

Oregon State Bar

---

# OSB Rules of Licensure

May 1, 2025



# TABLE OF CONTENTS

Current versions of this document are maintained on [www.osbar.org](http://www.osbar.org)

<b>Title 1 – General Provisions .....</b>	<b>1</b>
1.1 Definitions.....	1
1.2 Authority.....	3
1.3 Amendments .....	3
1.4 Citation of Rules.....	3
<b>Title 2 – Licensure Status .....</b>	<b>5</b>
2.1 Licensure Statuses and Member Classifications .....	5
2.2 Change of Licensure Status .....	6
2.3 Active Pro Bono Licensure Status — Limitations and Other Requirements .....	6
2.4 Register of Members, Demographic Data, and Contact Information.....	7
<b>TITLE 3 – Administrative Suspension .....</b>	<b>9</b>
3.1 Administrative Suspension .....	9
3.2 Review of Administrative Suspension.....	9
3.3 Report of Suspension to the Court.....	9
<b>Title 4 – Fees .....</b>	<b>11</b>
4.1 Annual Membership Fees and Assessments.....	11
4.2 Fee Exemptions and Waivers .....	11
4.3 Delinquency and Suspension .....	12
<b>Title 5 – Professional Liability Coverage Requirements .....</b>	<b>13</b>
5.1 Principal Office.....	13
5.2 Active Members.....	13
5.3 Active Members Outside of Oregon.....	13
5.4 Delinquency and Suspension .....	13
<b>Title 6 – Trust Account Requirements .....</b>	<b>15</b>
6.1 Application.....	15
6.2 IOLTA Accounts.....	15
6.3 Interest-Bearing Trust Accounts .....	15
6.4 Determining Whether Funds Can Earn Net Interest.....	16
6.5 Review of Trust Accounts and Requesting Refunds .....	16
6.6 Financial Institutions .....	17
6.7 Certification of Trust Accounts .....	19
6.8 Administrative Suspension .....	19

<b>Title 7 – New Lawyer Mentoring Program (NLMP)</b> .....	<b>21</b>
7.1 New Lawyer Mentoring Program (NLMP).....	21
7.2 Exemptions and Deferrals .....	21
7.3 Mentors .....	22
7.4 Matching.....	22
7.5 NLMP Completion Certificate.....	23
7.6 Removal of NLMP Mentors .....	23
7.7 Administration of New Lawyer Mentoring Program .....	24
<b>Title 8 – Minimum Continuing Legal Education (MCLE)</b> .....	<b>25</b>
8.1 MCLE Requirements for Active Members.....	25
8.2 Additional MCLE Requirements for Recently Reinstated Members and New Attorney Admittees.....	26
8.3 Out-of-State Compliance .....	27
8.4 Reporting Period .....	28
8.5 Reports .....	29
8.6 Recordkeeping .....	29
8.7 Application of Credits.....	29
8.8 Audits of Members .....	30
8.9 Suspension for Noncompliance.....	31
8.10 Cure and Initial Review.....	31
8.11 Exemptions from MCLE Requirements .....	32
8.12 Other Waiver or Exemption, or Delayed or Substitute Compliance .....	32
8.13 Further Review.....	33
<b>Title 9 – CLE Accreditation And Monitoring</b> .....	<b>35</b>
9.1 Accreditation.....	35
9.2 Group Accreditation (Category I).....	35
9.3 Credit Hours .....	36
9.4 Fees.....	36
9.5 Sponsor Advertising .....	36
9.6 Sponsor Attendance Reporting .....	37
9.7 Independent Study.....	37
9.8 Specialized Credit Program Content Standards .....	38
9.9 [Reserved].....	39
9.10 Licensed Paralegal Specific Program Content Standards .....	39
9.11 Additional Accredited Programs.....	40
9.12 Accreditation Standards for Teaching, Writing, and Bar Service (Category II).....	41
9.13 Accreditation Standards for Other Programs (Category III).....	43

9.14 Unaccredited Activities .....	43
9.15 Audit of Sponsors.....	44
<b>Title 10 – Temporary Practice During a Justice System Emergency .....</b>	<b>45</b>
10.1 Declaration of Justice System Emergency .....	45
10.2 Temporary Pro Bono Practice .....	45
10.3 Temporary Practice by Displaced Lawyers.....	46
10.4 Disciplinary Authority and Registration Requirement.....	47
<b>Title 11 – Reinstatements.....</b>	<b>49</b>
11.1 Eligibility for Administrative or Streamlined Reinstatement .....	49
11.2 Obligations of Applicant .....	49
11.3 Application Form and Content, Burden of Proof, and Required Showings .....	50
11.4 Administrative Reinstatement.....	51
11.5 Streamlined Reinstatement.....	52
11.6 Financial Obligations .....	52
11.7 Conversion of Reinstatement Application .....	53
11.7 Temporary Reinstatement.....	54
<b>Title 12 – Resignation.....</b>	<b>55</b>
12.1 Member Resignation.....	55
<b>Rules of Licensure Map.....</b>	<b>56</b>



# Title 1 – General Provisions

## 1.1 Definitions

- (1) “Accredited CLE Activity” means an activity that provides legal or professional education to attorneys or LPs that has been accredited in accordance with these Rules.
- (2) “Admission Type” means admission of a member to the Bar as either an attorney under the Rules for Admission of Attorneys or as an LP under the Rules for Admission of Licensed Paralegals.
- (3) “Applicant” means an applicant for reinstatement to the practice of law in Oregon.
- (4) “Attorney” means a person who has been admitted to the practice of law in Oregon under the Rules for Admission of Attorneys.
- (5) “Bar” means Oregon State Bar created by the Bar Act.
- (6) “Bar Act” refers to the statutory provisions found at ORS 9.005 to 9.757.
- (7) “Bar Rules of Procedure” or “BR” means the Oregon State Bar Rules of Procedure.
- (8) “Board” means Board of Governors of the Bar.
- (9) “CLE” means continuing legal education.
- (10) “Chief Executive Officer” means the chief administrative employee of the Bar or their designee.
- (11) “Contested Reinstatement” means a proceeding in which the Bar does not favor the reinstatement to the practice of law of an attorney, a former attorney, an LP, or a former LP. Contested reinstatements are governed by the Bar Rules of Procedure.
- (12) “Disciplinary Board” means the board appointed by the Supreme Court to adjudicate disciplinary proceedings of the Bar under ORS 9.534 and contested reinstatement hearings.
- (13) “General Counsel” means the General Counsel of the Bar or their designee.
- (14) “Hour” or “Credit Hour” means 60 minutes of accredited group CLE activity or other CLE activity.
- (15) “IOLTA” or “Interest on Lawyer/LP Trust Accounts” means a lawyer/LP trust account for client funds that cannot earn interest in excess of the costs of generating such interest.
- (16) “Licensed Paralegal” or “LP” means a person who has been admitted to law practice in Oregon under the Rules for Licensing Paralegals.
- (17) “Licensure status” means the current status of a member’s Bar license.

- (18) “MCLE” means minimum continuing legal education.
- (19) “MCLE Committee” means the committee appointed by the Board to assist in the administration of MCLE.
- (20) “MCLE Program Manager” means the Bar staff member designated by the Chief Executive Officer to assist in the administration of the MCLE Program
- (21) “Member” means a member of the Bar, regardless of admission type or licensure status.
- (22) “New Attorney Admittee” means a new attorney member of the Bar, based on the date of their initial admission through the end of their first reporting period. Unless otherwise expressly stated, “New Attorney Admittee” does not include a member admitted by comity as defined in Rule for Admission.
- (23) “New Lawyer Mentoring Program” or “NLMP” means the mandatory mentoring program designed to increase the competence and professionalism of new attorney admittees in Oregon.
- (24) “NLMP Manager” means the Bar staff member designated by the Chief Executive Officer to assist in the administration of the NLMP.
- (25) “Oregon Law Foundation” means the non-profit organization created by the Oregon State Bar in 1981 to distribute IOLTA monies to fund law-related charities.
- (26) “Principal Office,” unless stated otherwise in the title or rule, means the physical location the member holds out to the public as an office where the member engages in the practice of law, whether the member engages in the practice while physically present in that location or while remote working via telephone, internet, or other electronic connection from another location.
- (27) “Professional Liability Fund” or “PLF” means the Oregon State Bar Professional Liability Fund, a fund created under ORS 9.080(2) that provides professional liability coverage to members of the Bar within Oregon in the private practice of law.
- (28) “PLF Policy” means the policies adopted by the PLF and the Board to govern the operation of the PLF, available at <https://www.osbplf.org/board/documents-resources.html>.
- (29) “Reporting period” means the period during which an active member must satisfy MCLE requirements.
- (30) “Rules for Admission of Attorneys” or “RFA” means the Oregon State Bar Rules for Admission of Attorneys.
- (31) “Rules for Licensing Paralegals” or “RLP” means the Oregon State Bar Rules for Licensing Paralegals.



- (32) “Rules of Professional Conduct” or “RPC” means the corresponding Rules of Professional Conduct for attorneys, or the Rules of Professional Conduct for Licensed Paralegals for LPs.
- (33) “Sponsor” means an individual or organization providing a CLE activity.
- (34) “State Court Administrator” means the person who holds the office created pursuant to ORS 8.110.
- (35) “Supreme Court” or “court” means the Oregon Supreme Court.
- (36) “SPRB” means State Professional Responsibility Board appointed by the Supreme Court.

## **1.2 Authority**

These “Rules of Licensure” are adopted by the Board and approved by the Supreme Court pursuant to ORS 9.006, ORS 9.542, and the inherent authority of the court. Unless otherwise noted, these rules apply to all admitted active and inactive members of the Bar, regardless of admission type, licensure type or member status.

## **1.3 Amendments**

These Rules of Licensure may be amended or repealed, and new rules may be adopted, by the Board at any regular meeting or at any special meeting called for that purpose. No amendment, repeal, or new rule shall become effective until approved by the Supreme Court.

## **1.4 Citation of Rules**

These Rules of Licensure may be referred to as the RLs and cited, for example, as RL 2.1(1).



# Title 2 - Licensure Status

## 2.1 Licensure Statuses and Member Classifications

(1) The following statuses apply to licenses issued by the Bar:

- (a) “Active” means that the license holder is either:
  - (i) Admitted to practice law in Oregon under ORS 9.220 and may practice law within Oregon pursuant to ORS 9.160 or ORS 9.241(3); or
  - (ii) Admitted as an associate member under ORS 9.241(3) as a licensed paralegal with a limited scope of practice and may engage in that practice.
- (b) “Active pro bono” means that the license holder may provide only pro bono legal services to indigent clients referred by pro bono programs certified by the Bar.
- (c) “Inactive” means that the license holder may not practice law within Oregon pursuant to ORS 9.160 or ORS 9.241(3). Suspended licenses are considered inactive.
- (d) “Resigned” means that the license holder has voluntarily given up their license under ORS 9.261 and may not practice law in Oregon under ORS 9.160 or ORS 9.241(3).
- (e) “Disbarred” means that the court has revoked the license holder’s license pursuant to ORS 9.527, and that the license holder may not practice law in Oregon under ORS 9.160 or ORS 9.241(3).

(2) Members are classified as follows:

- (a) Active attorney member: An attorney member whose license is in active status.
- (b) Active pro bono member: An attorney member whose license is in active pro bono status.
- (c) Active LP member: An active member who is admitted as an associate member under ORS 9.241(3) as an LP with a limited scope of practice.
- (d) Active pro bono LP member: An active member who is admitted as an associate member under ORS 9.241(3) as an LP with a limited scope of practice, and who may only provide certain pro bono legal services.
- (e) Inactive member: An attorney or LP member whose license is in inactive status. Members who are 65 years or older may be designated as retired but are considered inactive members.

- (3) References to “active members” in these rules refer to both active attorney members and active LP members.

## **2.2 Change of Licensure Status**

- (1) An active member may voluntarily change their licensure status to active pro bono status or inactive status at any time. Requests for such a change must be received in writing by January 31 to be assessed the fee for the new status in the current year.
- (2) Active pro bono members, inactive members, and prior members who resigned from Bar before December 1, 2019, who seek to reinstate to active or active pro bono status, must apply for reinstatement under Title 10 of these rules.

## **2.3 Active Pro Bono Licensure Status — Limitations and Other Requirements**

- (1) Limitations on Practice.

Active pro bono members shall not engage in the practice of law within Oregon, except that they may provide pro bono legal services to indigent clients referred by pro bono programs certified by the Bar; in volunteer service on the State Professional Responsibility Board or the Disciplinary Board; or as Bar counsel.

- (2) Professional Liability Coverage.

An active pro bono member who engages in the practice of law within Oregon as described in this Rule shall obtain professional liability coverage through the Professional Liability Fund or through the certified pro bono program.

- (3) Reporting.

An active pro bono member shall either:

- (a) Ensure that the certified pro bono program reports their hours to the Bar no later than April 30 of each year; or
- (b) Individually report their hours to the Bar no later than April 30 of each year.

- (4) Transfer from Out-Of-State Active Pro Bono Status.

An out-of-state active pro bono member admitted through RFA 17.05 is not eligible to transfer their status to any other status.

- (5) An active pro bono member shall be assessed a fee that is equivalent to the inactive membership fee.

## **2.4 Register of Members, Demographic Data, and Contact Information**

### **(1) Register of Members.**

The Bar shall maintain and publish a register of the enrollment of all members. The published register of members must include the member's name, Bar number, and current licensure status.

### **(2) Demographic Data.**

To evaluate disparities and impacts in the justice system in Oregon, the Bar may collect personal information and demographic information from its members or from the public during the registration of members each year and through other means. Pursuant to ORS 1.002(3)(c), any such data shall be confidential and not subject to disclosure absent a court order for good cause shown. The Bar may utilize such demographic data for its own internal purposes, including evaluating participation in Bar groups. The Bar may permit the release of this data publicly in an aggregate de-identified form as required to carry out its functions.

### **(3) Designation of Contact Information.**

Each member shall provide the Bar with a designation of a principal office address where the member can accept service and telephone number, or if no principal office address is available, a post office or residential address and telephone number. A post office address designation must be accompanied by the county and state in which the member is geographically located. Unless no other addresses are available, the bar will not make a member's home address publicly available on the membership directory. All addresses are subject to disclosure under the Oregon Public Records Law unless a member applies and is granted an exemption from the Bar's General Counsel.

### **(4) Designation of E-Mail Address.**

- (a) Each member shall provide the Bar with a designation of an e-mail address for receipt of Bar regulatory notices and correspondence.
- (b) A member may request an exemption from designating an e-mail address if their licensure status is inactive or if the member seeks a reasonable accommodation under applicable law. A member seeking an exemption as a reasonable accommodation must submit a written request to the Chief Executive Officer, whose decision on the request will be final.

### **(5) Change of Contact Information or E-mail Address.**

Each member shall promptly notify the Bar in writing when any change in their contact information or e-mail address occurs. A new designation is not effective until actually received by the Bar.



# Title 3 – Administrative Suspension

## 3.1 Administrative Suspension

A member's license may be administratively suspended for failing to comply with these Rules. The Bar may impose such a suspension automatically upon the member's failure to comply.

## 3.2 Review of Administrative Suspension

- (1) Unless otherwise noted in these Rules, a member administratively suspended under these Rules may request review of the administrative suspension by the Chief Executive Officer.
- (2) To request review, the member shall submit a written request for review of the administrative suspension to the Chief Executive Officer that describes the suspension to be reviewed and the reasons for requesting review. The member shall accompany the request with additional materials establishing compliance.
- (3) The Chief Executive Officer may vacate a decision to impose the administrative suspension if clear and convincing evidence establishes that that the member complied with these Rules, or may affirm the administrative suspension.

## 3.3 Report of Suspension to the Court

The Chief Executive Officer shall provide the names of all members suspended under these Rules to the State Court Administrator for forwarding to the justices of the Supreme Court and shall also provide the names to each of the judges of the Court of Appeals, Tax Court, and circuit courts of the state.





# Title 4 – Fees

## 4.1 Annual Membership Fees and Assessments

- (1) Members will be assessed an annual fee and other assessments as set by the Board of Governors and approved by the House of Delegates pursuant to ORS 9.191.
- (2) Members will be assessed an annual assessment for the Client Security Fund as set by the Board of Governors pursuant to ORS 9.645.
- (3) The payment due date for annual membership fees and assessments is January 31, at 11:59 p.m. PT.
- (4) Proration of Fees. The Board may establish a uniform procedure for proration of membership fees based on the date of admission to practice during the course of the year. New members have ninety (90) days from the date of admission to pay their membership fees. If a new member fails to pay the fees within the time allowed, the new member's license is administratively suspended.

*Amended by Order dated December 18, 2024, effective January 1, 2025.*

## 4.2 Fee Exemptions and Waivers

- (1) Hardship Waiver.
  - (a) The Chief Executive Officer may, each year, exempt or waive payment of annual membership fees or assessments in cases of proven extreme hardship, which must entail both extreme financial hardship and either physical or mental disability. "Extreme financial hardship" means that the member is unemployed and has no source of income other than governmental or private disability payments. The Chief Executive Officer may exempt or waive payment of annual membership fees or assessments for any of the member classifications set forth in RL 2.1(2).
  - (b) Hardship waivers may be granted for only a one-year period, and requests must be resubmitted annually on or before January 31 of the year for which the exemption is requested.
  - (c) A member seeking a request for a hardship waiver must provide documentation regarding the member's income and a physician's statement or other evidence of disability.
- (2) Civil Service-Related Waiver.
  - (a) The Chief Executive Officer, may, each year, waive or exempt annual membership fees and assessments for any member in active military service, the Peace Corps, VISTA, or other volunteer programs serving the national interest or the legal profession, and for which the member

receives only a subsistence income, stipend, or expense reimbursement that is the member's principal source of income.

- (b) Requests for service-related waivers must be received 15 days before the date that membership fees and assessments are due each year. Waivers will not be granted unless the member's service encompasses the majority of a year except in the case of military waivers, which may be granted for less than the majority of a year under special circumstances such as a war of unknown duration.

(3) Severe Disruption Waivers.

The Chief Executive Officer may take reasonable and necessary actions, including extending deadlines and waiving late fees, if national or statewide events occur that severely disrupt the normal course of business. Prior to taking action, the Chief Executive Officer will make reasonable efforts to consult with the Bar President.

### **4.3 Delinquency and Suspension**

- (1) The Board will establish a late payment penalty to be assessed on any member who is delinquent in payment of membership fees and assessments. Any member who is in default of payment of annual membership fees and assessments shall have a reasonable opportunity to cure the default, as determined by the Board.
- (2) The Chief Executive Officer shall send a notice of delinquency to each member in default at the member's e-mail address on file with the Bar on the date of the notice. The Chief Executive Officer shall send the notice by mail to any member who is not required to have an e-mail address on file with the Bar.
- (3) If a member fails to pay the fees or assessments within the time allowed to cure the default as stated in the notice, the member's license is administratively suspended automatically under RL 3.1.

# Title 5 – Professional Liability Coverage Requirements

## 5.1 Principal Office

For the purposes of this Title alone, a “principal office” is defined as set forth in the PLF Bylaws and Policies.

## 5.2 Active Members

Each active member with a principal office in Oregon, and each attorney temporarily admitted to perform legal services under RFA 13.70 who is engaged in the private practice of law with a principal office in Oregon, is required to participate in the mandatory coverage of the PLF unless otherwise exempt under PLF Policy 3.150.

## 5.3 Active Members Outside of Oregon

Each active member with a principal office outside Oregon who engages in the private practice of law within Oregon, and each attorney temporarily admitted to perform legal services who is engaged in the private practice of law in Oregon with a principal office outside Oregon, is required to obtain malpractice coverage substantially equivalent to PLF primary coverage unless otherwise exempt under the PLF Bylaws and Policies for a reason other than their principal office is not in Oregon.

*Amended by Order dated December 18, 2024, effective January 1, 2025.*

## 5.4 Delinquency and Suspension

- (1) The PLF Board of Directors will set a late payment penalty to be assessed on any member or temporarily admitted attorney who is delinquent in payment of PLF assessments. Any member or temporarily admitted attorney in default of payment of assessments will be given a reasonable opportunity to cure the default, as determined by the Board.
- (2) The Chief Executive Officer shall send a notice of delinquency to each member in default at the member’s e-mail address on file with the Bar on the date of the notice. The Chief Executive Officer shall send the notice by mail to any member who is not required to have an electronic mail address on file with the Bar.
- (3) If a member fails to pay the PLF assessment within the time allowed to cure the default as stated in the notice, the member’s license is administratively suspended automatically under Title 3.



# Title 6 – Trust Account Requirements

## 6.1 Application

This Title applies to all members described in Title 2, regardless of licensure type or membership status.

## 6.2 IOLTA Accounts

- (1) An IOLTA (Interest on Lawyer/LP Trust Account) is a trust account for client funds that cannot earn interest in excess of the costs of generating such interest (“net interest”).
- (2) All client funds shall be deposited in the member’s or law firm’s IOLTA unless a particular client’s funds can earn net interest.
- (3) An IOLTA should be maintained in the jurisdiction where the member’s principal office is situated.
- (4) An attorney not licensed within Oregon but authorized to practice within Oregon under federal jurisdiction may open an Oregon IOLTA to serve Oregon clients.
- (5) All interest earned by funds held in an Oregon IOLTA shall be paid to the Oregon Law Foundation as provided in this Title.

## 6.3 Interest-Bearing Trust Accounts

- (1) Client funds that can earn net interest shall be deposited in an interest-bearing trust account for the client’s benefit and the net interest earned by funds in such an account shall be held in trust as property of the client in the same manner as is provided in Rule of Professional Conduct 1.15-1 for the principal funds of the client.
- (2) The interest-bearing account shall be either:
  - (a) a separate account for each particular client or client matter; or
  - (b) a pooled lawyer/LP trust account with subaccounting that provides for computation of interest earned by each client’s funds and the payment thereof, net of any bank service charges, to each client.
- (3) No earnings from a lawyer/LP trust account shall be made available to a member or the member’s firm.

## 6.4 Determining Whether Funds Can Earn Net Interest

- (1) In determining whether client funds can or cannot earn net interest, the member or law firm shall consider the following factors:
  - (a) the amount of the funds to be deposited;
  - (b) the expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held;
  - (c) the rates of interest at financial institutions where the funds are to be deposited;
  - (d) the cost of establishing and administering a separate interest-bearing lawyer trust account for the client's benefit, including service charges imposed by financial institutions, the cost of the member or law firm's services, and the cost of preparing any tax-related documents to report or account for income accruing to the client's benefit;
  - (e) the capability of financial institutions, the member or the law firm to calculate and pay income to individual clients; and
  - (f) any other circumstances that affect the ability of the client's funds to earn a net return for the client.

## 6.5 Review of Trust Accounts and Requesting Refunds

- (1) Review at Reasonable Intervals.

The member or law firm shall review the IOLTA account at reasonable intervals to determine whether the client's funds may earn net interest or whether circumstances have changed that require further action.

- (2) Requesting Refunds.

- (a) If a member or law firm determines that a particular client's funds in an IOLTA account either did or can earn net interest, the member shall transfer the funds into an account specified in RL 6.3 and request a refund for the lesser of either:
  - (i) any interest earned by the client's funds and remitted to the Oregon Law Foundation; or
  - (ii) the interest the client's funds would have earned had those funds been placed in an interest-bearing account for the benefit of the client at the same bank.
- (b) The request shall be made in writing to the Oregon Law Foundation within a reasonable period of time after the interest was remitted to the Foundation and shall be accompanied by written verification from the financial institution of the interest amount.

- (c) The Oregon Law Foundation will not refund more than the amount of interest it received from the client's funds in question. The refund shall be remitted either directly to the member or law firm requesting a refund to be held in trust for the client, or to the financial institution for transmittal to the attorney member or law firm, after appropriate accounting and reporting.

## 6.6 Financial Institutions

- (1) A member or a law firm may maintain an Oregon lawyer/LP trust account only at a financial institution that:
  - (a) is authorized by state or federal banking laws to transact banking business in Oregon;
  - (b) is insured by the Federal Deposit Insurance Corporation or an analogous federal government agency;
  - (c) has entered into an agreement with the Oregon Law Foundation, as set out in paragraph (2) of this rule; and
  - (d) has entered into an overdraft notification agreement with the Bar, as set out in paragraph (3) of this rule.

- (2) Oregon Law Foundation Agreement.

The agreement between the financial institution and the Oregon Law Foundation shall require the institution to:

- (a) remit to the Oregon Law Foundation, at least quarterly, interest earned by the IOLTA account, computed in accordance with the institution's standard accounting practices, less reasonable service charges, if any; and
- (b) deliver to the Oregon Law Foundation a report with each remittance showing the following:
  - (i) the name of the member or law firm for whom the remittance is sent;
  - (ii) the number of the IOLTA account as assigned by the financial institution;
  - (iii) the average daily collected account balance or the balance on which the interest remitted was otherwise computed for each month for which the remittance is made;
  - (iv) the rate of interest applied;
  - (v) the period for which the remittance is made; and
  - (vi) the amount and description of any service charges deducted during the remittance period.

(c) For the purposes of this subsection, “service charges” are limited to the institution’s following customary check and deposit processing charges: monthly maintenance fees, per item check charges, items deposited charges and per deposit charges. Any other fees or transactions costs are not “service charges” for purposes of this subsection and must be paid by the member or law firm.

(3) Overdraft Notification Requirements.

An overdraft notification agreement between the financial institution and the Bar shall require the institution to:

(a) Report to the Bar’s Disciplinary Counsel when any properly payable instrument is presented against an account containing insufficient funds, whether or not the instrument is honored; and

(b) Provide the following information in writing to Bar’s Disciplinary Counsel, within ten banking days of the date the item was returned unpaid:

(i) the identity of the financial institution;

(ii) the identity of the member or law firm;

(iii) the account number; and

(iv) either the amount of the overdraft and the date it was created; or the amount of the returned instrument and the date it was returned.

(4) Application and Cancellation of Agreements.

(a) Agreements between financial institutions and the Oregon State Bar or the Oregon Law Foundation shall apply to all branches of the financial institution.

(b) Such agreements shall not be canceled except upon a thirty-day notice in writing to OSB Disciplinary Counsel in the case of a trust account overdraft notification agreement or to the Oregon Law Foundation in the case of an IOLTA agreement.

(5) Nothing in this rule shall preclude financial institutions that participate in any trust account overdraft notification program from charging members or law firms for the reasonable costs incurred by the financial institutions in participating in such program.



## **6.7 Certification of Trust Accounts**

- (1) Members shall certify each year to the Bar whether the member maintains any lawyer/LP trust accounts within Oregon.
- (2) The member shall provide to the Bar the financial institution maintaining each account and the account number of each account, on a form provided by the Bar.
- (3) Certifications for lawyer/LP trust accounts shall be due to the Bar by January 31, at 11:59 p.m.

## **6.8 Administrative Suspension**

- (1) If a member does not file certifications and a list of accounts as required under Rule 6.7, the Chief Executive Officer shall provide the member written notice of default and prescribe a reasonable time to cure.
- (2) Notice shall be submitted at the member's e-mail address provided to the Bar, or by mail if the member is not required to have an e-mail address.
- (3) If a member fails to file the certification and disclosures required by this section within the time allowed to cure the default as stated in the written notice of default, the member shall be administratively suspended automatically under Title 3.



# 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 who has a principal office for the practice of law 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 exclusively practices law outside the State of Oregon for two or more years.
  - (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 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.

### **7.3 Mentors**

- (1) The Supreme Court appoints NLMP mentors, upon recommendation by the Bar.
- (2) A person qualifies for appointment as a mentor if:
  - (a) The person is an active or active pro bono attorney member attorney in good standing, with at least five years of experience in the practice of law and a reputation for competence and ethical and professional conduct;
  - (b) The person is an attorney who is not a member of the Bar, but otherwise meets the requirements of subsection (2)(a) and also is a member in good standing in another United States jurisdiction and is qualified to represent clients before the Social Security Administration, the Internal Revenue Service, the United States Patent and Trademark Office, or the United States Citizenship and Immigration Services office; or
  - (c) The person is an attorney who is not a member of the Bar, but otherwise meets the requirements of subsection (2)(a) and also is in good standing in another United States jurisdiction, and is recommended by the NLMP Program Manager.

### **7.4 Matching**

- (1) The NLMP Program Manager will match new attorney admittees with NLMP mentors based principally on geography and, whenever possible, practice area interests. Upon request by the new attorney admittee and NLMP mentor, the NLMP Program Manager may consider common membership in specialty or affinity bar organizations when establishing a match. The NLMP Program Manager will notify the new attorney admittee and NLMP mentor as soon as an NLMP match is confirmed.
- (2) The NLMP Program Manager may reassign a match upon request of the new attorney admittee or NLMP mentor, if the coordinator determines a match is not effective to meet the goals of the program.
- (3) The new attorney admittee is responsible for arranging the initial meeting with the NLMP mentor, and the meeting must take place within 28 business days of the new attorney admittee's receipt of notice of the match. At the meeting, the new attorney admittee and NLMP mentor will review the elements of their mentoring plan, including the following topics:
  - (a) introduction to the legal community;

- (b) professionalism, the Oregon Rules of Professional Conduct, and cultural competence;
- (c) introduction to law office management;
- (d) working with clients;
- (e) career development through public service, Bar programs, and quality of life issues; and
- (f) practice area basic skills.

### **7.5 NLMP Completion Certificate**

- (1) Each new attorney admittee is responsible for ensuring that all requirements of the NLMP are completed.
- (2) Upon completion of the NLMP, a new attorney admittee shall file with the Bar an NLMP Completion Certificate, executed by the new attorney admittee, for accreditation by the MCLE Program Manager.
- (3) Upon successful completion of the NLMP, a new attorney admittee earns 6 general/practical skills credits, which may be applied to the MCLE requirements of their first three-year MCLE reporting period.

### **7.6 Removal of NLMP Mentors**

- (1) An NLMP mentor against whom one or more charges of misconduct have been approved for filing by the SPRB or who has been suspended for failure to respond to requests for information or records, or to respond to a subpoena, shall be removed from participation in the NLMP until such charges have been resolved by final decision or order.
- (2) If the license of an NLMP mentor is suspended as a result of a final decision or order in a disciplinary proceeding, the member may not resume service as an NLMP mentor until the NLMP mentor's license is reinstated to active status.
- (3) For the purposes of this rule, charges of misconduct include authorization by the SPRB to file a formal complaint, Disciplinary Counsel's notification to the court of a criminal conviction, and Disciplinary Counsel's notification to the court of an attorney's discipline in another jurisdiction.
- (4) Within 14 days of receipt by the Bar of notice of charges against an NLMP mentor, the NLMP Program Manager shall provide written notice to the NLMP mentor and new attorney admittee that the NLMP mentor is removed from serving as a mentor.
- (5) Within 30 days, or as soon as reasonably practical, of removal of an NLMP mentor, the NLMP Program Manager shall select a new mentor for the new attorney admittee and shall issue a notice to the new attorney admittee and new NLMP mentor as soon as a new NLMP match is confirmed.

## **7.7 Administration of New Lawyer Mentoring Program**

- (1) The Bar may establish a fee to be paid by new attorney admittees participating in the NLMP.
- (2) The Bar shall develop the NLMP curriculum and requirements, in consultation with the Supreme Court, and shall be responsible for its administration.
- (3) The NLMP Program Manager will publish an NLMP Manual consistent with NLMP curriculum developed by the Bar, to provide additional information about developing and implementing an effective mentoring plan.
- (4) The MCLE Committee may review and provide input on the NLMP Manual to the NLMP Program Manager.

# Title 8 – Minimum Continuing Legal Education (MCLE)

## 8.1 MCLE Requirements for Active Members

(1) All active members must complete the following minimum credit hours requirements of accredited CLE activity.

(a) General Requirement.

Except as provided in RL 8.2 and 8.3, and otherwise as provided in these rules, each active attorney member shall complete a minimum of 45 credit hours every three years, and each active LP member shall complete a minimum of 40 credit hours every three years.

(b) Ethics.

For all active members, at least five of the required hours shall be in programs accredited in ethics pursuant to RL 9.8(1).

(c) Abuse Reporting.

For all active attorney members, one hour shall be in programs accredited on the statutory duty to report child abuse and elder abuse under ORS 9.114 pursuant to RL 9.8(2). For active LP members, one hour shall be on the subject of an LP's duty to report child abuse or elder abuse.

(d) Mental Health and Substance Use Education.

For all active members, one hour shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect an active member's ability to practice law or represent clients pursuant to RL 9.8(3).

(e) Access to Justice.

For all active members, in alternate reporting periods, at least three of the required hours shall be in programs accredited for access to justice pursuant to RL 9.9.

(2) Additional LP Member Requirements.

All active LP members shall also complete the following minimum credit hour requirements of accredited CLE activity, which may count towards their general credit hour requirement under RL 8.1(1)(a):

(a) One hour on the administration of Interest on Lawyer/LP Trust Accounts (IOLTA).

(b) One hour on the Oregon Rules of Civil Procedure (ORCP).

- (c) One hour on the scope of licensure for licensed paralegals, as defined in Section 11 of the RLP.
- (d) Twenty-six hours of education specific to the LP's practice area for which they are licensed. An LP member with an active license permitting practice in more than one practice area must complete 26 hours of education specific to each practice area for which the LP seeks renewal of licensure.

## **8.2 Additional MCLE Requirements for Recently Reinstated Members and New Attorney Admittees**

### **(1) Recently Reinstated Members.**

- (a) Any active member who has been reinstated and whose reporting period is established in RL 8.4(3)(b) and RL 8.4(3)(c) shall complete 15 credit hours of accredited CLE activity in the first reporting period following reinstatement.
- (b) Two of the 15 credit hours shall be in ethics, and one shall be in subjects relating to mental health, substance use, or cognitive impairment as described in rule 8.1(1)(c).
- (c) For an active LP member who has been reinstated, the remaining 12 credit hours must be specific to the LP's practice area for which they are licensed.

### **(2) New Attorney Admittees.**

- (a) New attorney admittees who are active attorney members shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active attorney member.
- (b) The 15 credit hours shall include:
  - (i) One three-credit hour Bar-approved introductory course in access to justice;
  - (ii) Two credit hours in ethics;
  - (iii) One credit hour in subjects relating to mental health, substance use, or cognitive impairment that can affect an attorney's ability to practice law; and
  - (iv) Nine credit hours in practical skills, as described in RL 9.8(4).
- (c) One of the ethics credit hours must be devoted to Oregon ethics and professionalism, and four of the nine credits hours in practical skills must be devoted to Oregon practice and procedure.



- (d) An Oregon practice and procedure course must educate attorneys on practices and procedures for representing clients in Oregon and shall include discussions of at least one of the following: the Oregon Revised Statutes (ORS), the Oregon Rules of Civil Procedure (ORCP), the Oregon Administrative Rules (OAR), the Uniform Court Trial Rules (UTCR), or the Oregon Rules of Appellate Procedure (ORAP).

*Amended by Order dated December 18, 2024, effective January 1, 2025.*

### **8.3 Out-of-State Compliance.**

#### **(1) Reciprocity Jurisdictions.**

- (a) An active attorney member whose principal office for the practice of law is not in the State of Oregon and who is an active attorney member in a jurisdiction with which Oregon has established MCLE reciprocity may comply with these rules by filing a compliance report accompanied by evidence that the member is in compliance with the requirements of the other jurisdiction (generally, a certificate of compliance from the reciprocal jurisdiction) and that the attorney member has completed a child and elder abuse reporting credit required in ORS 9.114.
- (b) Payment of a \$25.00 fee is required with submission of the compliance report, for processing the comity certificate of MCLE compliance from the reciprocal state.

#### **(2) Other Jurisdictions.**

- (a) An active attorney member whose principal office for the practice of law is not in the State of Oregon and is not in a jurisdiction with which Oregon has established MCLE reciprocity must file a compliance report showing that the attorney member has completed at least 45 hours of accredited CLE activities as required by Rule 8.1.
- (b) The attorney member shall attach to the compliance report evidence that the attorney member has met the requirements under Rule 8.1 with courses accredited in any jurisdiction.

#### **(3) Proof of Oregon Compliance.**

- (a) An active member whose principal office for the practice of law is in the State of Oregon who needs to file proof of Oregon MCLE compliance in another state may request a comity certification of Oregon MCLE compliance from the MCLE Program Manager.
- (b) An active member shall be required to pay a \$25.00 fee before the certificate will be issued.

## 8.4 Reporting Period

(1) Active Attorney Members.

All active attorney members shall have three-year reporting periods, except as provided in paragraphs (2) and (4) of this rule.

(2) New Attorney Admittees and New Attorney Admittees Admitted by Comity.

(a) The first reporting period for a new attorney admittee who is an active attorney member shall start on the date of admission as an active attorney member and shall end on April 30 of the next calendar year. All subsequent reporting periods shall be three years.

(b) The first reporting period for a new attorney admittee admitted by comity who is an active attorney member and who has been actively engaged in the authorized fulltime practice of law for no less than 24 of the 48 months immediately prior to admission in Oregon begins on May 1 the year following admission and ends on April 30 three years later. All subsequent reporting periods also shall be three years.

(3) Active LP members.

The first reporting period for a new active LP member shall start on May 1 the year following admission and shall end on April 30 three years later. All subsequent reporting periods also shall be three years.

(4) Recently Reinstated Active Members.

(a) A member who transfers to inactive or active pro bono status, or whose license is suspended or has resigned and who is reinstated as an active member before the end of the reporting period in effect at the time of the initial status change, shall retain the member's original reporting period, and these rules shall apply as though the transfer, suspension, or resignation had not occurred.

(b) Except as provided in RL 8.4(4)(a), the first reporting period for a member who is reinstated as an active member following a transfer to inactive or active pro bono status shall start on the date of reinstatement and shall end on April 30 of the next calendar year.

(i) All subsequent reporting periods shall be three years.

(ii) Members under this subsection shall not be required to fulfill the requirement of compliance during the member's inactive licensure status.

(iii) No credits obtained during the member's inactive or active pro bono licensure status shall be carried over into the next reporting period.

- (c) Notwithstanding subsection (4)(a) and (4)(b) of this Rule, reinstated members who did not submit a completed compliance report for the reporting period immediately prior to their transfer to inactive or active pro bono licensure status will be assigned a new reporting period upon reinstatement. The new reporting period shall begin on the date of reinstatement and shall end on April 30 of the next calendar year. All subsequent reporting periods shall be three years.

## **8.5 Reports**

- (1) Each active member shall electronically certify and submit a completed compliance report on or before May 31 of the year the member's reporting period ends.
- (2) The Bar will assess a late fee for failure to file a completed compliance report by the filing deadline.

## **8.6 Recordkeeping**

- (1) Each active member shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of 12 months after the end of the member's reporting period.
- (2) If the MCLE Program Manager has requested an audit of an active member's compliance report, the member shall maintain records of participation in CLE activities until the conclusion of the audit.
- (3) The MCLE Program Manager may maintain records of active members' participation in CLE activities as necessary to verify compliance with the MCLE requirement.

## **8.7 Application of Credits**

- (1) Application of Accredited Hours.
  - (a) Active members may credit an unlimited number hours earned through Group CLE Activities, known as Category I (as established in RL 9.2) to their requirements for MCLE compliance.
  - (b) For Category II hours earned through teaching, writing and Bar service (as established in RL 9.12), active attorney members may only credit 20 hours, and active LP members may only credit 12 hours in a three-year reporting period.

- (c) For Category III hours earned for other educational activities (as established in RL 9.13), active attorney members may only credit 6 hours, and active LP members may only credit 5 hours in a three-year reporting period.
  - (d) If an active member's reporting cycle is shorter than three years, the active member may credit only half of the number of hours allowed in a three-year reporting period for Category II and III activities.
- (2) An active member may apply the following credits, when completed in a reporting period in excess of the minimum required, to the practical skills requirement:
- (a) legal ethics;
  - (b) access to justice;
  - (c) child and elder abuse reporting;
  - (d) IOLTA administration;
  - (e) Oregon Rules of Civil Procedure education;
  - (f) LP scope of license education; and
  - (g) mental health and substance use education.
- (3) The Bar will apply the following credits, when completed in a reporting period, toward the member's total minimum credit requirement:
- (a) general credit hours;
  - (b) practical skills;
  - (c) specialty credits listed in Rule 8.7(1); and
  - (d) family law and landlord-tenant practice area credit hours for LP-practice area programs attended by active attorney members.
- (4) A credit hour cannot be applied to both the practical skills requirement and the ethics requirement.
- (5) An active attorney member may carry forward 15 or fewer unused credit hours from the reporting period during which the credit hours were earned to the next reporting period. An active LP member may carry forward 10 or fewer unused credit hours from the reporting period during which the hours were earned to the next reporting period.

## **8.8 Audits of Members**

- (1) The Bar may audit compliance reports selected due to facial defects or by random selection or other appropriate method.
- (2) The Bar may request and review records of participation in CLE activities reported by members.

- (3) Failure to substantiate participation in CLE activities in accordance with these rules after request by the Bar will result in disallowance of credits for the CLE activity and assessment of a late filing fee.
- (4) The MCLE Program Manager shall refer members to the Bar's Disciplinary Counsel for further action for potential ethical violations.

### **8.9 Suspension for Noncompliance**

- (1) The following are grounds for a determination of noncompliance with the MCLE Requirements set out in this Title:
  - (a) Failure to complete the MCLE requirement for an applicable reporting period.
  - (b) Failure to electronically certify and timely submit a completed compliance report.
  - (c) Failure, upon request by the MCLE Program Manager, to provide sufficient records of participation in CLE activities to substantiate credits reported.
- (2) The Chief Executive Officer shall provide written notice to a member found noncompliant. The notice shall set out a reasonable time to either request review of the noncompliance finding or to cure the noncompliance, and shall state the amount of any late fee must be paid by that time. The notice shall be sent to the member's e-mail address on file with the Bar or, for any member not required to have an e-mail address on file with the Bar, to that member's mailing address on file with the Bar.
- (3) If the member fails to cure the noncompliance as required and pay the late fee within the time allowed to cure as stated in the notice, the member's license is administratively suspended automatically under Title 3. If the member thinks the suspension is in error, the member may request review of the suspension under RL 3.2

### **8.10 Cure and Initial Review**

- (1) Noncompliance for failure to comply with the MCLE requirements set out in this Title can be cured by performance of the following actions no later than the deadline set out in the notice of noncompliance:
  - (a) Completing the credit hours necessary to satisfy the unfulfilled requirement for the applicable reporting period;
  - (b) Electronically certifying and submitting the completed compliance report; and
  - (c) Paying the late filing fee specified.

- (2) Noncompliance for failure to comply as described in RL 8.9(1)(c) may be cured by providing the MCLE Program Manager with any requested records, together with the late fee, no later than the deadline set forth in the notice of noncompliance.
- (3) Credit hours applied to a previous reporting period for the purpose of curing noncompliance may be used for only that purpose and may not be used to satisfy the MCLE requirement for any other reporting period.
- (4) If the MCLE Program Manager determines that a member's noncompliance has been cured, then the Manager shall notify the member that the member has complied with the MCLE requirements for the applicable reporting period. Curing noncompliance does not prevent subsequent audit and action under this Title.
- (5) If a member believes that an error has been included in the notice of noncompliance or an error otherwise made in the automatic administrative suspension of the member's license, the member may request a review by the Chief Executive Officer under RL 3.2.

### **8.11 Exemptions from MCLE Requirements**

- (1) Active pro bono members and inactive members are exempt from compliance with the MCLE requirements under this Title.
- (2) An active member serving as Governor, Secretary of State, Commissioner of the Bureau of Labor and Industries, Treasurer, or Attorney General during all or part of a reporting period must complete the MCLE requirements in the categories of ethics, access to justice, and abuse reporting during the applicable reporting periods. Such a member is otherwise exempt from any other credit requirements during the reporting period in which the member serves.

### **8.12 Other Waiver or Exemption, or Delayed or Substitute Compliance**

- (1) Upon written request of a member, the MCLE Program Manager may waive, grant an exemption from, or permit substitute or delayed compliance with any requirement set out in this Title. The request shall state the reason for the request and describe a continuing legal education plan tailored to the member's particular circumstances.
- (2) The MCLE Program Manager may grant a request upon a finding that hardship or other special circumstances makes compliance impossible or inordinately difficult, or the requested waiver, exemption, or substitute or delayed compliance is not inconsistent with the purposes of the MCLE requirements.

### **8.13 Further Review**

- (1) A decision affecting any active member made by the MCLE Program Manager under this Title, but not including an administrative suspension of a member's license, is final, unless a request for review is filed within 21 days after notice of the decision is issued. If a member requests review, the member has a right, on request, to be heard at a hearing.
- (2) To request review, the active member shall submit a written request to the MCLE Program Manager that describes the decision to be reviewed and the reasons for requesting review, and also, if the member wishes to exercise the right to be heard, a request for a hearing.
- (3) The MCLE Committee shall review the matter requested at its next regular meeting. If the member has requested a hearing, the MCLE Committee must provide, at least 14 days before the meeting at which the request for review will be considered, notice of the date, time, and place of its meeting. The hearing to be conducted as part of the meeting shall be informal.
- (4) On review, the MCLE Committee shall have authority to take whatever action, consistent with these rules, is deemed proper. The MCLE Program Manager shall notify the member or sponsor in writing of the decision on review and the reasons therefor.
- (5) If the decision on review is upheld by the MCLE Committee, the affected member may, within 21 days of the issuance of the MCLE Committee's decision, submit a written request to the Chief Executive Officer asking the Board to review that decision. Upon receipt of such a letter, the Board shall review the MCLE Committee's decision at their next regular meeting. The decision of the Board shall be final.





# Title 9 – CLE Accreditation And Monitoring

## 9.1 Accreditation

- (1) Any program seeking accreditation must be offered by a sponsor having substantial, recent experience in offering continuing legal education or by a sponsor that can demonstrate ability to organize and effectively present continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, and supervision of the activity.
- (2) Any program seeking accreditation must be primarily intended for presentation to multiple participants, including but not limited to live programs, video and audio presentations (including original programming and replays of accredited programs), satellite broadcasts, and on-line programs.
- (3) Any program seeking accreditation must include the use of thorough, high-quality written materials, unless the Bar determines that the activity has substantial educational value without written materials.
- (4) Any program seeking accreditation must have no attendance restrictions based on age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, socioeconomic status, immigration status, marital, parental or military status or other classification protected by law, except as may be permitted upon application from a provider or member, where attendance is restricted due to applicable state or federal law.
- (5) In addition to complying with the rules of this Title, any program seeking accreditation must also follow the standards and guidelines set forth by the Board for CLE accreditation.
- (6) All sponsors shall permit the MCLE Program Manager or a committee person of the MCLE Committee to audit the sponsor's CLE activities without charge for purposes of monitoring compliance with MCLE requirements. Monitoring may include attending CLE activities, conducting surveys of participants, verifying attendance of registrants, and reviewing sponsor advertising activities and communications with members.

## 9.2 Group Accreditation (Category I)

- (1) A group CLE program will be considered for accreditation on a case-by-case basis and must satisfy the accreditation standards for the particular type of program for which accreditation is being requested.

- (2) An application for accreditation of a group CLE program shall be accompanied by payment of the application fee. An additional program application and fee is required for a repeat live presentation of a group CLE program.
- (3) An application for accreditation of a group CLE program must be electronically submitted no later than 30 days after the original program date for live programs and no later than 30 days after the production date for recorded programs. An application received more than 30 days after the original program date (live programs) or production date (recorded programs) is subject to a late processing fee.
- (4) The MCLE Program Manager may revoke the accreditation of a program at any time if it determines that the accreditation standards were not met for the program. Notice of revocation shall be sent to the sponsor of the program.
- (5) Accreditation of a CLE activity obtained by a sponsor or an active member shall apply for all active members participating in the program.
- (6) A sponsor or individual active member may apply for accreditation of a group CLE program by filing a written application for accreditation with the MCLE Program Manager. The application must demonstrate compliance with the standards contained within this Title.

### **9.3 Credit Hours**

- (1) Credit hours shall be assigned in multiples of one-quarter of an hour.
- (2) Only CLE program that meet the accreditation standards shall be included in computing total CLE credits. Activities such as registration, non-substantive remarks, breaks, and business meetings will be excluded from credit calculations.
- (3) Programs less than 30 minutes in length will be excluded from credit calculations.

### **9.4 Fees**

The Board will set forth in its standards and regulations any applicable fees and costs to be charged to sponsors and members seeking accreditation of MCLE Programs.

### **9.5 Sponsor Advertising**

- (1) Only sponsors of accredited group CLE programs may include in their advertising the accredited status of the program and the credit hours assigned.
- (2) Advertisements by sponsors of accredited CLE programs shall not contain any false or misleading information.
- (3) Advertisements may list the number of approved credit hours. If approval of accreditation is pending, the advertisement shall so state and may list the number of CLE credit hours for which application has been made.

- (4) If a sponsor includes in its advertisement the number of credit hours that a member will receive for attending the program, the sponsor must have previously applied for and received MCLE accreditation for the number of hours being advertised.

## **9.6 Sponsor Attendance Reporting**

- (1) Within 30 days of a member's attendance of a live accredited CLE program, or screening of a recorded accredited CLE program, the sponsor must either:
  - (a) Post the credits earned by the member onto the active member's MCLE Transcript via the attendance posting portal on the OSB's website; or
  - (b) Electronically submit an attendance report to the MCLE Program Manager via the attendance reporting portal on together with payment of the credit processing fee.
- (2) The attendance report must include the following:
  - (a) sponsor name;
  - (b) program title;
  - (c) event ID number as indicated in the program database on the Bar's website;
  - (d) original program date;
  - (e) first and last name of each member who earned credits from the program;
  - (f) Bar number of each member listed;
  - (g) number and types of credits earned by each member; and
  - (h) date of credit completion for each member.

## **9.7 Independent Study**

A member may earn credit through independent screening or viewing of programs originally presented to live group audiences, or through online programs designed for presentation to a wide audience. An attorney who is licensed in a jurisdiction that allows credit for reading and successfully completing an examination about specific material may use such credits to meet the Oregon requirement. No credit will be allowed for independent reading of material selected by a member except as part of an organized and accredited group program.

## 9.8 Specialized Credit Program Content Standards

(1) Ethics.

To be accredited as a program in ethics, a program shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, rules of professional conduct, or statements of professionalism.

(2) Child and Elder Abuse Reporting.

To be accredited as a program in child or elder abuse reporting, a program must be devoted to an attorney's or LP's statutory duty to report child abuse and elder abuse. The program must include discussion of a member's requirements to report child abuse or elder abuse, and the exceptions to those requirements.

(3) Mental Health and Substance Use.

To be accredited as a program in mental health and substance use, a program must be devoted to educating members about mental health in relation to legal practice or to the causes, detection, response, treatment, or prevention related to substance use related in relation to legal practice.

(4) Practical Skills.

(a) A practical skills program is one that includes courses designed primarily to instruct new attorney admittees in the methods and means of the practice of law, including instruction in the practice of law generally, instruction in the management of a legal practice, and instruction in particular substantive law areas designed for new practitioners.

(b) A CLE course on any subject matter can contain as part of the curriculum a portion devoted to practical skills.

(c) The sponsor shall designate those portions of any program which it claims is eligible for practical skills credit.

(5) Access to Justice.

(a) To be accredited as a program in access to justice, a program shall be directly related to the practice of law and designed to educate members to identify and eliminate from the legal profession, from the provision of legal services, and from the practice of law barriers to access to justice arising from biases against persons because of age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

- (b) To be accredited as an introductory course in access to justice for newly admitted attorneys, as required by RL 8.2(2)(b)(i), the three-hour program must the requirements of this Rule and must substantially provide education on three of the areas of biases set out in subsection (a) of this Rule.
- (c) A program is eligible for accreditation as an access to justice program even if it is limited to a discussion of substantive law, provided the substantive law relates to access to justice issues involving age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.
- (d) Access to justice programming should be guided by these three principles:
  - (i) Promoting accessibility by eliminating systemic barriers that prevent people from understanding and exercising their rights;
  - (ii) Ensuring fairness by delivering fair and just outcomes for all parties, including those facing financial and other disadvantages; and
  - (iii) Addressing systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard.
- (e) The presenters of access to justice and introductory access to justice programs should have qualifications in the topic being presented through lived experience, professional experience, or substantial training on the topic.

(6) Fractional Credit.

A fractional portion of a program may be accredited for ethics and access to justice, if the applicable content of the program is clearly defined.

## **9.9 [Reserved]**

## **9.10 Licensed Paralegal Specific Program Content Standards**

(1) IOLTA.

To be accredited as IOLTA administration education, a program must be devoted to topics related to the administration of IOLTA accounts, such as understanding the types of lawyer/LP trust accounts, the rules governing lawyer/LP trust accounts in Oregon, how to open and close trust accounts, how to transfer funds into and out of trust accounts, and how to identify and reduce of liability risks arising from mismanagement of trust accounts.

(2) Oregon Rules of Civil Procedure.

To be accredited as Oregon Rules of Civil Procedure education, a program must be devoted to the ORPCs and include topics such as recent updates to the ORPCs and practical applications of the ORPCs in family law or landlord-tenant related matters.

(3) Scope of Licensure.

To be accredited as Scope of License education, a program must be devoted to the parameters of the scope of license of LPs as defined in Section 11 of the RLPs, including the parameters within which LPs are authorized to practice law, the types of matters in which LPs are permitted to provide legal advice and representation, and the practical identification of mandatory referral scenarios.

(4) Family Law.

To be accredited as family law practice area education, a program must be devoted to substantive and practical education in Oregon family law and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, modifications, and remedial contempt.

(5) Landlord-Tenant.

To be accredited as landlord-tenant law practice area education, a program must be devoted to substantive and practical education in Oregon landlord-tenant law, and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as residential rental agreements, amendments to residential rental agreements, eviction notices, notices of intent to enter rental property, rent increases, violations, security deposit accountings, and evictions.

## **9.11 Additional Accredited Programs**

(1) Attending Classes.

(a) Attending a class at an ABA or AALS accredited law school may be accredited as a CLE program.

(b) Attending other classes may also be accredited as a CLE program, provided the activity satisfies the following criteria:

(i) the content of the activity is in compliance with other MCLE accreditation standards;

(ii) the class is a graduate-level course offered by a university; and

(iii) the university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

(2) Legislative Service.

General credit hours may be earned for service as a member of the Oregon Legislative Assembly while it is in session.

(3) NLMP Mentor Service.

An attorney member who serves as a mentor in the NLMP may earn a total of 8 total CLE credits, including 2 ethics credits and 6 general credits during the three-year reporting cycle. If an attorney member serves as a mentor for more than one new attorney in the NLMP, the member may claim up to 16 total credits, including 4 ethics credits, during the three-year reporting cycle. If another attorney assists with the NLMP completion, the mentoring credits must be apportioned between the attorney members in a proportionate manner agreed upon by the NLMP mentors. The mentor may claim these credits in either the same reporting period that their mentee files a NLMP Completion Certificate or the reporting period immediately succeeding.

(4) Other Professionals.

Participation in an educational activity offered primarily to or by other professions or occupations may be accredited as a CLE program if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards. The MCLE Program Manager may accredit the activity for fewer than the actual activity hours if the MCLE Program Manager determines that the subject matter is not sufficient to justify full accreditation.

## **9.12 Accreditation Standards for Teaching, Writing, and Bar Service (Category II)**

(1) Teaching Activities.

- (a) Credit may be claimed for teaching accredited continuing legal education programs or for teaching courses in ABA or AALS accredited law schools.
- (b) Credit may be claimed for teaching other courses, provided the activity satisfies the following criteria:
  - (i) The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE content standards;
  - (ii) The course is a graduate-level course offered by a university; and
  - (iii) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.
- (c) Credit may not be claimed by an active member whose primary employment is as a full-time or part-time law teacher, but may be claimed by an active member who teaches on a part-time basis in addition to the member's primary employment.

(d) No credit may be claimed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined by the MCLE Program Manager.

(2) Legal Research and Writing.

(a) Credit for legal research and writing activities, including the preparation of written materials for use in a teaching activity, may be claimed provided the activity satisfies the following criteria:

(i) The activity deals primarily with one or more of the types of issues for which a Category I Program may be accredited;

(ii) The activity has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee or a final instruction of the Uniform Civil Jury Instructions Committee or the Uniform Criminal Jury Instructions Committee, personally authored or edited in whole or in substantial part, by the applicant; and

(iii) The activity is not performed in the regular course of the active member's primary employment.

(b) The number of credit hours shall be determined by the MCLE Program Manager, based on the contribution of the written materials to the professional competency of the applicant and other attorneys.

(3) Service as a Bar Examiner.

Credit may be claimed for service as a bar examiner for Oregon, provided that the service includes personally writing or grading a question for the Oregon Bar exam, personally writing a question for the paralegal licensing exam, or personally grading a portfolio for the SPPE Program during the reporting period.

(4) Legal Ethics Service.

Credit may be claimed for serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Oregon Judicial Conference Judicial Conduct Committee, State Professional Responsibility Board, or Disciplinary Board, or for serving as volunteer Bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings.

(5) Credit for Committee and Council Service.

Credit may be claimed for serving on committees that are responsible for drafting court rules or jury instructions that are designed to aid the judicial system and improve the judicial process. Examples include service on the Oregon State Bar Uniform Civil Jury Instructions Committee, Uniform Criminal Jury Instructions Committee, Oregon Council on Court Procedures, Uniform Trial Court Rules Committee, the Oregon Rules of Appellate Procedures Committee, and the District of Oregon Local Rules Advisory Committee.



(6) Service as a Judge Pro Tempore.

Credit may be claimed for volunteer service as a judge pro tempore.

### **9.13 Accreditation Standards for Other Programs (Category III)**

(1) Personal Management Assistance.

Credit may be claimed for programs that deal with personal self-improvement, provided the MCLE Program Manager determines the self-improvement relates to professional competence as an attorney.

(2) Other Volunteer Activities.

Credit for volunteer activities for which accreditation is not already available pursuant to this Title may be claimed provided the MCLE Program Manager determines the primary purpose of such activities is the provision of legal services or legal expertise.

(3) Business Development and Marketing Programs.

Credit may be claimed for courses devoted to business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practice.

### **9.14 Unaccredited Activities**

(1) The following activities and programs shall not be accredited:

- (a) Activities and programs that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as an attorney.
- (b) Activities and programs designed primarily to sell services or equipment.
- (c) Video or audio presentations of a CLE program originally conducted more than three years prior to the date viewed or heard by the member seeking credit, unless it can be shown by the member that the activity has current educational value.
- (d) Repeat live, video, or audio presentations of a CLE program for which the active member or active LP member has already obtained MCLE credit.

### **9.15 Audit of Sponsors**

- (1) The MCLE Program Manager may audit sponsors of CLE programs for compliance with these Rules.
- (2) The MCLE Program Manager may request materials and information related to the sponsor's CLE programs and accreditation application during an audit. If a sponsor declines to comply with the MCLE Program Manager's requests for materials and information during an audit, the MCLE Program Manager may revoke or withhold accreditation of the sponsor's CLE programs.
- (3) The MCLE Program Manager may revoke accreditation of any CLE program or withhold accreditation of future CLE programs if the audit determines the sponsor is not compliant with these Rules and MCLE Regulations.
- (4) A sponsor may seek review of the MCLE Program Manager's decision to withhold or revoke accreditation under this Title with the MCLE Committee by written request. The decision of the MCLE Committee is final.

# Title 10 – Temporary Practice During a Justice System Emergency

## 10.1 Declaration of Justice System Emergency

- (1) This rule applies when the Supreme Court has issued an order declaring a justice system emergency, based on the following circumstances:
  - (a) A natural or other major disaster has substantially disrupted the justice system in Oregon or in another jurisdiction (after the highest court of that jurisdiction has made such a determination); and
  - (b) As a result of that disaster:
    - (i) Oregon residents or displaced persons from another jurisdiction who are residing in Oregon are in need of legal services that cannot reasonably be provided by active attorney members and active pro bono members alone; or
    - (ii) lawyers licensed in the other jurisdiction are displaced and unable to practice law in the other jurisdiction.

## 10.2 Temporary Pro Bono Practice

- (1) Following the Supreme Court's declaration of a justice system emergency as described in RL 10.1, an attorney who is authorized to practice law in another United States jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon, as follows:
  - (a) On a temporary basis;
  - (b) To persons in need of legal services as a result of the disaster;
  - (c) Under a pro bono arrangement, without the payment of compensation, the expectation of compensation, or any other direct or indirect pecuniary gain to the attorney.
- (2) The temporary pro bono practice described in this rule must be performed under the auspices of an established not-for-profit bar association, pro bono program, or legal services program, or through organization(s) specifically designated by the Bar or the court.

### 10.3 Temporary Practice by Displaced Lawyers

- (1) Following the Supreme Court's declaration of justice system emergency as described in RL 10.1, an attorney who is authorized to practice law and whose principal office is in an affected jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon on a temporary basis to any client, provided that the legal services arise out of or are reasonably related to the attorney's practice in the other jurisdiction.
- (2) Duration of Authority for Temporary Practice.
  - (a) The authority to practice law in Oregon granted by this Title shall end when the court determines that the disruption of the justice system in this or the other jurisdiction has ended, and issues an order to that effect.
  - (b) Once the court issues an order to the effect that the disruption has ended, attorneys practicing under such authority shall not accept any new clients or matters.
  - (c) Notwithstanding the termination of authority, an attorney then representing a client with a legal matter pending in Oregon is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation.
  - (d) The authority to practice law in Oregon granted by this Title shall end 60 days after the court issues an order to the effect that the disruptions caused by the major disaster in the affected jurisdiction have ended.
- (3) Court Appearances.
  - (a) The authority granted by this Title does not include appearances in court, except as:
    - (i) Pursuant to the Uniform Trial Court Rules, if such authority is granted, any applicable fees for Bar admission shall be waived; or
    - (ii) Pursuant to an order of the Supreme Court making any determination under this rule that grants authorization to attorneys providing legal services pursuant to this Title to appear in all or certain designated courts of Oregon. If such an authorization is ordered, any applicable pro hac vice admission fees shall be waived.

#### **10.4 Disciplinary Authority and Registration Requirement**

- (1) An attorney providing legal services in Oregon under this Title is subject to the Oregon Supreme Court's disciplinary authority and the Oregon Rules of Professional Conduct, as provided in RPC 8.5.
- (2) An attorney providing legal services in Oregon under this Title shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Appellate Court Administrator and the Bar, in a form prescribed by the court.
- (3) An attorney providing legal services under this Title shall not be considered to be engaged in the unlawful practice of law in Oregon.
- (4) A lawyer authorized to practice law in another United States jurisdiction providing legal services under this Title shall inform clients in Oregon of the jurisdictional limits of their practice authority, including that they are not authorized to practice law in Oregon except as permitted by this Title, and shall not state or imply to any person that they are otherwise authorized to practice law in Oregon.



# Title 11 – Reinstatements

## 11.1 Eligibility for Administrative or Streamlined Reinstatement

- (1) An applicant may apply for administrative reinstatement to active status under RL 11.4 and other provisions of this Title if the applicant has been administratively suspended for six months or less for failing to comply with their regulatory requirements under RL 3.1.
- (2) An applicant may apply for streamlined reinstatement to active status under RL 11.5 and other provisions of this Title if they meet any of the following criteria:
  - (a) the applicant voluntarily transferred their licensure status to inactive or active pro bono status, and currently remains in that voluntary status;
  - (b) the applicant's license has been administratively suspended under RL 3.1 for failure to comply with their regulatory requirements and has remained suspended for less than 10 years, but more than six months, prior to the date of application for reinstatement; or
  - (c) the applicant resigned under BR 9.1 prior to December 1, 2019, and has remained resigned or their license has remained administratively suspended for less than 10 years since they were last an active member.
- (3) An applicant must apply for reinstatement to active status under Title 8 of the Bar Rules of Procedure if the applicant:
  - (a) has not practiced law or completed continuing legal education courses in any jurisdiction for more than 10 years; or
  - (b) is not otherwise eligible for reinstatement under RL 11.1(1) or (2).

## 11.2 Obligations of Applicant

- (1) An applicant seeking reinstatement under this Title shall:
  - (a) Report promptly any changes, additions, or corrections to information provided in the application; and
  - (b) Cooperate and comply with requests from the Bar, including responding to a lawful demand for information and executing releases necessary to obtain information and records from third parties.
- (2) The Bar will not consider any application for reinstatement, or any issues related to reinstatement, until the applicant submits a complete application and pays the required application fee and any other applicable financial obligation set out in this Title.

### 11.3 Application Form and Content, Burden of Proof, and Required Showings

- (1) An applicant seeking reinstatement under this Title must submit an application on a form created by the Bar. The form shall provide an opportunity for the applicant to make the required showings and shall include any declaration required by this Rule.
- (2) An applicant has the burden to establish their required showings for reinstatement under this Rule by clear and convincing evidence.
- (3) An applicant shall provide employment and residential history during the entire period of their inactive status.
- (4) Required Showings.

(a) Character and Fitness.

An applicant must show, by clear and convincing evidence, that they have good moral character and general fitness required to practice law in Oregon, and that their resumption of the practice of law in Oregon will not be detrimental to the administration of justice or the public interest.

(b) Learning and Ability.

An applicant must show, by clear and convincing evidence, that they have the requisite learning and ability to practice law in Oregon.

- (i) In determining whether an applicant has satisfied the burden of proof, the Bar may consider the length of time since the applicant was an active member of the Bar; whether and when the applicant has practiced law in Oregon; whether the applicant practiced law in any other jurisdiction since they were an active member in Oregon; and whether the applicant has participated in continuing legal education activities.
- (ii) If the application indicates that the applicant does not have the requisite learning and ability, the Bar may request the applicant provide further evidence to show learning and ability.
- (iii) The Bar may require an applicant to show the requisite learning and ability by taking the following minimum continuing legal education credits, as set out in subsections (iv) through (v) of this Rule.
- (iv) An applicant who has not practiced law or completed continuing legal education courses in any jurisdiction in each of the time ranges set out below will be required to complete the corresponding minimum number of continuing legal education credits also set out below:
  - (A) For more than two, but less than four years, 15 credits;
  - (B) For more than four, but less than six years, 30 credits of continuing legal education;



- (C) For more than six, but less than eight years, 45 credits of continuing legal education; and
  - (D) For more than eight, but less than 10 years, 60 credits.
  - (v) An applicant who was an active member for at least two years prior to their application and has resigned their license or has their license in inactive status for two or fewer years may not be required to complete any continuing legal education if they have been engaged in the practice of law full time in another jurisdiction for no less than 24 of the 48 months immediately preceding their application.
  - (c) If an applicant's license is administratively suspended, the applicant must show that they have complied with the regulatory obligation(s) that caused their suspension and with any other outstanding regulatory obligations.
- (5) Declarations.
- (a) An applicant must submit a declaration affirming that they did not engage in the practice of law, except where authorized to do so, when the applicant's license was in inactive status. If an applicant cannot do so, the applicant shall provide a statement about the conduct in question, which the Bar will refer to Disciplinary Counsel's Office for investigation. An applicant who provides such a statement may be reinstated unless the decisionmaker under this Title finds that there is a reasonable belief that reinstatement may be detrimental to the administration of justice or the public interest.
  - (b) An applicant must submit a declaration affirming that they have complied with all their regulatory obligations.
- (6) The Chief Executive Officer may develop policies and procedures for conducting character and fitness investigations under this rule. Any investigation shall be at the direction of the Chief Executive Officer.

#### **11.4 Administrative Reinstatement**

- (1) An applicant who qualifies under RL 11.1(1) may seek reinstatement under this rule, as described in RL 11.3.
- (2) An applicant under this rule shall pay a \$150 fee when submitting their application for each administrative suspension that they must cure, in addition to any outstanding financial obligations under this Title.
- (3) The Chief Executive Officer may reinstate an applicant under this Rule who has made the required showings under RL 11.3(4). Based on their findings, the Chief Executive Officer may reinstate the applicant, conditionally reinstate the applicant, or deny the reinstatement. The Chief Executive Officer may also request the applicant submit additional information to establish the required showings. If additional information is required from the applicant, the Chief Executive Officer may defer making a decision on the application until the information is provided by the applicant.

- (a) If the Chief Executive Officer reinstates the applicant conditionally , the Bar shall notify the Oregon Supreme Court of that decision and copy the applicant.
- (b) If the Chief Executive Officer denies the reinstatement, the applicant may file a petition to review that adverse recommendation under BR 8.8.

### **11.5 Streamlined Reinstatement**

- (1) An applicant who qualifies under RL 11.1(2) may seek reinstatement under this Rule, as described in RL 11.3.
- (2) An applicant under this Rule shall pay a \$300 fee when submitting their application, in addition to any outstanding financial obligations under this Title. The fee shall be waived for an applicant seeking reinstatement from inactive status to pro bono status.
- (3) The Chief Executive Officer may reinstate an applicant who has made the required showings under RL 11.3(4). Based on their findings, the Chief Executive Officer may reinstate the applicant, conditionally reinstate the applicant, or deny the reinstatement. The Chief Executive Officer may also request the applicant submit additional information to establish the required showings. If additional information is required from the applicant, the Chief Executive Officer may defer a decision on an application until the information is provided by the applicant.
  - (a) If the Chief Executive Officer conditionally reinstates the applicant, the Bar shall notify the Oregon Supreme Court of that decision and copy the applicant.
  - (b) If the Chief Executive Officer denies the reinstatement, the applicant may file a petition to review that adverse recommendation under BR 8.8

### **11.6 Financial Obligations**

- (1) In addition to any applicable application fee, an applicant seeking reinstatement under this Title shall pay the following to the Bar, at the time the application of reinstatement is filed:
  - (a) Any past due assessments, fees, and penalties owed to the Bar for prior years. If the status from which the member is seeking reinstatement did not require an annual membership fee be paid to the Bar, then the Bar shall collect \$100 for each year the member remained in that status.
  - (b) Membership fees and assessments for the calendar year in which the application for reinstatement is filed. Any membership fees and assessments (absent late penalties) already paid by the applicant at the start of the calendar year may be deducted.

- (c) Any assessment to the Professional Liability Fund, if applicable.
  - (d) Any unpaid judgment assessed in a prior disciplinary, contested reinstatement proceeding, judicial hearing, or assignment of claim.
  - (e) If the Bar has not acted on the applicant's reinstatement application until the year after it is filed, the applicant shall pay, prior to reinstatement, any increase in membership fees or assessments since the date of application. If a decrease in membership fees and assessments has occurred, the Bar shall refund the decrease to the applicant.
- (2) If an application for reinstatement is denied, the Bar shall refund the applicant membership fees and assessments paid for the year the application was filed. Any refund of membership fees and assessments will be prorated if the applicant was temporarily reinstated during the pendency of their application for reinstatement.

### **11.7 Conversion of Reinstatement Application**

- (1) The Bar's Chief Executive Officer may convert an application for reinstatement under this Title to a Formal Reinstatement under Bar Rule of Procedure 8.1 if:
- (a) the applicant has been convicted in any jurisdiction of an offense that is a misdemeanor involving moral turpitude or a felony under the laws of this state, or is punishable by death or imprisonment under the laws of the United States;
  - (b) the applicant has been suspended for professional misconduct for six months or more, or has been disbarred by any court other than the Oregon Supreme Court;
  - (c) the applicant engaged in conduct that raises issues of possible violation of the Bar Act, the former Code of Professional Responsibility, or the Rules of Professional Conduct;
  - (d) the applicant made a material misrepresentation on, or omitted relevant information from, their reinstatement application submitted to the Bar;
  - (e) during the reinstatement process, it is determined that the applicant does not meet the eligibility requirements for reinstatement under this Title; or
  - (f) the applicant fails to make the required showings under this Title.
- (2) The Chief Executive Officer's decision to convert an application for reinstatement is not subject to review.
- (3) Upon receipt of notice from the Bar that a reinstatement application is being converted under this rule, an applicant shall submit whatever supplemental materials are required under BR 8.1 to complete the application.

- (4) The applicant shall pay the difference of the cost of a BR 8.1 reinstatement fee from the applicant's reinstatement fee for a converted application for reinstatement..

### **11.7 Temporary Reinstatement**

The Chief Executive Officer may temporarily reinstate an applicant seeking reinstatement under these Rules, pending receipt of all investigatory materials.

# Title 12 – Resignation

## **12.1 Member Resignation**

A member seeking to resign from the Bar must file the appropriate resignation with the Bar pursuant to Bar Rules of Procedure Title 9.



# Rules of Licensure Map

The following map provides a reference to the location of the current Rule of Licensure and its former location in either Bar Rules of Procedure (BRs), Bar Bylaws (OSB Bylaws), the Rules of Professional Conduct (RPCs), OSB Policies (OSB Policies), MCLE Rules and Regulations (MCLE Rules or MCLE Regulations), or the authority for the rule in Oregon Revised Statutes (ORS) or Supreme Court Order (SCO).

Rule of Licensure	Former Rule
<b>Title 1 – General Provisions</b>	
1.1 Definitions	Taken from Definitions of BRs, MCLE, and other Rules as needed.
1.2 Authority	New Rule (similar to BR 1.2)
1.3 Amendments	New Rule
1.4 Citation of Rules	New Rule (Similar to BR 1.6)
<b>Title 2 - Licensure Status</b>	
2.1 Licensure Statuses and Member Classifications	OSB Bylaws 6.0-6.1
2.2 Change of Licensure Status	OSB Bylaw 6.7
2.3 Active Pro Bono Licensure Status - Limitations and Other Requirements	OSB Bylaw 6.2
2.4 Register of Members, Demographic Data, and Contact Information	OSB Bylaw 6.5
2.4 Demographic Data	ORS 1.002(3)
2.4 Contact Information	BR 1.11
<b>Title 3 – Administrative Suspension</b>	
3.1 Administrative Suspension	Combination of OSB Bylaw 6.7, ORS 9.200 and MCLE Rule 7.4. This rule moves all administrative suspensions into one rule
3.2 Review of Administrative Suspension	New Rule
3.3 Report of Suspension to the Court	New Rule
<b>Title 4 - Fees</b>	
4.1 Annual Membership Fees and Assessments	Bylaw 6.7; Policy 6.700
4.2 Fee Exemptions and Waivers	Bylaw 6.7; Policy 6.701
4.3 Delinquency and Suspension	Bylaw 6.7

<b>Title 5 - Professional Liability Coverage Requirements</b>	
5.1 Principal Office	PLF Policy 3.15
5.2 Active Members	PLF Bylaw 1.1
5.3 Active Members Outside of Oregon	New Rule
5.4 Delinquency and Suspension	ORS 9.200
<b>Title 6 - Trust Account Requirements</b>	
6.1 Application	RPC 1.15-2
6.2 IOLTA Accounts	RPC 1.15-2
6.3 Interest-Bearing Trust Accounts	RPC 1.15-2
6.4 Determining Whether Funds Can Earn Net Interest	RPC 1.15-2
6.5 Review of Trust Accounts and Requesting Refunds	RPC 1.15-2
6.6 Financial Institutions	RPC 1.15-2
6.7 Certification of Trust Accounts	ORS 9.675
6.8 Administrative Suspension	ORS 9.675
<b>Title 7 – New Lawyer Mentoring Program (NLMP)</b>	
7.1 New Lawyer Mentoring Program (NLMP)	MCLE Rule 3.3(a)
7.2 Exemptions and Deferrals	MCLE Rule 9(b)
7.3 Mentors	MCLE Rule 2.4
7.4 Matching	MCLE Regulation 3.700
7.5 NLMP Completion Certificate.	MCLE Rule 4.5
7.6 Removal of NLMP Mentors	MCLE Rule 7.8
7.7 Administration of New Lawyer Mentoring Program	MCLE Rule 2.3; MCLE Regulation 4.600
<b>Title 8 - Minimum Continuing Legal Education (MCLE)</b>	
8.1 MCLE Requirements for Active Members	MCLE Rule 3.2
8.2 Additional MCLE Requirements for Recently Reinstated Members and New Attorney Admittees	MCLE Rule 3.3
8.3 Out-of-State Compliance.	MCLE Rule 3.4
8.4 Reporting Period	MCLE Rule 3.6
8.5 Reports.	MCLE Rule 7.1
8.6 Recordkeeping.	MCLE Rule 7.2
8.7 Application of Credits	MCLE Regulation 3.300



8.8 Audits of Members	MCLE Rule 7.3
8.9 Suspension for Noncompliance.	MCLE Rule 7.4
8.10 Cure and Initial Review	MCLE Rule 7.5
8.11 Exemptions from MCLE Requirements	MCLE Rule 9(a)
8.12 Other Waiver or Exemption, or Delayed or Substitute Compliance	MCLE Rule 9(d)
8.13 Further Review	MCLE Rule 8.1
<b>Title 9 - CLE Accreditation and Monitoring</b>	
9.1 Accreditation	MCLE Rule 4.1
9.2 Group Accreditation (Category I)	MCLE Rule 4.2
9.3 Credit Hours	MCLE Rule 4.3
9.4 Fees	MCLE Rule 4.2
9.5 Sponsor Advertising	MCLE Rule 4.4
9.6 Sponsor Attendance Reporting	MCLE Rule 4.6
9.7 Independent Study	MCLE Regulation 5.500
9.8 Specialized Credit Program Content Standards	MCLE Rule 5.14
9.1 Licensed Paralegal Specific Program Content Standards	MCLE Rules 5.15-5.16
9.11 Additional Accredited Programs	MCLE Rules 5.2-5.5
9.12 Accreditation Standards for Teaching, Writing, and Bar Service (Category II)	MCLE Rules 5.6-5.11
9.13 Accreditation Standards for Other Programs (Category III)	MCLE Rule 5.12
9.14 Unaccredited Activities	MCLE Rule 5.18
9.15 Audit of Sponsors	MCLE Rule 7.6
<b>Title 10 - Temporary Practice During a Justice System Emergency</b>	
10.1 Declaration of Justice System Emergency	SCO 09-008 (Katrina Order)
10.2 Temporary Pro Bono Practice	SCO 09-008 (Katrina Order)
10.3 Temporary Practice by Displaced Lawyers	SCO 09-008 (Katrina Order)
10.4 Disciplinary Authority and Registration Requirement	SCO 09-008 (Katrina Order)
<b>Title 11 - Reinstatements</b>	
11.1 Eligibility for Administrative or Streamlined Reinstatement	BR 8.2
11.2 Obligations of Applicant	BR 8.2, 8.6

11.3 Application Form and Content, Burden of Proof, and Required Showings	BR 8.2
11.4 Administrative Reinstatement	BR 8.2
11.5 Streamlined Reinstatement	BR 8.4
11.6 Financial Obligations	BR 8.6
11.7 Conversion of Reinstatement Application	New Rule
11.7 Temporary Reinstatement	BR 8.8
<b>Title 12 - Resignation</b>	
12.1 Member Resignation	Reference back to BR Title 9.



