

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Adoption of the ) SCO No. 21-039  
OREGON RULES FOR ADMISSION OF )  
ATTORNEYS ) ORDER ADOPTING AMENDMENTS TO THE  
 ) OREGON RULES FOR ADMISSION OF  
 ) ATTORNEYS AND SUPERSEDING  
 ) SECTION I OF CJO 20-009  
 )  
 )

WHEREAS, on March 27, 2020, I issued Chief Justice Order (CJO) 20-009, which, in Section I, amended the Rules for Admission of Attorneys (RFAs), effective immediately and until amended or terminated by further order, based on circumstances relating to the COVID-19 pandemic; Governor Kate Brown's emergency declaration relating to the pandemic; and a related CJO restricting court operations;

WHEREAS, at its public meeting on November 16, 2021, the Oregon Supreme Court considered and approved permanent amendments to the Rules for Admission, to replace the following temporary amendments adopted in Section I of CJO 20-009: RFA 1.10 (filings to be submitted by mail only), RFA 5.10 (accommodation requests), RFA 5.15 (limit on number of examination applicants), and RFA 9.45 (remote participation in character review proceedings), but not including either RFA 4.05 (filing of application) or RFA 4.10 (application and investigation fees); and also to replace a temporary rule permitting declarations to replace affidavits; and

WHEREAS, also at its public meeting on November 16, 2021, the Oregon Supreme Court considered and approved several additional amendments to the Rules for Admission, as well as several new rules;

I HEREBY ORDER, pursuant to ORS 9.006 and 9.210, as follows:

1. The following Rules for Admission are amended, as shown in Attachment A to this order, with new text set out as underscoring and deleted text set out in ~~strikethrough~~:
  - a. RFA 1.10 (filings to be submitted by mail or electronic means); RFA 3.05 (qualification of applicants, replacing affidavit requirement with declaration requirement); RFA 5.10 (accommodation requests, including exceptions for untimely requests); RFA 5.15 (limit on number of examination applicants); and 9.45 (remote participation in character review proceedings).
  - b. RFA 4.10 (application fees); and RFA 4.05(3) (late filing of applications);
  - c. RFA 8.05 (board notification to applicant); and RFA 8.10 (qualifications for admission; oath of office);
  - d. RFA 13.15 (other activities of eligible law student); and
  - e. RFA 16.05 (house counsel rule, including replacing affidavit requirement with declaration requirement).

2. The following new Rules for Admission are adopted, also as shown in Attachment A to this order, with all new text set out as underscored:  
  
RFA 13.01 (temporary supervised practice rules); RFA 13.70 (temporary practice, eligibility); RFA 13.75 (temporary practice, duration, termination limits, and disclosures required-practice pending); RFA 13.80 (temporary practice, change in office/ association); and RFA 13.85 (temporary practice, disciplinary complaints, program oversight, fees and records).
3. The Oregon State Board of Bar Examiners may correct any typographical, grammatical, or numbering error that appears in the amendments set out in Attachment A, so long as the correction does not change the substance of any amendment as adopted by this order.
4. The amendments and new rules set out in Attachment A are effective January 1, 2022.
5. The Oregon State Bar shall publish a new clean version of the Rules for Admission, including all amendments and new rules set out in Attachment A, no later than January 3, 2022.
6. This order supersedes Section I of CJO 20-009, including the temporary amendments to RFA 4.05 (filing of application) and RFA 4.10 (application and investigation fees), effective January 1, 2022.

Dated this 22<sup>nd</sup> day of November, 2021.



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Martha L. Walters  
Chief Justice

## ATTACHMENT A

### **RFA Amendments Identified in Paragraph 1.a.:**

#### **1.10 Filing**

(1) Any document required to be filed with the Board under the Rules for Admission of Attorneys shall be delivered ~~in person to the Oregon Board of Bar Examiners, 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224~~ or by mail to the Oregon Board of Bar Examiners, P. O. Box 231935, Tigard, Oregon 97281-1935 or through such electronic means provided or authorized by the Board.

\* \* \* \* \*

#### **3.05 Qualifications of Applicants**

\* \* \* \* \*

- (4) An applicant may be allowed to sit for the examination prior to earning a Juris Doctor degree or Bachelor of Law (LL.B) degree if the applicant:
- (a) is currently enrolled in a law school approved by the American Bar Association;
  - (b) is expected to earn a Juris Doctor degree or Bachelor of Law (LL.B) degree within 120 days of sitting for the examination;
  - (c) has satisfied all graduation requirements to earn a Juris Doctor degree or Bachelor of Law (LL.B.) degree except law school coursework that can be completed during the applicant's post examination final semester (or quarter);
  - (d) will not be actively engaged in more than two semester hours (or quarter hour equivalent) of law school course work other than bar examination preparation courses during the month prior to the examination and the month the examination is held; and
  - (e) has submitted timely a properly signed Declaration Affidavit for Examination on the form provided by the Oregon State Bar, certifying that the applicant is academically prepared to take the examination.
- (5) No applicant shall be recommended to practice law until an applicant has earned a Juris Doctor degree or Bachelor of Law (LL.B.) degree and

submitted Certificate of Graduation. If an applicant qualifying under Rule 3.05(4) to take the examination does not complete degree requirements within 120 days of sitting for the examination and has not filed an Declaration Affidavit for Waiver of the 120 Days Requirement, all parts of the examination, including the applicant's scores, shall be void for purposes of being admitted to practice law in Oregon and the applicant's examination scores shall not be disclosed for any purpose.

\* \* \* \* \*

RFA 3.05 - Declaration Affidavit A  
Oregon State Bar – Admissions Department  
Declaration Affidavit for Examination

\_\_\_\_\_  
Last Name      First Name      Middle Name      \_\_\_\_\_  
Month/Year of Exam

\_\_\_\_\_  
Law School

\_\_\_\_\_  
Law School Address

Pursuant to Rule 3.05(4), Rules of Admission, I certify that my law school is accredited by the American Bar Association and that I meet the following examination requirements:

1. I am currently enrolled as a student in good standing;
2. I expect to earn a Juris Doctor Degree or Bachelor of Law (LL.B.) degree within 120 days of sitting for the examination;
3. I will satisfy all graduation requirements to earn a Juris Doctor degree or Bachelor of Law (LL.B.) degree except law school course work that can be completed during my post examination final semester (or quarter);
4. I will not be actively engaged in more than two semester hours (or quarter hour equivalent) of law school course work other than bar examination preparation courses during the month prior to the examination and the month the examination is held; and
5. I have been determined by my law school to be academically prepared to take the examination.

**NOTE:** *If after you file this form you no longer meet the above stated requirements, you must within 10 days of the date you no longer qualify submit written notification to the Oregon State Bar – Admissions Department and your law school.*

\_\_\_\_\_  
Signature of Applicant/Declarant      \_\_\_\_\_  
DATE

\_\_\_\_\_  
Notary Public Name      \_\_\_\_\_  
Commission Expires

\_\_\_\_\_  
Name and Title of Dean or Designee      \_\_\_\_\_  
Signature of Dean or Designee



## 5.10 Specific Testing Accommodations

\* \* \* \* \*

- (3) Consistent with the requirements of the ADA, the Board shall evaluate all timely and complete accommodation requests and determine the extent, if any, to which they will be granted. In fashioning an accommodation, the Board shall strive for an accommodation that is reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and which does not fundamentally alter the nature of the examination as necessitated by the applicant's disability. If an applicant submits a request for accommodation within six-weeks or less of the first day of the applicable bar exam, then pursuant to this paragraph, the Chair of the Board, or the Chair's designee, is delegated the authority to act on behalf of the Board and fulfill its required functions under this paragraph.
- (4) Applicants must file timely and complete accommodation requests using the forms prescribed by the Board. The filing deadlines for requests shall be set by the Board. Incomplete or untimely requests will be rejected except where: (a) disability occurs after the application filing deadline; or, (b) the accommodation request does not cause an undue hardship on the Board or the Oregon State Bar ~~good cause exists for the failure to file timely request.~~

\* \* \* \* \*

## 5.15 Examination

\* \* \* \* \*

- (5) The chair of the Board may limit the number of bar applicants allowed to take the Oregon Bar Exam on any exam date to comply with any local, state, or national public health order or recommendation that imposes limits on gatherings of persons in one location, as follows:
- (a) If the chair of the Board imposes a limit on the number of Oregon Bar Exam takers, the Oregon State Bar Admissions Department shall assign available seats at the affected location based on the date and time on which an individual's bar application was received, starting with the first application received.
- (b) Any applicants who are otherwise qualified to sit for an exam, but are excluded from a test date due to a limit imposed under this rule, shall be entitled to a credit for any monies paid toward the fees described in in Rules 4.10(1), which may be applied toward the next scheduled Oregon Bar Exam.

## 9.45 The Proceeding

\* \* \* \* \*

(5) Conduct of the proceeding.

\* \* \* \* \*

(f) If the Presiding Member determines that remote participation is necessary to comply with local, state or national health orders or recommendations, or the parties so stipulate, the Presiding Member may order that a Character Review Proceeding take place by videoconference, or such other means that allows for remote participation of all parties.

\* \* \* \* \*



**RFA Amendments Identified in Paragraph 1.b.:**

**4.05 Filing of Application**

\* \* \* \* \*

(3) Applications for admission by examination may be filed late, subject to the fee prescribed by Rule 4.10(13)(c), but such late applications, with all appropriate fees, must be received by the Board no later than ~~by~~ December 15, ~~prior to~~ for the February examination, or no later than ~~by~~ May 15, ~~prior to~~ for the July examination.

\* \* \* \* \*

**4.10 Application and Investigation Fees for Bar Exam Applications, Alternative Admission Applications, and Temporary Practice Applications**

(1) Bar Exam Application and Investigation Fees: Every bar exam applicant must pay to the Board, at the time of filing their bar exam application, each of the following fees that are applicable to their application: Each applicant shall pay to the Board, at the time of filing application, an

(a) A bar exam application fee of \$750.

~~(2)~~ (b) In addition to the fee prescribed by paragraph (a) of this rule, if an applicant was previously admitted to the practice of law in any other jurisdiction or has a pending application for admission to practice law in any other jurisdiction, then the applicant must pay there shall be paid to the Board, at the time of filing such application, an investigation fee of \$600~~425 by each applicant who on the date of any application in Oregon, has previously been admitted to the practice of law in any other jurisdiction or has a pending application for admission in another jurisdiction. However, if~~ If an applicant applied for admission to the practice of law in Oregon within the 12 months prior to the submission of the current application, and the applicant who reapplies for admission to the practice of law in this state within 12 months of a prior application for admission to the practice of law in this state, and who has previously paid an investigation fee of \$600~~425, shall pay to the Board, at the time of filing the reapplication, an investigation fee of \$375, in addition to the fee prescribed in paragraph (1) of this rule.~~

~~(3)~~ (c) In addition to the fees prescribed by paragraphs (a) and (b) of this rule, any bar exam applicant who files an a late application pursuant to after the timely filing deadline stated in Rule 4.05(13) shall pay to the Board, at the time of filing such application, a late filing fee equal to one-half of the

application fee stated in paragraph (a) of this rule of \$350

~~(4) (d)~~ An applicant who, in conformance with Rule 8.10(4), seeks to take the oath and be admitted more than thirteen months after notice was provided ~~mailed~~ by the Board State Court Administrator as provided by Rule 8.05(2), shall pay to the Board a fee of \$300 ~~250, if not required to retake the examination, and pay the full application fee and the investigation fee (if applicable under paragraph (2) of this rule) if reexamination is required.~~

~~(5) (e)~~ If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar, at the time of application, any unpaid judgment for costs and disbursements assessed by the Court therein.

~~(6) (f)~~ If an applicant is found to be unqualified to take the examination for any reason under these rules, the applicant shall be entitled to a refund of \$300 dollars.

~~(7) (g)~~ If an bar exam applicant withdraws his or her application, the applicant shall be entitled to a partial refund of the bar exam application fees only as follows:

~~(a) (i)~~ The applicant must request in writing that the application be withdrawn;

~~(b) (ii)~~ If the application withdrawal is received by the Board on or before the second Tuesday before the first day of the examination, one-half of the application fee specified in subsection (a) of this rule will be refunded;

~~(c) (iii)~~ If the application withdrawal is received by the Board after the deadline specified in section (g) ~~(ii)~~ of this rule, no refund will be made;

~~(d)~~ An applicant other than an examination applicant shall be entitled to a refund of one-half of the application fee set forth in Rule 4.10(1) if a written request for withdrawal of his or her application is received by the Board within sixty ~~(60)~~ days of the Board's receipt of the application.

(h) In no event shall any portion of the fees specified in subsections (b), (c) and (d) of this rule be refunded.

(2) Alternative Admission Applications Fees: Any applicant seeking admission through an application other than the current Oregon bar exam application or Rule 8.10, must pay the Board the correct alternative admission application fee at the time of filing the application. The correct alternative admission application fee is based on the RFA under which the applicant is seeking admission, which includes only the following:

- (a) House Counsel Application Fee: The alternative admission application fee for applicants seeking admission under RFA 16.05 (House Counsel) is \$2,500.
- (b) Foreign Law Consultant Application Fee: The alternative admission application fee for applicants seeking admission under RFA 12.05 (Foreign Law Consultants) is \$2,500.
- (c) Reciprocity Application Fee: The alternative admission application fee for applicants seeking admission under RFA 15.05 (Reciprocity Admission) is \$1,750.
- (d) Out-of-State (UBE) Score Transfer Application Fee: The alternative admission application fee for applicants seeking admission under RFA 19.05 (Admission by Out-of-State Bar Examination Score) is \$1,350.
- (e) Military Spouse Application Fee: The alternative admission application fee for applicants seeking admission under RFA 18.05 (Admission of Military Spouse Attorneys) is \$1,350.
- (f) Admission of Law Teacher Application Fee: The alternative admission application fee for applicants seeking admission under RFA 11.05 (Admission of Law Teachers) is \$1,350.
- (g) Admission of Out-of-State Active Pro Bono Attorneys Application Fee: The alternative admission application fee for applicants seeking admission under RFA 17.05 (Admission of Out-of-State Active Pro Bono Attorneys) is \$600.
- (h) If an applicant provides the Board with a written request to withdraw their application within sixty (60) days of the Board's receipt of their application, then the applicant will be entitled to a refund of one-half of their alternative admission application fee.
- (i) If the applicant was previously denied admission by the Court in a contested admission case, such applicant shall pay to the Oregon State Bar any unpaid judgment for costs and disbursements assessed by the Court therein. This payment shall be in addition to, and must be paid concurrently with, the alternative admission application fee required for the applicant's alternative admission application.
- (j) If an applicant is unqualified under the RFA for which they sought admission, then the applicant shall be entitled to a refund of one-half of the alternative admission application fee paid with their application.
- (k) An alternative admission applicant shall receive a reduction to the fees stated in RFA 4.10(2), if the applicant is applying for admission because they have been employed to work for one of the following types of employers:

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

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

**RFA Amendments Identified in Paragraph 1.c.:**

**8.05 Report by Board of Bar Examiners; Notice to Applicant**

\* \* \* \* \*

- (2) As soon as the Court has acted upon the report, the Board shall notify each applicant ~~by mail~~ whether the applicant has passed or failed the examination and whether or not the applicant has been recommended for admission on moral character and fitness grounds. Notice shall be given through any reasonable written or electronic means.
- (3) If the Board is unable to complete its investigation of an applicant's moral character and fitness and make a recommendation to the Court at the time the results of the applicant's written examination are reported to the Court, the Board shall make its report as soon as possible thereafter. As soon as the Court has acted on the report, the Board shall notify the applicant ~~by mail~~ whether the applicant has been recommended for admission on moral character and fitness grounds.

**8.10 Qualifications for Admission; Oath of Office**

**(A) Examination Applicants**

\* \* \* \* \*

- (3) A qualified applicant who does not take and file the oath of office at the time of the admission ceremonies may take such oath before any person authorized by law to administer oaths in the jurisdiction within which the applicant may be. The date of admission cannot be prior to the admission ceremonies next following the date that notice is provided ~~mailed~~ advising that the applicant passed the bar examination.
- (4) An applicant who does not take and file the oath of office within thirteen months after the date ~~mailing~~ of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(1)(d)~~(4)~~. Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.

- (5) An applicant who does not take and file the oath of office within three years after the ~~date mailing~~ of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10(1)(d)(4), and shall be required to either (a) demonstrate that the applicant has been actively, substantially and continuously engaged in the practice of law for at least three of the five years immediately preceding the application or (b) take and pass the bar examination and the Multistate Professional Responsibility Examination within the provisions of Rule 7.05. Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability. Such oath of office must be filed within one year of being advised that applicant is eligible for admission pursuant to this subsection.
- (6) An applicant who does not take and file the oath of office within five years after the ~~date mailing~~ of the notice advising that the applicant passed the bar examination shall, prior to admission, file an application for admission as prescribed by the Board and pay the fees prescribed by Rule 4.10 and take and pass the bar examination and the Multistate Professional Responsibility Examination within the provisions of Rule 7.05.

Such applicant shall be permitted to take the oath of office when found by the Court to have the requisite moral character and fitness to practice law, learning and ability.

## **(B) Other Applicants**

- (1) In order to be qualified to be admitted to the practice of law in Oregon, an applicant must meet the requirements of the rules under which the applicant ~~he or she~~ seeks admission and be approved for admission by the Court on moral character and fitness grounds.
- (2) Each qualified applicant must execute an oath of office prescribed by the Court. The applicant shall file the executed oath of office with the Admissions Department of the Oregon State Bar, who will forward it to the State Court Administrator when the applicant is recommended to the Court for admission. Each applicant's date of admission shall be the date the Order of Admission is issued by the Court ~~oath is received by the State Court Administrator.~~ Applicants must comply with the requirements of Admission Rule 8.20 (Address and Telephone Designation).
- ~~(3) An applicant who does not take the oath of office and file it with the State Court Administrator within ninety (90) days after the mailing of the notice advising that the applicant has been approved for admission shall be required to fully reapply for admission.~~

**RFA Amendments Identified in Paragraph 1.d.; New Rules Identified in Paragraph 2:**

**13.01 Temporary Supervised Practice Rules**

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay reasonable fees for these services. In an effort to meet the needs of the legal consumer public, expand the diversity of the Oregon bar and to increase access to justice, the following rules are adopted to permit qualified persons to engage in the temporary limited practice of law prior to their admission by examination or other alternative means. All temporary practices must occur under the supervision of a current member of the Oregon State Bar.

**13.15 Other Activities of Eligible Law Student**

(1) An eligible law student may engage in other activities, under the general supervision of a member of the bar but outside the personal presence of that attorney, including:

\* \* \* \* \*

(c) Assistance to indigent inmates of correctional institutions or other persons convicted of crimes who request such assistance in preparing habeas corpus applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of the Court; provided that if there is an attorney of record in the matter, all such assistance must be supervised both by the supervising attorney and the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record; and-

(d) The taking of depositions or statements under oath, the preparation of affidavits or declarations of witnesses, negotiations and investigations related to an active litigation matter.

\* \* \* \* \*

(3) Eligible law students may engage in non-litigation related matters, under the general supervision of a member of the bar, but outside the personal presence of that attorney, including without limitation: client intake, documents related to estate planning, contract drafting and negotiations, documents related to interests in real estate and personal property, and business formation. Any document prepared by the eligible law student must be signed or approved by the supervising attorney before execution by any interested party, and the document must state the extent to which the student was involved in drafting the document. If an activity does not result

in a legal document to be reviewed, a memorandum recording the eligible law student's activities must be kept in the file related to the relevant matter.

**13.40 – 13.65      Reserved**

**TEMPORARY PRACTICE PENDING ADMISSION BY ALTERNATIVE APPLICANTS**

**13.70 Eligibility**

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

- (1) The applicant must submit the application for Temporary Practice Pending Admission by Alternative Applicants with Regulatory Counsel's office and pay the fee required under RFA 4.10(3).
- (2) Concurrent with, or prior to the submission of, the application required by RFA 13.70(1), the applicant must submit with the Board an application for admission to the Oregon State Bar pursuant to RFA 15.05, 16.05, 17.05, 18.05 and 19.15;
- (3) By filing the application with Regulatory Counsel's Office, applicant asserts that the applicant has a good faith belief that they meet the requirements for admission to the Oregon State Bar, including the requisite good more character and fitness to practice law in Oregon.
- (4) Applicant must not have been subject to disciplinary suspension or disbarment in any other state, district or territory of the United States;
- (5) Applicant must not have been previously denied admission to the practice of law in any other state, district or territory of the United States due to a determination that the applicant lacked the requisite good moral character and fitness to practice law;
- (6) Applicant must submit a certificate of good standing and disciplinary statement from every state, district or territory in which applicant is admitted to the practice of law;
- (7) Applicant must submit proof of one of the following:
  - (a) Employment with a company whose legal services are provided from an office physically located within the State of Oregon, and an affirmation



that the applicant will provide legal services from such office;

(b) Employment with a law firm who has an office physically located within the State of Oregon, and an affirmation that the applicant will provide legal services from such office; or

(c) Association with an active member of the Oregon State Bar.

(8) The employer or associated Oregon lawyer identified in 13.70(7) must identify a supervising attorney. The supervising attorney must sign a declaration acknowledging and agreeing that it is the supervising attorney's responsibility to oversee the conduct of the applicant, which includes ensuring the applicant's compliance with the Oregon Rules of Professional Conduct and avoidance of malpractice; and

(9) Has never applied for temporary practice under these rules before.

### **13.75 Duration, Termination Limits and Disclosures Required – Practice Pending**

(1) No authorization to temporarily practice law under RFA 13.70 et seq., shall become effective until applicant has established to the Oregon State Bar's satisfaction that applicant meets the requirements of RFA 13.70 and, if engaging in the private practice of law, has provided a certificate of insurance establishing that the Applicant's legal activities in the State of Oregon will be covered by a professional liability insurance policy from, or substantially equivalent to, the Oregon State Bar Professional Liability Fund plan.

(2) Upon confirmation that an applicant has met the requirements of RFA 13.70 and, if required, has sufficient insurance coverage to protect Oregon legal consumers, Regulatory Counsel shall provide applicant notice that the applicant is authorized to practice law subject to the terms of RFA 13.70 et seq., and other relevant laws, rules and regulations governing the applicant's practice of law in Oregon.

(3) The ability to practice pending admission under this section shall immediately terminate upon any of the following:

(a) if the applicant is admitted to the practice of law in Oregon;

(b) if the applicant withdraws the application for admission or if such application is denied;

- (c) if the applicant becomes disbarred, suspended, or resigns while a disciplinary action is pending in any other jurisdiction in which the applicant is licensed to practice law;
- (d) if a formal complaint is filed against the applicant by the Disciplinary Counsel's Office of the Oregon State Bar;
- (e) if an indictment is filed against the applicant; and
- (f) if the applicant is not admitted to the practice of law in Oregon within one year of the date that the applicant first filed their application under RFA 13.70(1).

(4) Upon termination of the practice pending admission, the applicant shall not undertake any new representation that would require the applicant to be admitted to practice law in Oregon and, within ten days, shall:

- (a) cease to occupy an office or other systematic and continuous presence for the practice of law in Oregon unless authorized to do so pursuant to another Rule;
- (b) notify all clients being represented in pending matters, and opposing counsel or co-counsel, of the termination of the lawyer's authority to practice pursuant to the authority in this section; and
- (c) take all other necessary steps to protect the interests of the lawyer's clients.

### **13.80 Change in Office/Association**

- (1) The applicant's ability to practice law shall be immediately suspended if the employment or association with the company, law firm or lawyer that the applicant originally sought practice pending admission with under RFA 13.70(7) terminates.
- (2) Applicant must immediately notify Regulatory Counsel's Office of any termination of the relationship identified 13.80(1).
- (3) Applicant's ability to practice pending admission shall be reinstated if applicant meets the following requirements within ten days following the date that applicant was required to send notice to Regulatory Counsel's Office under RFA 13.80(2):
  - (a) associates with another company, law firm or lawyer meeting the requirements under RFA 13.70(7);

- (b) submits a new application for Temporary Practice Pending Admission under RFA 13.70(1);
- (c) pay a new fee associated with Temporary Practice Pending Admission under RFA 4.10(3);
- (d) have a new supervising attorney sign a new declaration identified in RFA 13.70(8); and
- (e) in the case of a house counsel applicant, they must file a new house counsel application and any fee required under RFA 4.10(2).

### **13.85 Disciplinary Complaints, Program Oversight, Fees and Records**

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

**RFA Amendments Identified in Paragraph 1.e.:**

**16.05 Limited Admission of House Counsel**

An attorney employed by a business entity authorized to do business in Oregon, who has been admitted to practice law in another state, federal territory or commonwealth, or the District of Columbia, or in any foreign jurisdiction, may be admitted to practice law as house counsel in this state, subject to the provisions, conditions and limitations in this rule, by the following procedure:

- (1) The attorney, if at least 18 years of age, may apply for admission to practice law as house counsel by:
  - (a) Filing an application as prescribed in Rule 4.15; and
  - (b) Presenting satisfactory proof of (i) admission to the practice of law; (ii) good moral character and fitness to practice; and
  - (c) Providing verification by a declaration affidavit signed by ~~both~~ the applicant and an affidavit signed by the business entity that the applicant is employed as house counsel and has disclosed to the business entity the limitations on the attorney to practice law as house counsel as provided by this rule. The required declaration and affidavit shall be in the form provided by the Board in the House Counsel Application.

\* \* \* \* \*

- (7) In order to qualify for and retain admission to practice law as house counsel, an attorney admitted under this rule must satisfy each of the following conditions, requirements and limitations:

\* \* \* \* \*

- (c) The attorney shall pay the Oregon State Bar all annual and other fees required of active members ~~admitted to practice for two years or more.~~
- (d) The attorney shall be subject to ORS Chapter 9, these RFA's rules, the Oregon Rules of Professional Conduct, the Oregon State Bar's Rules of Procedure, the Oregon Minimum Continuing Legal Education Rules and Regulations, and to all other laws and rules governing attorneys admitted to active practice of law in this state.
- (e) The attorney shall within 30 days notify ~~promptly report~~ the Oregon State Bar of the occurrence of any of the following: a change in employment; a change in membership status, good standing or authorization to practice law in a state, federal territory, commonwealth, the District of Columbia, or in any foreign jurisdiction where the attorney has been admitted to the practice of law; or the commencement of a formal disciplinary

proceeding in any such jurisdiction. The attorney must provide the notice required by this rule on a change of status form provided by the Oregon State Bar.

\* \* \* \* \*

(g) On or before October 1 of each year in which the attorney is licensed under this rule, the attorney must submit an annual certification of compliance, on a form provided by the Oregon State Bar, which asserts that the attorney has complied with the requirements to retain their house counsel membership. The annual certification shall include an affidavit in the form provided by the Oregon State Bar which must be signed by the attorney's employer certifying that the attorney is still employed by the business.

(8) ~~The membership and license attorney shall report immediately to the Oregon State Bar, and the admission granted under this rule section shall be automatically suspended, when:~~

\* \* \* \* \*

~~(c) The attorney fails to submit the annual certification required by 7(g) of this rule on or before the deadline stated therein. The attorney is suspended or disbarred for discipline, or resigns while disciplinary complaints or charges are pending, in any jurisdiction.~~

(9) The membership and license granted under this rule shall be automatically suspended when the attorney is suspended or disbarred for discipline, or resigns while disciplinary complaints or charges are pending, in any jurisdiction. An attorney whose admission as house counsel in Oregon has been suspended pursuant to this section, and who again seeks admission to practice in this state as house counsel, must file a new application with the Board under this rule.

~~(10)~~ An attorney suspended pursuant to section (8)(a) of this rule shall be reinstated to practice law as house counsel when able to demonstrate to the Oregon State Bar that, within six months from the termination of the attorney's previous employment, the attorney is again employed as house counsel by a qualifying business entity, upon verification of such employment as provided in section (1)(c) of this rule and proof of active status in another jurisdiction. The attorney shall certify their new qualified employment through a house counsel reinstatement form provided by the Oregon State Bar.

- (110) An attorney suspended pursuant to section (8)(b) of this rule shall be reinstated to practice law as house counsel when able to demonstrate to the Oregon State Bar that, within six months from the attorney's failure to maintain active status or good standing in at least one other jurisdiction, the attorney has been reinstated to active status or good standing in such jurisdiction. The attorney shall certify their reinstatement to active or good standing status in the required jurisdiction through a house counsel reinstatement form provided by the Oregon State Bar.
- (12) An attorney suspended for six months or less pursuant to section (8)(c) of this rule shall be reinstated to practice law as house counsel upon submission of the annual certification required under section 7(g), together with a house counsel reinstatement form provided by the Oregon State Bar.
- (13) An attorney required to submit a reinstatement form under sections (10), (11) and (12) of this rule must pay a reinstatement fee of \$250 with the reinstatement form.
- ~~(14)~~ Except as provided in sections (9) and (10) of this rule, an An attorney whose admission as house counsel in Oregon has been suspended for longer than six months pursuant to section (8) of this rule, and who again seeks admission to practice in this state as house counsel, must file a new application with the Board under this rule.
- ~~(15)~~ The admission granted under this section shall be terminated automatically when the attorney has been otherwise admitted to the practice of law in Oregon as an active member of the Oregon State Bar.
- ~~(16)~~ For the purposes of this Rule 16.05, the term "business entity" means a corporation, partnership, association or other legal entity, excluding governmental bodies, (together with its parents, subsidiaries, and affiliates) that is not itself engaged in the practice of law or the rendering of legal services, for a fee or otherwise.
- ~~(17)~~ For the purposes of this Rule 16.05, "tribunal" means all courts and all other adjudicatory bodies, including arbitrations and mediations described in Rule 16.05(7)(a), but does not include any body when engaged in the promulgation, amendment or repeal of administrative or other rules.
- (18) All applicants pursuing admission under this rule, must complete such application and submit such other information as may be required by the Board and the Court within six months of the date of filing the application.