.05, 18.05 and 19.15. ~~The score~~Score transfer applicants must be admitted to at least one other US jurisdiction at the time of application;
- (3) By filing the application with Regulatory Counsel's Office, applicant asserts that the applicant has a good faith belief that they meet the requirements for admission to the Oregon State Bar, including the requisite good moral character and fitness to practice law in Oregon.
- (4) Applicant must not have been subject to disciplinary suspension or disbarment in any other state, district or territory of the United States;
- (5) Applicant must not have been previously denied admission to the practice of law in any other state, district or territory of the United States due to a determination that the applicant lacked the requisite good moral character and fitness to practice law;
- (6) Applicant must submit a certificate of good standing and disciplinary statement from every state, district or territory in which applicant is admitted to the practice of law;
- (7) Applicant must submit proof of one of the following:
 - (a) Employment with a company whose legal services are provided from an office physically located within the State of Oregon, and an affirmation that the applicant will provide legal services from such office;
 - (b) Employment with a law firm who has an office physically located within the State of Oregon, and an affirmation that the applicant will provide legal services from such office; or
 - (c) Association with an active member of the Oregon State Bar;
- (8) The employer or associated Oregon lawyer identified in 13.70(7) must identify a supervising attorney, who is an active Oregon State Bar Member in good standing. The supervising attorney must sign a declaration acknowledging and agreeing that it is the supervising attorney's responsibility to oversee the conduct of the applicant, which includes ensuring the applicant's compliance with the Oregon Rules of Professional Conduct and avoidance of malpractice; ~~and~~
- ~~(9)~~ Has Applicant must never have applied for temporary practice under these rules before (excluding reinstatement applications authorized under 13.80);
- ~~(9)(10)~~ Applicant must submit sufficient proof that they have maintained active membership in at least one of the jurisdictions referenced in RFA 13.70(6).

13.75 Duration, Termination Limits and Disclosures Required – Practice Pending

- (1) No authorization to temporarily practice law under RFA 13.70 et seq., shall become effective until applicant has established to the Oregon State Bar's satisfaction that applicant meets the

requirements of RFA 13.70 and, if engaging in the private practice of law, has provided a certificate of insurance establishing that the Applicant's legal activities in the State of Oregon will be covered by a professional liability insurance policy from, or substantially equivalent to, the Oregon State Bar Professional Liability Fund plan.

- (2) Upon confirmation that an applicant has met the requirements of RFA 13.70 and, if required, has sufficient insurance coverage to protect Oregon legal consumers, Regulatory Counsel shall provide applicant notice that the applicant is authorized to practice law subject to the terms of RFA 13.70 et seq., and other relevant laws, rules and regulations governing the applicant's practice of law in Oregon.
- (3) The ability to practice pending admission under this section shall immediately terminate upon any of the following:
 - (a) ~~if the a~~Applicant is admitted to the practice of law in Oregon;
 - (b) ~~if the a~~Applicant withdraws the application for admission or if such application is denied;
 - (c) ~~if the a~~Applicant becomes disbarred, suspended, or resigns while a disciplinary action is pending in any other jurisdiction in which the applicant is licensed to practice law;
 - (d) ~~if a~~ formal complaint is filed against the applicant by the Disciplinary Counsel's Office of the Oregon State Bar;
 - (e) ~~An~~ indictment is filed against the applicant; ~~and~~
 - (f) ~~if the a~~Applicant is not admitted to the practice of law in Oregon within one year of the date that the applicant first filed their application under RFA 13.70(1); ~~and/or~~
 - (g) the aApplicant does not maintain active membership in good standing with at least one of the jurisdictions identified 13.70(6).
- (4) Upon termination of the practice pending admission under 13.75(3)(b – g), the applicant shall not undertake any new representation that would require the applicant to be admitted to practice law in Oregon and, within ten days, shall:
 - (a) cease to occupy an office or other systematic and continuous presence for the practice of law in Oregon unless authorized to do so pursuant to another Rule;
 - (b) notify all clients being represented in pending matters, and opposing counsel or co-counsel, of the termination of the lawyer's authority to practice pursuant to the authority in this section; and
 - (c) take all other necessary steps to protect the interests of the lawyer's clients.

13.80 Change in Office/Association/Supervising Attorney

- (1) ~~The a~~Applicant's ability to practice law shall be immediately ~~suspended-suspended and abated~~ if they ~~are terminated from~~-employment or association with the company, law firm, or lawyer ~~terminates that with whom~~ the applicant originally sought a temporary practice license pending admission with-under RFA 13.70(7) ~~terminates~~.
- (2) Applicant must immediately notify Regulatory Counsel's Office of any termination of the relationship identified 13.80(1).
- (3) Applicant's ability to practice pending admission shall be reinstated if applicant meets the following requirements within ~~ten~~30-days following the date that applicant was required to send notice to Regulatory Counsel's Office under RFA 13.80(2):
 - (a) Associates with another company, law firm or lawyer meeting the requirements under RFA 13.70(7);
 - (b) Asubmits a new application for Temporary Practice Pending Admission under RFA 13.70(1);

- (c) ~~Ppays~~ a new fee associated with Temporary Practice Pending Admission under RFA 4.10(3); ~~and~~
 - (d) ~~Hh~~ave a new supervising attorney sign a new declaration identified in RFA 13.70(8); ~~and~~
 - (e) ~~Ii~~n the case of a house counsel applicant, ~~they must~~ file a new house counsel application and any fee required under RFA 4.10(2);
- (4) When a current supervising attorney has sought a leave of absence, ~~or~~ has been terminated by their common employer, or has been suspended or disciplined by the Oregon State Bar, the related applicant's temporary practice permit shall be immediately and automatically suspended and abated.
- (a) The applicant must immediately notify Regulatory Counsel's Office of the change in the Supervising Attorney's status, ~~and~~
 - (b) The suspended applicant shall have 60-days to find a replacement Supervising Attorney and have that attorney submit a new Supervising Attorney Declaration to Regulatory Counsel's Office ~~and may do so~~ without incurring any additional fees. ~~or~~
 - (c) ~~Ii~~f the suspended applicant goes beyond the 60-day period mentioned in 13.80(4)(b), then applicant must submit a new application under 13.70(1).
- ~~(4)(5)~~ The one-year term deadline established under 13.75(3)(f) shall toll and be extended by the exact number of days that applicant's license was abated under 13.80(3) or (4), up to the maximum number of days stated in the relevant rule.

13.85 Disciplinary Complaints, Program Oversight, Fees and Records

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