

OREGON STATE BAR

Board of Governors Agenda

Memo Date: December 11, 2024
From: Kellie Baumann, MCLE Program Manager and Regulatory Project Manager
Re: Bar Examiner MCLE Credit – Public Comment

Action Recommended

Submit the proposed changes amending the Bar Rules of Licensure (RL) as noted in Exhibit 1 for public comment.

Background

After discussion at the December 2024 MCLE Committee meeting, the attached language was unanimously approved to propose to the Board as a recommendation.

Discussion

Cathy Petrecca, our Member Services Manager and NLMP Coordinator informed our General Counsel of a discrepancy between how the NLMP Rules are written and how we utilize the NLMP in practice.

The NLMP was created to facilitate a new lawyer's transition into the practice of law and aims to introduce new lawyers to the high standards of integrity, professional conduct, professional competence and service to the public that are an Oregon tradition. Shortly after admission, each new lawyer (unless deferred or exempt), will be paired with an experienced lawyer who has practiced for at least five years and who has been selected by the Court for his or her commitment to ethics, professionalism and professional skills. Together, the new lawyer and the mentor will develop a curriculum of activities to introduce the new lawyer to the legal community and to the practical application of ethics, civility and professionalism.

According to the Rules, the NLMP is mandatory for each new attorney admittee who is an active member and whose principal office for the practice of law is in Oregon (see Rule 7.1 below). However, the NLMP seems to be intended to cover any lawyer who practices within Oregon, regardless of the physical location of their office. Currently, we offer mentoring to attorneys who do not have an office in Oregon but practice in Oregon (for example, we have several new lawyers being mentored in Vancouver).

To correct this discrepancy, the proposed amendments below will make the New Lawyer Mentoring Program ("NLMP") mandatory for all new lawyer admittees that practice in Oregon.

EXHIBIT 1

TITLE 7 – NEW LAWYER MENTORING PROGRAM (NLMP)

7.1 New Lawyer Mentoring Program (NLMP)

- (1) Within 28 days of admission, each new attorney admittee who is an active member that practices law in Oregon or has ~~awhose~~ principal office for the practice of law ~~is~~ in Oregon shall either:
 - (a) Enroll in the NLMP by filing an NLMP Enrollment Form with the Bar; or
 - (b) Certify to the Bar that the new attorney admittee is eligible for either an exemption from the NLMP as provided in RL 7.2(1) or a temporary deferral as provided in RL 7.2(2)(b).
- (2) Within the first three-year reporting period following admission as an active member, each new attorney admittee shall complete the requirements of the NLMP curriculum established by the Board, complete a mentoring plan, file an NLMP Completion Certificate, and pay the accreditation fee.

7.2 Exemptions and Deferrals

- (1) Exemptions.
 - (a) A new attorney admittee is exempt from the NLMP requirements if:
 - (i) The admittee has practiced law in another jurisdiction for two years or more upon admission to the Bar; or
 - (ii) The admittee defers the NLMP under subsection (2)(a) of this Rule for two or more years, ~~and~~ practices law outside the State of Oregon for two or more years, and whose principal office for the practice of law is outside of Oregon-
 - (b) The MCLE Program Manager may grant any other exemption from the NLMP requirements, with the consent of the NLMP Program Manager, for good cause shown.
 - (c) A new attorney admittee who earns \$75,000 or less annually and whose employer will not pay the NLMP fee is exempt from payment of the NLMP fee.
- (2) Deferrals.
 - (a) A new attorney admittee whose principal office is outside the State of Oregon and does not practice law in Oregon is temporarily deferred from the NLMP requirements.
 - (b) A new attorney admittee is eligible for a temporary deferral from the NLMP requirements if the new attorney admittee is not engaged in the practice of law or is serving as a judicial clerk.
 - (c) A new attorney admittee who ceases to qualify for a deferral must notify the NLMP Program Manager and enroll in the NLMP within 28 days of the change in circumstance that led to the deferral.
 - (d) The NLMP Program Manager may approve a deferral for good cause shown.