



# SUPREME COURT OF THE STATE OF OREGON

## RULES FOR LICENSING PARALEGALS

EFFECTIVE August 1, 2023

Oregon State Bar

# **RULES FOR LICENSING PARALEGALS IN OREGON**

## **Purpose of Licensed Paralegals in Oregon**

The purpose of Licensing Paralegals in Oregon is to further the Oregon State Bar’s mission of increasing access to justice by advancing opportunities for low and moderate income Oregonians to receive legal assistance, especially when they otherwise would have gone without such assistance, by licensing paralegals to perform limited-scope legal services in family law and landlord-tenant law.

## **Purpose of These Rules**

The purpose of the Rules for Licensing Paralegals in Oregon is to fulfill the Goals and Functions of the Oregon State Bar, by establishing a well regulated and equitable process for any qualified person to obtain a limited law license, which authorizes the person to provide quality legal services to consumers; and to ensure that any person receiving a limited license has established that the person meets the standards for learning and abilities, and has the requisite character and fitness, to join the licensed legal profession in the State of Oregon.

## **SECTION 1 – AUTHORITY; DEFINITIONS; FILING; CITATION; AMENDMENTS; REGULATIONS**

### **1.0 Statement of Regulatory Authority**

The Rules for Licensing Paralegals in Oregon are rules of the Supreme Court of the State of Oregon. Because licensed paralegals will be permitted to engage in the limited practice of law as associate members of the Oregon State Bar, the Rules for Licensing Paralegals are adopted pursuant to the Supreme Court’s inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar, under Article VII (Amended), section 1, of the Oregon Constitution and ORS 9.006, which includes the statutory authority to direct the manner of examination of applicants for admission to the Oregon State Bar under ORS 9.220.

### **1.1 Definitions**

In these rules, unless the context or subject matter requires otherwise:

- (a) “Admissions Department” means the staff within the Bar’s Admissions Department hired, delegated or assigned to perform the admissions functions related to licensing paralegals as described in these rules. The term Admissions Department may also include any department delegated, assigned or established to perform the admissions functions related to licensing paralegals as described in these rules.
- (b) “Admissions Manager” means the employee within the Bar’s Regulatory Counsel Office or such other Bar employee hired, delegated or appointed to oversee or manage the Admissions Department.

- (c) "Applicant" means an individual who submits an application with the Admissions Department to become a Licensed Paralegal in the State of Oregon.
- (d) "Application" means the form developed and provided by the Bar for an applicant to apply for a Paralegal License, together with any other document or form required by these rules and related to an applicant's effort to become a Licensed Paralegal.
- (e) "Attorney Member" means a regular member of the Bar, in active status, who is an attorney practicing law in Oregon.
- (f) "Character and fitness" means the combination of the following definitions in considering or analyzing an applicant's qualifications:
  - (1) "Fit to provide Licensed Paralegal services" or "fitness" means an applicant demonstrates through conduct that the applicant (1) has the capacity to identify professional or personal ethical obligations and issues; and (2) is capable of exercising a level of judgment and discernment to avoid engaging in conduct that violates the Oregon Rules of Professional Conduct for Paralegals or that calls into question the applicant's goodmoral character.
  - (2) "Good moral character," "moral character," or "character" means the same as "good moral character" under ORS 9.220(2)(b).
- (g) "Committee" means the Committee of Paralegal Assessors described in section 2 of these rules, which performs the various functions related the licensing of Licensed Paralegals as described in these rules.
- (h) "Court" means the Oregon Supreme Court.
- (i) "Endorsed" or "endorsed area of practice" means that an applicant or Licensed Paralegal has established that the person possesses sufficient learning and ability in a specific area of the law and, pursuant to the person's Paralegal License (once issued to an applicant), may provide Licensed Paralegal services within that specific area of the law without the supervision of an Attorney Member, subject to the scope of practice limitations established by these rules.
- (j) "Endorsement" or "endorsement sought" means the area of law in which an applicant intends to perform Licensed Paralegal services. The only endorsement-eligible areas of law are Family Law and Landlord-Tenant Law.
- (k) "Entry Exam" means a Bar-conducted examination that tests an applicant's competence to become a Licensed Paralegal, as set out in section 6.4 of these rules.
- (l) "Family law," for purposes of a Family Law Endorsed Scope of Practice, means dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, modifications, and establishment of filiation (parentage); but not disestablishment, change of

name or sex, or remedial contempt.

- (m) "Landlord-Tenant Law" or "Landlord-Tenant," for purposes of a Landlord-Tenant Law Endorsed Scope of Practice, means landlord-tenant issues concerning residential rental agreements or tenancies subject to (1) the Oregon Residential Landlord Tenant Act, ORS chapter 90; and (2) Forcible Entry and Detainer provisions relating to residential tenancies, ORS 105.126–105.168.
- (n) "Licensed Paralegal" means a person licensed by the State of Oregon as a Licensed Paralegal, authorized to perform limited legal services within a defined and endorsed scope of practice.
- (o) "Licensed Paralegal services" are services that were historically provided by Oregon attorneys to clients for a fee, or by paralegals under the supervision of an Attorney Member, but that may be provided by Licensed Paralegals without the supervision of an attorney under these rules, so long as the services are provided within a Licensed Paralegal's scope of practice and otherwise are authorized by these rules, the Oregon Rules of Professional Conduct for Licensed Paralegals, and other applicable statutes and Supreme Court rules.
- (p) "Military service" means extended active service in the armed forces of the United States or deployment with the National Guard.
- (q) "Bar" means the Oregon State Bar created by ORS chapter 9.
- (r) "Adjudicator" means the Adjudicator of the Disciplinary Board of the Bar, as described in Bar Rule of Procedure 2.4.
- (s) "OSB Member" means a regular or associate member of the Bar.
- (t) "Bar Staff" means staff for the Admissions Department or any other Bar staff assigned by the Admissions Manager to work with the Committee.
- (u) "Paralegal License" or "License," and "Paralegal Licensee" or "Licensee," means the license issued under these rules, permitting a paralegal to provide Licensed Paralegal services in Oregon without the supervision of an Attorney Member, and a person to whom such a license has been issued.
- (v) "Portfolio" means samples of work product, produced exclusively by the applicant, complying with RLP 3.3(b), 5.4, 5.5, and 6.1.
- (w) "Scope of Practice" means the limited legal services permitted to be provided by a Licensed Paralegal within the endorsed area of practice without the supervision of an Attorney Member as defined within section 11 to these rules.
- (x) "Substantive paralegal experience" is either (1) the performance of substantive legal work authorized to be provided by Licensed Paralegals in an endorsed area of practice; or (2) substantive legal work performed under the employment or training of an Attorney Member or

an approved paralegal education program identified in RLP 4.2. Substantive paralegal experience requires knowledge of legal concepts and processes that are customarily, but not exclusively, performed by a lawyer, but does not include administrative functions.

- (y) “These rules” means the Rules for Licensing Paralegals, or “RLP.”
- (z) “Written Acknowledgement of Referral” means a document, signed by the Licensed Paralegal’s client, indicating the Licensed Paralegal referred the client to, or the client previously consulted with, an Attorney Member as required by one of these Rules.

## **1.2 Filing**

Any document required to be filed or submitted pursuant to these rules, whether by an applicant or a third party, must be delivered as follows:

- (a) If the Admissions Department has approved or provided an electronic means, then through those means;
- (b) If the Admissions Department has not approved or provided an electronic means, then:
  - (1) By email to the Admissions Department, at [admissions@osbar.org](mailto:admissions@osbar.org); or
  - (2) By First Class U.S. Mail, mailed to The Oregon State Bar, Attn: Admissions Department, P.O. Box 231935, Tigard, OR 97281-1935.

## **1.3 Citation**

These rules may be cited as the “RLP.”

## **1.4 Amendments to These Rules; Subsequent Regulations**

- (a) These rules may be amended or repealed by the court, on recommendation from the Board of Bar Examiners. Proposed amendments to these rules shall be submitted and considered by the Board of Bar Examiners, in compliance with any relevant regulations adopted by the Board of Bar Examiners. All proposed rule amendments recommended for adoption, or rejected, by the Board of Bar Examiners shall be submitted to the court.
- (b) The Board of Bar Examiners may adopt, amend or repeal regulations establishing processes and procedures for the enforcement, implementation and regulatory compliance of these rules (“the regulations”). All regulations, and amendments thereto, shall be proposed by the Chief Executive Officer, General Counsel, or Regulatory Counsel.

## SECTION 2 –COMMITTEE of PARALEGAL ASSESSORS

A Committee of Paralegal Assessors is established to assess the qualifications of each applicant for a Paralegal License. In carrying out its responsibilities, the Committee shall be supported by the Admissions Manager and other Bar staff. The Committee shall uphold the standards of a Paralegal License through the policies and procedures provided in these rules.

### **2.1 Appointment of Members; Structure of Committee; Liaisons.**

- (a) All Committee members must be appointed by the court. The Bar Board of Governors and the Board of Bar Examiners will recruit candidates for appointment to the Committee and nominate selected recruits to the court on or before November 1 of each year, so that the Committee maintains a minimum of at least five Committee members at all times.
- (b) The Committee shall consist of:
  - (1) At least four Committee members, but no more than nine members, and at least 75 percent of the Committee members must satisfy at least one of the following qualifications (collectively known as “Assessor Members”):
    - (A) Be an active Licensed Paralegal;
    - (B) Be an active Attorney Member; or
    - (C) Be trained as a paralegal and, for the five years immediately preceding appointment, have been continuously employed as a paralegal and supervised by an Attorney Member.
  - (2) At least one member, but no more than 25 percent, of the Committee shall be neither an Attorney Member, any other lawyer, an active Licensed Paralegal, or a person employed or trained as a paralegal (“Public Members”).
- (c) A person who is connected with the faculty or governing body of a school offering degrees or certifications in paralegal studies, except an adjunct professor, is not eligible to become or remain a member of the Committee.
- (d) Pursuant to RLP 1.4(b), the Board of Bar Examiners may adopt regulations defining or establishing the following Committee matters:
  - (1) The number of years that make up one term of service on the Committee for Assessor Members and Public Members;
  - (2) The maximum number of terms, if any, that may be served by an Assessor Member and Public Member; and

- (3) The process by which a liaison to the Board of Bar Examiners or other officer positions for the Committee may be established, assigned or appointed by the Committee.

## 2.2 Duties

In addition to any other duties or obligations described in these rules, the primary duty of the Committee shall be to evaluate and assess an applicant's qualifications for a Paralegal License in the State of Oregon. The Committee shall ensure that each applicant meets the minimum qualifications required by section 5 of these rules, through the processes outlined in section 6; and that each applicant upholds the high standards expected of Licensed Paralegals by the bench, Bar, and general public as defined in section 7 of these rules, pursuant to the process outlined in section 8. When necessary, a Committee member shall participate in a character and fitness proceeding pursuant to section 9 of these rules. Finally, the Committee shall make recommendations to the Court regarding applicants whose qualifications raised questions or were otherwise not previously approved by the Admissions Manager.

## 2.3 Activities and Decisions

- (a) In determining an applicant's qualifications for a Paralegal License, the Committee shall engage in the following non-exhaustive list of activities:
  - (1) Evaluate an applicant's competence, learning, and abilities to engage in a Licensed Paralegal practice through the review of the applicant's Portfolio, described in RLP 6.1, and through the grading of an entry examination as described in RLP 6.7;
  - (2) Evaluate appeals from the Admissions Manager's denial or modification of requests for accommodations on the entry examination, following the procedures set out in RLP 6.5;
  - (3) If the Admissions Manager does not approve an applicant's character and fitness for a Paralegal License, then review investigation materials provided by the applicant, Bar Staff, or a Special Investigator, and evaluate the applicant's moral character and fitness to engage in a Licensed Paralegal practice;
  - (4) Participate in evidentiary hearings related to an applicant for whom the Admissions Manager has recommended denial of license in accordance with these rules; and
  - (5) Make other recommendations to the court regarding an applicant's qualifications to engage in a Licensed Paralegal practice, as required by these rules.
- (b) Any Committee decision or action shall be made or taken based upon a majority vote of all non-recused or absent members.

## 2.4 Disclosure of Committee Records

Unless expressly authorized by the court or by these rules, the Committee shall not disclose any of its records, work product or proceedings in carrying out its duties.

- (a) The Committee may release an applicant's admissions file to:
  - (1) A special investigator appointed under RLP 8.3 – 8.4;
  - (2) Counsel appointed by the Committee to represent the Bar before the court, if an applicant seeks court review of an adverse admissions recommendation;
  - (3) Counsel appointed by the Committee, if an applicant initiates civil proceedings against the Committee in connection with the applicant's application;
  - (4) Admissions authorities in other jurisdictions that guarantee the confidentiality of the applicant's files to the same extent as required under Oregon law; or
- (b) An applicant requesting a copy of the applicant's own file, but the Committee may release only a true copy of that part of the application form completed and submitted by the applicant. The Committee may charge a reasonable administrative fee to an applicant for providing the true copy. A special investigator may reveal facts or information contained in the applicant's admissions file to any third party or source only pursuant to a release or waiver signed by the applicant, which the Bar may require the applicant to sign as part of the initial application for a Paralegal License.
- (c) Because all matters reviewed by the Committee relate to a determination whether a particular applicant meets the requirements to become a Licensed Paralegal, and because all such matters are considered a judicial proceeding by virtue of these rules, no materials reviewed by the Committee shall be considered a public record.

## SECTION 3 – APPLICATION

### 3.1 Form and Filing of Application

Applications for a Paralegal License may be filed at any time and shall be in the form prescribed by the Admissions Manager. An application will be considered submitted only when accompanied by:

- (a) the required application fee;
- (b) required documentation related to the applicant's age, education, paralegal experience; and
- (c) a portfolio for assessment of the applicant's paralegal abilities.



### 3.2 Application Fees and Refunds

An applicant must pay to the Bar, at the time of filing the Application, the required application fee established by the Bar's Chief Executive Officer. The established fee shall be stated on the online Admissions home page of the Bar's website (<https://www.osbar.org/admissions>).

### 3.3 Contents of Application

- (a) Each application shall be on a form prescribed by the Admissions Manager designed to provide the Admissions Manager or the Committee with all information necessary to sufficiently evaluate and assess the applicant's minimum qualifications, through the processes described in these rules.
- (b) Each application must include a portfolio of work product that was substantially completed by the applicant for the applicant's education or employment. All portfolio work product must have been completed within three years immediately preceding the date of the application.
- (c) Each application must include information establishing that the applicant has met the burden to prove knowledge of the Rules of Professional Conduct for Licensed Paralegals, through one or more of the methods set out in RLP 6.2.
- (d) Prior to taking the entry exam described in RLP 6.4, an applicant must complete the application with the following documents, if applicable:
  - (1) An applicant who is a licensed paralegal in another state, the District of Columbia, or a federal territory must provide one copy of a certificate of good standing.
  - (2) An applicant who claims certification of qualifications by an organization dedicated to upholding the standards or professionalism or competence of paralegals must submit a document from that organization, establishing that the certification is current or active, and that the applicant is in good standing with the organization.

### 3.4 Applicant Duties

- (a) Cooperation. An applicant has a duty to cooperate and comply with requests from the Admissions Department and the Committee.
- (b) Continuing obligation to report. An applicant has a duty to report promptly to the Admissions Department any change, addition, or correction to the information provided in the application.

### 3.5 Form of Petitions to Court for Waiver of Rules

An applicant whose application is denied under these rules may seek a waiver from the court through the following process:

- (a) The applicant may file a petition with the Admissions Manager, who shall present it to the Committee for evaluation and comment. The Admissions Manager shall provide the applicant with the Committee's commentary.
- (b) The applicant then may file the petition and the Committee's commentary with the court. Any petition under this rule shall be signed and shall include a declaration under penalty of perjury that the statements contained in the petition are true to the best of the applicant's knowledge and belief.

## SECTION 4 - QUALIFICATIONS OF APPLICANTS

Prior to receiving a Paralegal License, an applicant must establish, by clear and convincing evidence, that the applicant satisfies all qualifications for such a license, including, without limitation, the applicant's age, learning and ability, and character and fitness requirements under Oregon law.

### **4.1 Minimum Age Required**

An applicant must be at least eighteen (18) years old at the time of submitting an application.

### **4.2 Approved Educational Degrees**

An applicant may meet the minimum learning required for a Paralegal License by obtaining one of the following degrees from a higher learning institution that meets the qualifications outlined in the relevant section:

- (a) Graduate of Approved Paralegal Program: The applicant has obtained an associate's degree or higher in paralegal studies from an paralegal education program from an accredited institution that requires sufficient demonstration of core competencies;
- (b) Graduate with Bachelor Degree from Higher Learning Institution: The applicant has obtained a bachelor's degree or higher in any course of study from a nationally accredited U.S. institution of higher learning; or
- (c) Graduate from an ABA Accredited Law School: The applicant has graduated from a law school approved by the American Bar Association, earning a Juris Doctor degree or Bachelor of Law (LL.B.) degree.

### **4.3 Education Waiver**

If an applicant does not meet any requirement described in RLP 4.2, the applicant may submit an Education Waiver Form, provided by the Bar, establishing that the applicant meets all requirements of one of the following waiver categories:

- (a) Highly Experienced Paralegal: The applicant obtained on-the-job training provided through a minimum of 5 years of full-time substantive paralegal experience or 7,500 hours of substantive paralegal experience.
- (b) Certified Paralegal: The applicant passed one of the following national paralegal certification exams, so long as the resulting credential remains current, and the applicant remains in good standing with the issuing organization, on the date the application is submitted:
  - (1) The National Association of Legal Assistants (NALA) Certified Paralegal Exam® (CP) with current CP® Credentials;
  - (2) The National Federation of Paralegal Association's (NFPA's) Paralegal Advanced Competency Exam® (PACE) with current RP® Credentials;
  - (3) The NFPA's Paralegal Core Competency Exam® (PCCE) with current CRP™ credentials; or
  - (4) The NALS Professional Paralegal (PP) Exam with current PP™ Credentials.
- (c) Military Paralegal: The applicant achieved the military grade of E4 or higher while serving in any branch of the United States Armed Forces and satisfied the following requirements during their time in said service:
  - (1) Trained to perform paralegal services by a military occupation specialty (MOS) school designed for paralegals within the armed forces; and
  - (2) Served for three years as a military paralegal, a trainer of military paralegals, or in a supervisory role overseeing the work of other paralegals in the armed forces.

#### **4.4 Mandatory Professional Education Requirements for Admission**

An applicant must complete 20 hours of professional education courses approved by the Admissions Department within 18 months prior to licensure.

#### **4.5 Recent Substantive Paralegal Work Experience Require**

Applicants must also establish recent substantive paralegal experience, concurrent to any experience required by RLP 4.2 and 4.3, through the following criteria:

- (a) Admission Based on an Approved Paralegal Education or Bachelor Degree - Substantive Work Experience Requirements: An applicant seeking admission under RLP 4.2(a) or RLP 4.2(b) must complete 1,500 hours of substantive paralegal experience within the three years immediately preceding the submission date of the application.
  - (1) The 1,500 hours must be verified by an active Attorney Member through a Work Experience Declaration form provided by the Bar for such purpose.

- (2) Hours spent training and working within the area(s) of law for which an applicant seeks an Endorsement(s) may be counted towards the minimum hours required in this subsection.
- (b) Admission Based on a Juris Doctorate Degree - Substantive Work Experience Requirements: An applicant seeking admission under RLP 4.2(c) must complete 750 hours of substantive paralegal experience within the 18 months immediately preceding the submission date of the application, subject to the following:
- (1) The 750 hours of substantive paralegal experience counted towards the requirement in this subsection may also be counted toward the hours of experience required in one of the Practice Areas related to the Endorsements described in RLP 4.6;
  - (2) The 750 hours must be verified by an Attorney Member through the Work Experience Declaration form provided by the Bar for such purpose.
- (c) Admission Based on Education Waiver – Substantive Work Experience Requirements: An applicant seeking admission under RLP 4.3 must have completed 1,500 hours of substantive paralegal experience within the three years immediately preceding the submission date of the application, subject to the following:
- (1) All 1,500 hours must be verified by an active Attorney Member through the Work Experience Declaration form provided by the Bar for such purpose..
  - (2) Hours spent training and working within the area(s) of law for which an applicant seeks an Endorsement(s) may be counted towards the minimum hours required in this subsection.
  - (3) An applicant may count the 1,500 hours required under this subsection toward the completion of the 7,500 hours of substantive paralegal experience required of highly experienced paralegals under 4.3(a).

#### **4.6 Endorsement of Practice Area; Limitations on Experience Counted**

An applicant must be endorsed in at least one of the following approved Scopes of Practice, by meeting the following requirements:

- (a) Family Law Endorsement: An applicant must have completed 500 hours of experience, all focused on Family Law, within the 18 months immediately preceding the submission date of the application.
- (b) Landlord-Tenant Endorsement: An applicant must have completed 250 hours of experience, all focused on Landlord-Tenant Law, within the 12 months immediately preceding the submission date of the application.

- (c) An applicant shall not count the same hour(s) toward the completion of a requirement for both 4.6(a) and 4.6(b).

#### **4.7 Learning and Ability Assessment**

The Admissions Department and its designees shall develop assessment methods and processes that evaluate an applicant's learning and abilities in the areas of the law for which an Endorsement is sought, the limits of the applicable Scope of Practice, and the ethical rules and professional responsibilities that apply to a Licensed Paralegal. The assessment methods and processes shall be established in the regulations that accompany these rules.

#### **4.8 Character and Fitness Assessment**

An applicant's character and fitness shall be demonstrated through a background screening and, if warranted, a thorough investigation conducted by Admissions Department, and any subsequent interview or hearing required by these rules. An applicant's character and fitness shall be assessed pursuant to the processes set out in sections 8 and 9 of these rules, and measured against the standards identified in section 7.

#### **4.9 Comity**

An applicant who is currently an active licensed paralegal (or, regardless of title, substantially equivalent to an Oregon Licensed Paralegal), is in good standing with the licensing agency or relevant jurisdictional body; and has lawfully engaged in providing Licensed Paralegal Services for at least 1,000 hours per year, in two of the three years immediately preceding the date of the application, may submit a Comity Request form to be exempt from the requirements described in RLP 4.2, 4.5, RLP 6.1 (portfolio requirement only), and RLP 6.2. The applicant shall undertake a Scope of Practice Examination provided at the same time and under the same rules as the Entry Exam under section 6 of the RLP.

### **SECTION 5 – POLICIES; STANDARDS; QUALIFICATIONS; and REQUIREMENTS for LICENSED PARALEGALS**

In reviewing an applicant's qualifications for a Paralegal License, including character and fitness, the Committee shall uphold the following policies, standards, qualifications and requirements:

#### **5.1 Protection of the Public**

The first priority of the Bar and the Committee is protection of the legal consumer public. Any significant doubts about an applicant's qualifications should be resolved in favor of protecting the public by recommending denial of an application.

#### **5.2 Nondiscrimination Policy**

The second priority of the Bar and the Committee is to execute the policies and standards established by

these rules in a manner that considers and fosters diversity and equity in the Oregon legal profession.

### **5.3 Burden of Proof; Clear and Convincing Standard**

An applicant bears the burden of proving that the applicant meets each qualification for a Paralegal License by clear and convincing evidence. "Clear and convincing evidence" requires an applicant to show that it is highly probable that the applicant meets each qualification.

### **5.4 Standards of a Licensed Paralegal**

An applicant shall have a record of conduct that demonstrates a level of judgment and diligence that will result in competent representation of the best interests of clients and that justifies the trust of clients, adversaries, courts, tribunals, interested third parties, and the general public, with respect to all professional duties owed. This standard should be demonstrated in the Portfolio, any required examinations, and the character and fitness inquiry and investigation, including any interview or hearing conducted.

### **5.5 Essential Eligibility Requirements**

Demonstration of the following attributes, and the likelihood that an applicant will utilize these attributes in the practice of Licensed Paralegal services, shall be essential to the Admissions Department and the Committee when considering competence, learning, abilities, and moral character and fitness:

- (a) Knowledge of the fundamental principles of law and understanding of how to apply legal principles to the issues and facts presented;
- (b) Ability to competently undertake the fundamental legal skills commensurate with being a Licensed Paralegal; and
- (c) Judgment and character, regardless of circumstance or consequence, to always:
  - (1) Communicate honestly, candidly, and civilly with clients, attorneys, courts, and others;
  - (2) Conduct financial dealings in a responsible, honest, and trustworthy manner;
  - (3) Conduct oneself with respect for and in accordance with the law;
  - (4) Demonstrate regard for the rights, safety, and welfare of others;
  - (5) Demonstrate good judgment on behalf of clients and in conducting one's professional business;
  - (6) Act diligently, reliably, and punctually in fulfilling obligations to clients, lawyers, courts, and others;

- (7) Comply with deadlines and time constraints; and
- (8) Comply with the requirements of applicable state, local, and federal laws, rules, and regulations; any applicable order of a court or tribunal; and the Oregon Rules of Professional Conduct.

## SECTION 6 – PROCESS FOR ESTABLISHING LEARNING AND ABILITY

### 6.1 Portfolio

- (a) The portfolio shall demonstrate competent levels in the qualities, skills, learning, and abilities set out in RLP 5.4 and 5.5.
- (b) The portfolio materials should, at a minimum, include a significant body of work in the area of law in which an applicant is seeking Endorsement. Additionally, the portfolio should demonstrate a firm understanding of the types of work that are both within and outside the applicant's Scope of Practice, and an understanding of when a Licensed Paralegal must refer a client to a qualified lawyer.
- (c) The Committee shall review an applicant's portfolio and determine whether the applicant meets the standards and requirements set out in section 5 of these rules. If the portfolio provides insufficient materials to assess whether an applicant meets the standards or requirements set out in section 5, the Committee shall request additional materials from the applicant addressing those specific missing standards or requirements.
- (d) .The applicant will have 28-days from the date the Committee made such request, in which to produce sufficient documents to replace the insufficient materials. If this deadline is not met, the application must be denied due to their portfolio being assessed as unqualified. The applicant can reapply one month after the denial is issued

### 6.2 Requisite Knowledge of Professional Responsibilities

An applicant shall prove that the applicant has the requisite knowledge of the professional responsibilities of a Licensed Paralegal, through one of the following methods:

- (a) Having taken an course on the Rules of Professional Conduct from an accredited institution applicable to Licensed Paralegals in Oregon, and achieved a grade average of 3.3 or higher on a 4.0-point scale (or equivalent by achieving a grade that is equal to 82.5% or higher on the point scale used by the academic institution from which the course was taken);
- (b) Having passed a Bar -conducted professional responsibility examination that tests the knowledge of examinees on the Oregon Rules of Professional Conduct for Licensed Paralegals;  
or

- (c) Having achieved a score of 75 or higher (“Passing Score”) on the Multistate Professional Responsibility Examination. Prior to submitting the application, the applicant must request that the score be transferred to the Admissions Department.

### **6.3 Prerequisites for Examination and Examination Cycles**

- (a) An applicant is required to pass the paralegal entry exam described in RLP 6.4.
- (b) No applicant may sit for the entry exam unless and until:
  - (1) The applicant has established that the applicant has the requisite skills and abilities to be a Licensed Paralegal through the Committee’s assessment of the applicant’s Portfolio pursuant to RLP 6.1;
  - (2) The applicant has established that the applicant has the requisite knowledge of the Rules of Professional Conduct for Licensed Paralegals in Oregon pursuant to RLP 6.2; and
  - (3) The Admissions Department or the Committee has determined that the applicant meets all requirements for a Paralegal License, except that the applicant’s character and fitness may not be fully assessed until after passing the entry exam.
- (c) Within a reasonable time after determining that an applicant qualifies to sit for the entry exam, the Committee shall provide written notice to the qualified applicant that the applicant is eligible to sit for the entry exam within the 6 months following the date of the notice (“entry exam notice”). The entry exam notice shall be sent by email or any other reasonable electronic means provided by the Bar.

### **6.4 Time, Place, Form, and Manner of Entry Exam**

The entry exam must test an applicant’s learning and ability to retain and apply the rules and laws related to the scope of practice for, and the referral obligations applicable to, Licensed Paralegals in the State of Oregon. Without limiting the foregoing, the Bar may test applicants on other subjects relevant to being a Licensed Paralegal or an Endorsement sought. If such other subjects will be included in an entry exam, the Bar must provide notice to the applicant taking the examination, pursuant to RLP 6.6.

- (a) The Bar or its designee shall develop and maintain the questions included in the entry exam.
- (b) The entry exam may be offered multiple times throughout each calendar year.
- (c) Each entry exam shall take place at a time, place and location established by the Bar.



## 6.5 Testing Accommodations for Entry Exam; Assessment; Opportunity to Appeal

- (a) Definitions. For the purpose of this rule:
  - (1) “Disability” means a disability as the term is defined under the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) (“ADA”), amendments to the ADA, applicable regulations, and caselaw.
  - (2) “Qualified professional” means a licensed physician, psychologist, or other health care provider who has comprehensive training in the field related to the applicant’s claimed disability.
- (b) An applicant with a disability that substantially limits one or more major life activities and who desires an adjustment or modification to the standard testing conditions to alleviate the impact of the applicant’s functional limitation on the examination process may request reasonable accommodation(s) to take the examination.
- (c) Consistent with the requirements of the ADA, the Admissions Manager shall evaluate any timely and complete accommodation request and determine the extent, if any, to which it will be granted.
- (d) An applicant must file a timely and complete accommodation request, using the forms prescribed by the Committee. The filing deadlines for requests shall be two months following the Entry Exam Notice date.
- (e) An applicant who is breastfeeding may request accommodations to enable the applicant to express milk during the examination.
- (f) The Admissions Manager shall notify the applicant of any decision shortly after reaching a decision on the accommodation request (“Accommodation Notice”).
- (g) An applicant may appeal any accommodation decision in which the Admissions Manager provided less than, or an alternative to, the accommodation that the applicant requested. An applicant must file an appeal in writing, within two weeks of the date of the Accommodation Notice (“Appeal Notice”).
- (h) Upon receipt of an Appeal Notice, the Admissions Manager shall forward it to the Committee, together with all documentation and communications related to the applicant’s accommodation request and the Admissions Manager’s decision, as relevant to the appeal.
- (i) The Committee shall review any accommodation appeal submitted to it de novo, during the next regularly scheduled judicial proceeding of the Committee. The accommodation decision reached by the Committee shall be final, and no additional appeals or requests for reconsideration shall be considered, related to the applicant’s accommodation requests for the relevant entry exam cycle.

## **6.6 Notice to Applicant; Contents of Examination; Manner of Examination and Accommodation**

- (a) At least two months prior to administration of the entry exam, the Admissions Manager shall notify each applicant sitting for the entry exam of the following:
  - (1) The date upon which the examination will be given, and the schedule for the exam day, including the start time, and end time or maximum length of time permitted, for the relevant exam session(s);
  - (2) The number of questions that will be asked during the exam session(s), and the general format of the questions (i.e. multiple choice, short answer, essay, etc.);
  - (3) If more than one session, any format differences between each session;
  - (4) The general subject matter(s) upon which the applicant will be tested;
- (b) At least one month prior to administration of the entry exam, the Admissions Manager shall notify each applicant sitting for the entry exam of the following:
  - (1) The location of the examination;
  - (2) Any accommodation provided to the applicant pursuant to RLP6.5;
  - (3) Equipment or items that the applicant must bring to the exam site or exam room;
  - (4) Equipment or items that are not permitted at the exam site or in the exam room; and
  - (5) Any rules that apply to the applicant's conduct before, during and after the exam.

## **6.7 Grading**

- (a) The entry exam shall be graded by the Bar, or by any third party to which it delegates such duty.
- (b) Grading must be completed within 60 days of the date of the entry exam.
- (c) Within two weeks of completion of grading the entry exam, the Admissions Manager must notify the applicant of the applicant's score and identify whether the score is passing or failing.

## **6.8 Review of Examination Paper**

- (a) Rubrics, point sheets, and grading materials developed, created or used to grade the entry exam shall not be made public or provided to any person, including applicants, other than the Committee, the Bar, or the court.

- (b) There shall be no regrade conducted on the entry exam.
- (c) There shall be no appeal or review of any part of any question or answer to the entry exam, unless authorized by the Bar or the court.
- (d) An applicant who has failed the entry exam:
  - (1) Has the right to be informed of the total score, scaled or otherwise, and the score required to pass the entry exam in Oregon, within the timeframes described in the regulations; and
  - (2) May, if the entry exam involved essay questions and within the timeframes established in the regulations, inspect and obtain, at the applicant's expense, copies of the applicant's handwritten or typewritten answer(s) the essay question(s) to which the answer(s) applied, and the raw scores given for such answer(s).

**6.9 Effects of failing or withdrawing from Entry Exam; Expiration of Exam Cycle; Limits to Entry Exams and Exam Cycles**

- (a) An applicant may sit for one entry exam in any given exam cycle. No applicant may sit for more than two exam cycles in any twelve-month period.
- (b) If an applicant fails the entry exam during an exam cycle, then the Committee or Bar Staff shall send the applicant written notice that the application is denied due to failing the entry exam. To gain a new exam cycle and sit for another entry exam, an applicant must complete a new application; however, the applicant may not gain a new exam cycle until at least three months have passed since the date on which the applicant was last notified of failure of an Entry Exam.
- (c) If an applicant withdraws the application during an exam cycle, then the applicant waives the ability to be tested during that exam cycle and must complete a new application to gain a new exam cycle and to sit for an entry exam.
- (d) If an exam cycle expires without the applicant sitting for an entry exam, then the applicant must complete a new application to gain a new exam cycle and sit for another entry exam.
- (e) Without limiting any rule provided in RLP 6.1 to 6.8, there shall be no limit to the total number of entry exams taken by an applicant, to pass the examination.

**SECTION 7 –POLICIES FOR EVALUATING AND MAKING CHARACTER AND FITNESS RECOMMENDATIONS**

In addition to the standards and policies set out in section 5 of these rules, the following policies shall guide all recommendations regarding the character and fitness for each applicant.

## 7.1 Timing of Character and Fitness Process and Recommendations

To preserve Bar resources, no applicant's character and fitness will be reviewed by the Committee unless and until the applicant has established that all qualifications and requirements set out in sections 1 through 6 of these rules have been satisfied, including that the applicant has the requisite skills, abilities and learned knowledge to be a Licensed Paralegal.

## 7.2 Identifying Relevant Conduct; Considering Weight of Evidence; and Evaluation

When considering a recommendation for an applicant's character and fitness under sections 8 or 9 of these rules, the Committee shall determine the relevance of any facts discovered, and the weight to be given to such facts, in accordance with the regulations. The following are considered relevant, because they represent potentially disqualifying conduct and will require a determination, pursuant to the regulations, that the applicant has changed as described in RLP 7.3 since the last time the applicant engaged in the conduct:

- (a) Unlawful conduct;
- (b) Academic misconduct;
- (c) Making or procuring any false or misleading statement or omission of relevant information in connection with any bar application or in any testimony or sworn statement submitted to any licensing board;
- (d) Misconduct in employment;
- (e) Acts involving dishonesty, fraud, deceit, or misrepresentation;
- (f) Acts that demonstrate disregard for the rights or welfare of others;
- (g) Abuse of legal process, including the filing of vexatious or frivolous lawsuits or the raising of vexatious or frivolous defenses;
- (h) Neglect of financial responsibility;
- (i) Neglect of professional obligations;
- (j) Violation of an order of a court;
- (k) Conduct that demonstrates current drug or alcohol use to such an extent that it could impair the ability to practice law within the scope of these rules;
- (l) Denial or delays of admission to the bar in another jurisdiction on character and fitness grounds;
- (m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency

of any jurisdiction;

- (n) Failure to satisfy any significant responsibility owed to a third party for whom the applicant was a parent, caregiver, or fiduciary; and
- (o) Other conduct that demonstrates an inability to practice law within the scope of these rules.

### **7.3 Consideration of Maturation, Reformation, or Rehabilitation**

If past conduct is deemed relevant to an applicant's present character and fitness, then the Committee shall also consider evidence that applicant has changed through a maturation, reformation, or rehabilitation process.

### **7.4 Analysis of Past Conduct; Focus on Conduct; Consideration of Conditions**

- (a) Analysis for Past Conduct: The character and fitness processes set out in sections 8 and 9 of these rules are intended to reveal and analyze potentially relevant evidence supporting conduct as defined in RLP 7.2. If such evidence exists, the weight or value of the evidence must be analyzed. If the evidence is perceived to have sufficient weight or value, such that concerns persist about an applicant's character and fitness, then evidence related to claims of maturation, reformation or rehabilitation by the applicant should be considered pursuant to RLP 7.3.
- (b) Inquiries into Conditions: Notwithstanding anything to the contrary in these rules, the Committee shall not initiate an investigation into an applicant's physical or mental well-being, unless and until an applicant or a third-party reveals a physical or mental health diagnosis, condition, or issue, in an attempt to explain or mitigate some prior event or conduct in which the applicant was engaged.

### **7.5 Relevance of Evidence and Testimony when analyzing Character and Fitness**

If an applicant has engaged in relevant conduct that could call into question the applicant's character or fitness, the Committee or hearing panel considering the application shall presume that the conduct reflects the applicant's character only. The applicant may rebut such presumption by offering evidence that the applicant was hindered by a fitness issue when the applicant engaged in the relevant conduct; and that the applicant has remedied or resolved such fitness issues; or evidence that, through medication, treatment, therapy, or lifestyle changes, the fitness issue no longer poses a risk that the applicant might re-engage in such conduct. The applicant has the burden of proving the foregoing claim through evidence or testimony (expert or fact) that meets or exceeds the clear and convincing standard. If the applicant presents expert testimony, the Committee or hearing panel shall only consider expert testimony provided by applicant for rebutting the presumption that past conduct reflects on the applicant's character. The Committee or hearing panel shall not consider expert testimony in assessing an applicant's character.

## 7.6 Standards for Conditional Admission

- (a) Conditional Admission Factors and Considerations. When considering a recommendation for an applicant's character and fitness under sections 8 or 9 of these rules, if the Committee determines, through the factors and considerations listed in RLP 7.2 to 7.5, that the applicant currently possesses the character and fitness required to be a Licensed Paralegal in Oregon, but cannot determine whether the risk of relapse is sufficiently reduced, then a recommendation of conditional admission may be appropriate.
- (b) Review of Recommendations. A recommendation of conditional admission must include a description of the conduct, analysis of the mitigating factors, the applicant's rehabilitation and reformation attempts, the risk of relapse analysis, and the basis for concluding that the conditions placed on the applicant, coupled with the time of the probationary period, will reduce the risk. The recommendations must be submitted to the court pursuant to RLP 8.8.

## SECTION 8 – PROCESS FOR ASSESSING CHARACTER AND FITNESS

### 8.1 Evaluation Protocols for Assessing an Applicant's Current Character and Fitness

Through the screenings, investigations, interviews, and other activities or processes set out in section 7 of these rules, the Admissions Manager will initially determine if an applicant has the requisite character and fitness to provide Paralegal Services in the State of Oregon, utilizing the following protocol:

- (a) Determine whether the applicant has engaged in any potentially relevant conduct set out in RLP 7.2(a);
- (b) If potentially relevant conduct is discovered, then determine the weight to be given to such conduct by applying the factors set out in RLP 7.2(b); and
- (c) If the factors set out in RLP 7.2(b) indicate that the potentially relevant conduct should be considered in assessing the applicant's current character and fitness, and such conduct weighs negatively on the assessment of the applicant's qualifications, then determine whether the applicant has been adequately rehabilitated or reformed from the issues or concerns that caused the applicant to engage in the prior potentially relevant conduct, through the considerations set out in RLP 7.3.

### 8.2 Listing of Applicant; Bar's Website; Publication

Once an applicant has met the requirements to sit for an entry exam, and prior to the issuance of an applicant's Paralegal License, the Admissions Manager shall cause the name of the applicant to be published on the Bar's website or in any other publication approved by the court. The name of each applicant shall identify the applicant as applying for a Paralegal License and remain online or published for a minimum of 45 days.

### **8.3 Investigation of Applicant's Character and Fitness; Report to Committee**

- (a) Admissions staff shall perform background screenings and initial investigations into an applicant's character and fitness.
- (b) The Admissions Manager is authorized to conduct investigations, conduct interviews of an applicant and third parties, and request documents and other evidence from the applicant and third parties for the purpose of determining whether the applicant possess the good moral character and fitness required under these rules.
- (c) The Admissions Manager may, prior to making a recommendation to the Committee under RLP 8.4, request an applicant to appear before Admissions Manager or Admissions staff as part of the Admissions Manager's investigation.
- (d) The Admissions Manager may, as necessary, ask an applicant to sign a release requiring a third party to provide a particular document or other evidence that might be material to the Admissions Manager's inquiry.
- (e) Once the Admissions Manager determines that the investigation is complete, the Admissions Manager shall submit a report to the Committee.

### **8.4 Review of Investigation Report; Subsequent Actions**

- (a) Following submission of an Admissions Manager's report pursuant to RLP 8.3(e), the Committee must review and deliberate on the report's recommendations at the next meeting scheduled. The Committee's review of Admissions Manager's report is de novo.
- (b) If at least a majority of all non-recused members of the Committee determine that the applicant is qualified by age, satisfies the requisite good moral character and fitness requirements, and meets or exceeds the requisite learning and ability as required by these rules, then the Committee shall recommend that the court grant the application and issue a Paralegal License unconditionally or conditionally, pursuant to RLP 8.6.
- (c) If at least a majority of all non-recused members of the Committee determine that the applicant does not have the requisite good moral character and fitness, then the Committee shall elect to appoint an independent investigator, to further investigate the applicant's background and current good moral character and fitness, pursuant to RLP 8.5.

### **8.5 Appointment of Independent Investigator – Qualifications, Duties, Investigation, and Report**

- (a) Appointment Process: Within 28 days of the date of the Committee's election to appoint an independent investigator, the Admissions Manager shall present a pool of potential appointees to the Committee, and whichever investigator receives the most votes shall be appointed as

the independent investigator.

- (b) Investigation: The independent investigator shall investigate facts relevant to the applicant's character and fitness, including but not limited to the particular matter(s) that prompted the appointment.
- (c) Independent Investigator Report: Once the investigation is complete, the independent investigator shall submit a report to the Admissions Manager and shall be prepared to present the report at a subsequent judicial proceeding of the Committee. The report shall contain the facts reviewed by the independent investigator, as well as the independent investigator's recommendation to approve or deny the application. The independent investigator shall make their recommendation for admission or denial based on whether their investigation established a reasonable suspicion that the applicant does not have the requisite good moral character and fitness.
- (d) Additional duties: The independent investigator shall have the following additional duties after the report is submitted to the Committee:
  - (1) Appear before the Committee to provide an oral presentation of the report and answer any questions the Committee may have before deliberating its decision;
  - (2) Provide the Committee with a copies of all evidence gathered and all notes made or taken during the investigation, and provide originals at the request of the Committee or Admissions Manager;
  - (3) Provide reasonable support to the Committee in drafting its recommendation to the court;
  - (4) If the applicant seeks a contested licensure proceeding pursuant to RLP 9.1; the independent investigator shall have the following ongoing duties related to the application:
    - (A) At the request of the special counsel described in RLP 9.2, provide a complete copy of applicant's file, together with all original evidence gathered during the investigation;
    - (B) Assist the Special Counsel with contacting witnesses and parties who may have additional evidence or original evidence, rather than a copy, if needed; and
    - (C) Provide testimony or other evidence at a contested licensure proceeding or a deposition related to such a proceeding, if requested by any party.



## 8.6 Review of Independent Investigator's Report, Deliberations and Post-Investigation Actions

- (a) Presentation of Report: Upon receipt of the independent investigator's report, the Committee shall schedule a meeting, during which the independent investigator shall appear to provide a summary of the report and to answer questions from Committee members.
- (b) Deliberations as to the Sufficiency of the Investigation: Subsequent to the presentation of the independent investigator, the Committee shall deliberate on the evidence gathered, the strengths and weaknesses of the investigation, and the assessment of the independent investigator; compare its conclusions with those of the Admissions Manager's report; and determine by a majority vote of all nonrecused members whether the investigation is sufficiently complete to make a recommendation to the Court, or if additional actions are required before providing the Court with a recommendation.

## 8.7 Additional Considerations or Actions Available to Committee

- (a) Ask applicant to take different approach: If the Committee determines that the applicant engaged in prior relevant conduct, and the factors identified in RLP 7.2(b) do not sufficiently mitigate the concerns raised by the conduct, then the Committee can recommend that the applicant take certain remedial steps to eliminate the Committee's concerns. Once the Admissions Manager confirms that such steps have been taken, the Committee shall reconsider the matter to determine if the application is sufficiently complete to provide a recommendation to the Court.
- (b) Abate the Character and Fitness Evaluation to allow for Additional Rehabilitation or Sobriety: If the Committee determines that the applicant is in the process of reformation or rehabilitation, but the applicant needs more time in such process, without a relapse, before the Committee can recommend a conditional admission, then the Committee may recommend that the applicant abate the application for a period of up to one-year. At the end of the abatement period, the Admissions Manager shall confirm that the applicant has remained in rehabilitation, reformation or sobriety without relapse, and report the facts to the Committee. The Committee then shall follow the procedures set out in RLP 8.8 below.

## 8.8 Recommendation to the Court

- (a) Following a complete investigation and sufficient deliberations, the Committee shall provide the court with a recommendation whether the applicant should be granted a Paralegal License.
- (b) The recommendation of the Committee must include one of the following licensing options, selected by a majority vote of all non-recused members:
  - (1) Deny the license for failure to comply with RLP 3.4(a);
  - (2) Deny the license, which may be subject to an evidentiary hearing, as provided in RLP 9.10;

- (3) Issue a Paralegal License unconditionally; or
- (4) Issue a conditional Paralegal License, subject to conditions during a probationary period, together with the identification of the party to monitor the applicant during the probationary period.

## **8.9 Notice to Applicant of Recommendation**

- (a) Recommendations to License Applicant Unconditionally: If the Committee submits an unconditional licensure recommendation to the Court, the Admissions Manager shall provide the applicant with a copy of the recommendation via email.
- (b) Adverse Recommendation: If the Committee's recommendation to the court is a conditional Licensure recommendation, or a denial on any basis, the Admissions Manager shall provide the applicant with a copy of the recommendation via email, with a physical copy sent via certified mail, return receipt requested. If the applicant does not contest the recommendation as provided in section 9 of these rules, the Committee shall file the recommendation with the court not later than 28 days after sending its recommendation to the applicant.

## **SECTION 9 – CONTESTED LICENSURE PROCEEDINGS**

### **Procedural Framework and Responsibilities**

#### **9.1 Petition to Review Adverse Recommendation**

Not later than 28 days after the Committee provides an applicant with an adverse recommendation on an application pursuant to RLP 8.9(b), the applicant may contest the Committee's recommendation by filing with the Admissions Department a petition stating that the applicant seeks a contested licensure proceeding before a hearing panel pursuant to section 9 of these rules.

#### **9.2 Appointment of Special Counsel; Qualifications**

Within 28 days of the date of the receipt of an applicant's petition under RLP 9.1, the Admissions Manager shall submit to the Adjudicator a copy of the adverse recommendation and the applicant's petition. The Admissions Manager shall appoint an individual as the special counsel for a contested licensure proceeding.

#### **9.3 Establishment of Hearing Panel, Responsibilities, Decision Process, Written Opinions**

Upon the Admission Manager's notice to the Adjudicator under RLP 9.2, the Adjudicator shall appoint two members of the Committee to serve as members of a hearing panel for the applicant's Contested Licensure Proceeding. The Adjudicator shall be the Presiding Member of the hearing panel. If the Adjudicator is not able to perform the duties of the Presiding Member, then the Board of Bar Examiners liaison to the Committee shall be appointed to be the Presiding Member. The hearing panel shall develop a record from the contested

admission proceeding, including any authorized post-proceeding submission by the applicant or special counsel. The hearing panel shall deliberate on such record, to recommend a final disposition of the contested licensure proceeding to the court. The hearing panel shall issue a written opinion to the court pursuant to RLP 9.6. The hearing panel's deliberations, decisions, and written opinions shall follow the policies and processes set out in section 7 of these rules.

#### **9.4 Initiation and Purpose of Contested Licensure Proceeding**

The hearing panel shall conduct a contested licensure proceeding:

- (a) Purpose: The hearing panel shall inquire into whether an applicant possesses the requisite character and fitness to practice law in Oregon, as set out in RLP 1.0 and RLP 7.1 to RLP 8.9.
- (b) Initiation of Proceeding: After the hearing panel membership is established, and the special counsel has been appointed:
  - (1) Denial Statement: The Adjudicator shall request that the special counsel submit a denial statement that includes a statement of facts to be corroborated by evidence presented during the contested licensure proceeding, together with sufficient analysis for the hearing panel to understand the Committee's basis for denying the application.
  - (2) Applicant's Answer to Denial Statement: Within 14 days after being served with the statement and notice to answer, the applicant shall file with the Disciplinary Board Clerk an answer to the denial statement.
  - (3) Initiation of Hearing: After the answer is filed or upon the expiration of the time to file an answer, the matter shall proceed to hearing in the manner and processes ordered by the Presiding Member.

#### **The Contested Licensure Proceeding Hearing**

#### **9.5 Hearing Conducted by Presiding Member**

- (a) Governing Procedures: Except as otherwise ordered by the Presiding Member, the contested licensure hearing shall be conducted, as much as practicable, in accordance with Titles 4 and 5 of the Bar Rules of Procedure ("Bar Rules" or "BR").
- (b) Special Counsel: Production of Evidence: The special counsel shall initially produce evidence that reasonably supports the Committee's denial recommendation.
- (c) Burden of Proof – Applicant: The applicant bears the ultimate burden of proving that the applicant has the requisite good moral character and general fitness to provide Licensed Paralegal Services in Oregon. The applicant must establish, by clear and convincing evidence, that the applicant meets all the elements of each requirement set out in Section 7.

- (d) Transcript of Proceedings; Correction of Errors; Settlement Order. Each Contested Licensure Hearing shall be transcribed and shall comply with the Oregon Rules of Appellate Procedure as to form. The transcript shall be certified by the person preparing it. If the applicant requests that a transcript, the applicant shall pay the cost of transcription.

### Decision of the Hearing Panel

#### 9.6 The Hearing Panel Decision-Making Process

- (a) Hearing Panel Decision: The hearing panel shall deliberate and reach a decision pursuant to RLP 9.3.
- (b) Written Decision: Upon the conclusion of a contested licensure hearing, the hearing panel shall issue a written opinion. The applicant may seek review by the court of that decision, by filing a request for review pursuant to RPL 9.7. If the applicant does not timely file a request for review, the decision of the hearing panel shall be final on the 31st day following the panel's issuance of the decision.
- (c) Extensions of Time to File Opinions: If the hearing panel requires additional time to issue its decision, the Presiding Member may so notify the parties. The notice must include the anticipated date by which a decision shall be issued, not to exceed 90 days after the date originally due. If no decision is issued within 90 days after the date stated in the notice, either party may file a motion with the Disciplinary Board Clerk, seeking issuance of a decision, which may be resolved by the Presiding Member. If no decision has issued by 120 days after the date originally due, either party may petition the Court to enter an order compelling the hearing panel to issue a decision by a date certain.
- (d) Costs and Disbursements: The hearing panel shall not award costs or disbursements in these proceedings. Each party shall bear their own costs and disbursements.

#### 9.7 Request for Review

Within 30 days after the date that the hearing panel issued an adverse decision, the applicant may file with the State Court Administrator a request for review as set forth in BR 13.8. A copy of the request for review shall be served on the Admissions Manager.

### Supreme Court Review of Hearing Panel Decision

#### 9.8 Procedure in Supreme Court

- (a) Record: Within 30 days of the filing of an applicant's request for review, the Disciplinary Board Clerk shall file the hearing panel's written decision with the State Court Administrator, together with the record of the contested licensure proceeding.

- (b) Briefs: No later than 28 days after the court's written notice to the parties confirming receipt of the record, the applicant shall file an opening brief. The opening brief must include a request for relief asking the court to modify or reject, in whole or in part, the decision of the trial panel. Otherwise, the format of the opening brief and the timing and format of any answering or reply briefs shall be governed by the applicable Oregon Rules of Appellate Procedure. The failure of the applicant or the Bar to file a brief does not prevent the opposing litigant from filing a brief.
- (c) Oral Argument: The Oregon Rules of Appellate Procedure relating to oral argument apply to contested licensure proceedings.

## 9.10 Nature of Review

The Supreme Court shall consider each matter de novo upon the record and may adopt, modify, or reject the decision of the hearing panel in whole or in part.

## 9.11 Costs and Disbursements

The court may award costs and disbursements to the prevailing party.

# SECTION 10 - PARALEGAL LICENSING

## 10.1 Recommendation of Committee; Notice to Applicant; Oath of Office

Once the Admissions Manager or Committee has determined that an applicant should be recommended for a Paralegal License, Bar staff shall notify the applicant of the upcoming recommendation and require the applicant to submit a signed Oath of Office to Bar staff.

## 10.2 Qualifications for Licensure; Order of Licensure

- (a) An applicant must meet the following requirements:
  - (1) Be at least 18 years of age at the time the Paralegal License is issued;
  - (2) Have the requisite learning necessary for a Paralegal License, demonstrated by one of the following:
    - (A) Graduation from an approved paralegal education program with at least an associate's degree in paralegal studies, coupled with the substantive paralegal work experience required by these rules; or
    - (B) Satisfaction all of requirements of one of the paralegal education alternatives, coupled with the substantive paralegal work experience required by these rules

- (3) Have the requisite skills, abilities and learned knowledge required for a Paralegal License;
  - (4) Have the required good moral character and fitness, as determined through the processes and procedures set out in these rules; and
  - (5) Take the required Oath of Office in the form approved by the court.
- (b) If an applicant has met the requirements of RLP 10.2(a), to the court's satisfaction, then the court shall issue an Order of Licensure. The effective date of applicant's Paralegal License shall be the date of the Order of Licensure.

### 10.3 Residency

Oregon residency is not required for an Oregon Paralegal License.

### 10.4 Address, Telephone Number, and Email Designation

- (a) After a Licensed Paralegal has received the court's Order of Licensure and Bar Associate Member Number, the licensee must immediately log into the Bar Membership Portal and designate a current business address and telephone number, or in the absence thereof, a current residence address and telephone number. The licensee also must designate a current email address to receive Bar communications.
- (b) A paralegal licensee has a duty to promptly notify the Bar in writing of any change in business address or telephone number, or residence address or telephone number, or email address, as the case may be.

## SECTION 11 - SCOPE OF PRACTICE RULES FOR LICENSED PARALEGALS IN OREGON

Section 11 lists professional legal activities and services that Licensed Paralegals are authorized to provide, without the supervision of an attorney, so long as the activity or service is provided in an endorsed practice area.

### 11.1 Family Law Endorsed Licensed Paralegals - Scope of Practice

- (a) Within the Scope of Practice of Endorsed Licensed Paralegals: Licensed Paralegals, endorsed in Family Law, may engage in the following tasks in the course of representing or potentially representing Family Law clients, so long as such tasks pertain to an area of law within the definition of Family Law set out in RPL 1.1 and such representation would not otherwise violate any provision of the Rules of Professional Conduct for Licensed Paralegals:
  - (1) Meet with potential Family Law clients to evaluate and determine needs and goals, and advise the potential clients or clients regarding legal steps that could be taken to meet those needs and goals, if appropriate;

- (2) Enter a contractual relationship to represent a natural person (not including a business entity) in a Family Law matter;
- (3) Assist by selecting and completing model forms and drafting and serving pleadings and documents, including orders and judgments in a Family Law matter;
- (4) File Family Law related documents and pleadings with the court, electronically or otherwise;
- (5) Assist a Family Law client by drafting, serving, and completing discovery and issuing subpoenas;
- (6) Attend Family Law depositions, but not take or defend them;
- (7) Prepare for, participate in, and represent a party in Family Law settlement discussions, including mediation and settlement meetings;
- (8) Prepare Family Law clients for judicial settlement conferences. A Licensed Paralegal may attend these sessions to advise clients on their options and discuss various proposals;
- (9) Participate and assist with preparations for Family Law hearings, trials, and arbitrations. A Licensed Paralegal may prepare clients for Family Law court appearances (e.g., prepare clients for direct-examination, cross-examination, and oral argument; issue subpoenas; prepare witnesses; prepare and submit exhibits; draft asset and liability statements; and write memoranda to provide to the court);
- (10) Attend court appearances to provide support and assistance in Family Law procedural and ex parte matters. A Licensed Paralegal may not affirmatively represent a client directly during evidentiary hearings or other similar court appearances. For example, a Licensed Paralegal may not make evidentiary objections, offer exhibits, or question witnesses;
- (11) Review Family Law opinion letters, court orders, and notices with a client, and explain how they affect the client, including the right to appeal;
- (12) Notwithstanding the prohibition against providing services related to appeals, as stated in Section 11.1 (b)(1), a Licensed Paralegal may assist a client in an appeal made, pursuant to ORS 25.513(6), from an order of an administrative law judge or a default or consent order entered by an administrator relating to the establishment or modification of child support;
- (13) Notwithstanding the prohibition against juvenile dependency situations stated in subsection (b)(3), a Licensed Paralegal may provide services to a client in a Family Law case with a consolidated or related associated juvenile court proceeding where the

juvenile court's involvement may not be initiated or may be dismissed if a divorce, separation, custody case, or modification is initiated (and child custody therefore secured for a protective parent);

- (14) Notwithstanding subsection (b)(13), which prohibits a Licensed Paralegal from providing services to a client against whom a Family Abuse Protective Order (FAPA) claim has been raised, a Licensed Paralegal may continue providing services to an existing client if a FAPA claim is raised after the representation was already established, so long as the Licensed Paralegal refers the client to a qualified FAPA attorney, who is an Attorney Member, for a consultation on the legal consequences of the FAPA claim. If after the consultation, the client still wishes to be represented by the Licensed Paralegal, the Licensed Paralegal may continue representing the client; and
- (15) Refer Family Law clients or potential Family Law clients to attorneys for tasks or subject matters outside the Scope of Practice for the Licensed Paralegal. A Licensed Paralegal has an ongoing obligation to refer tasks or subject matters of Family Law clients to an Attorney Member, if information discovered after representation commences indicates that a specific task or subject matter is outside of the Scope of Practice for a Family Law Licensed Paralegal. The Family Law Licensed Paralegal may continue representing the client on tasks and subject matters within their Scope of Practice.

(b) Family Law Matters outside the Scope of Practice for Family Law Endorsed Licensed Paralegals: A Licensed Paralegal may not provide any services, or attempt to provide services, to a client or potential client related to the following matters or issues, regardless of whether the underlying area of the law involves Family Law, unless the Licensed Paralegal does so under the supervision of an Attorney Member:

- (1) Except as provided in subsection (a)(12), services related to appeals, whether they be related to orders from, or appeals to, an administrative body, a trial court, the Court of Appeals or the court;
- (2) Matters involving stalking protective orders;
- (3) Except as provided in subsection (a)(13), matters related to juvenile court cases (dependency or delinquency);
- (4) Modifications of custody, parenting time, or child support when the initial court order originates outside Oregon;
- (5) Matters involving premarital or postnuptial agreements;
- (6) Matters involving cohabitation agreements;
- (7) Matters involving qualified domestic relations orders (QDROs) and domestic relations orders (DROs). While prohibited from drafting such provisions themselves, LPs may



engage an Attorney Member with extensive experience in QDROs and DROs on a matter involving QDROs and DROs and use such language provided by an Attorney Member for that specific matter;

- (8) Matters involving third-party custody and visitation cases (ORS 109.119);
- (9) Matters involving unregistered domestic partnerships (“*Beal v. Beal* cases”), except that this prohibition does not apply to registered domestic partnerships.;
- (10) Litigation cases with third-party interveners;
- (11) Unless stipulated by the parties, matters leading to general judgments in military dissolutions, military annulments, and military separations. If both parties stipulate to the dissolution terms, and the LP refers the client to an attorney with substantial experience in military marital status matters or the client has already consulted with such an attorney, then the LP may represent one of the parties. A written acknowledgement of referral is required to be completed when an LP refers a client to an attorney under this subsection;
- (12) Matters involving remedial contempt when confinement is requested;
- (13) Family Abuse Prevention Act (FAPA) cases (ORS 107.700–107.735);
- (14) Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) cases, Sexual Abuse Protection Order (SAPO) cases, Extreme Risk Protection Order (ERPO) cases, guardianships, and adoptions; and
- (15) Matters related to the division of defined benefit plans or deferred compensation plans. Licensed Paralegals must refer division of defined benefit plans or deferred compensation plans to an Attorney Member. A Licensed Paralegal may represent the client in the matter if an Attorney Member represents the client in relation to the defined benefit plan or deferred compensation plan. If the client declines the referral to an Attorney Member, the Licensed Paralegal may represent the client upon obtaining a written acknowledgement of referral from the client. Licensed Paralegals may represent a client in a matter involving defined contribution plans (such as IRAs, 401k, 457, and 403(b) plans). If a Licensed Paralegal undertakes a representation involving a defined benefit plan, deferred compensation plan, or a defined contribution plan, the Licensed Paralegal must adhere to subsection (b)(7) if a QDRO or DRO is an option within the matter.

## 11.2 Landlord-Tenant Endorsed Licensed Paralegals - Scope of Practice

- (a) Within the Scope of Practice of Endorsed Landlord-Tenant Licensed Paralegals: Licensed Paralegals, endorsed in Landlord-Tenant Law, may engage in the following tasks in the course of representing or potentially representing Landlord-Tenant Law clients, so long as such tasks

pertain to an area of law within the definition of Landlord-Tenant Law and such representation would not otherwise violate any provision within the Rules of Professional Conduct for Licensed Paralegals:

- (1) Enter into a contractual relationship to represent a natural person or an entity in a Landlord- Tenant matter;
- (2) Meet with potential Landlord-Tenant clients to evaluate and determine needs, goals, and advise on claims or defenses (e.g., notices of intent to terminate tenancy, inspection of premises, rent increase);
- (3) Review, prepare, and provide advice regarding a variety of Landlord-Tenant Law documents, including pleadings, notices, orders, and judgments;
- (4) File Landlord-Tenant Law documents and pleadings with the court. Litigation regarding residential tenancies can occur through small claims court actions as well as through Forcible Entry and Detainer (FED) litigation.
- (5) Assist in obtaining continuance requests to allow parties to make discovery requests or obtain other discovery in Landlord-Tenant matters;
- (6) Assist with and attend depositions related to Landlord-Tenant matters, but not take or defend them;
- (7) Participate, prepare for, and represent a party in Landlord-Tenant settlement discussions, including mediation and settlement meetings;
- (8) Prepare parties for judicial settlement conferences in Landlord-Tenant matters;
- (9) Participate and assist with hearing and trial preparation in Landlord-Tenant matters;
- (10) Attend court appearances involving Landlord-Tenant Law and provide permitted support and assistance in procedural matters. A Licensed Paralegal may represent a client directly during evidentiary hearings or other similar court appearances, so long as state law allows representation of a client by a non-attorney in such appearances;
- (11) Review letter opinions, court orders, and notices pertaining to a Landlord-Tenant Law involving a client and explain how they affect the client, including the right to appeal; and
- (12) Refer Landlord-Tenant Law clients or potential Landlord-Tenant Law clients to attorneys for tasks or subject matters outside the Scope of Practice for the Licensed Paralegal. A Licensed Paralegal has an ongoing obligation to refer tasks or subject matters of Landlord-Tenant clients to an Attorney Member, if information discovered after the representation commences indicates that the specific tasks or subject matters are

outside of the Scope of Practice for a Landlord-Tenant Licensed Paralegal. A Landlord-Tenant Licensed Paralegal may continue to represent the client on tasks and subject matters within their Scope of Practice.

- (b) Landlord-Tenant issues outside the Scope of Practice of Landlord-Tenant Endorsed Licensed Paralegals: A Licensed Paralegal may not provide any services, or attempt to provide services, to a client or potential client related to the following matters or issues, regardless of whether the underlying area of the law related to the matter or issue involves Landlord-Tenant Law, unless the Licensed Paralegal does so under the supervision of an Attorney Member:
- (1) Affirmative plaintiff cases in circuit court; however, a Landlord-Tenant Endorsed Licensed Paralegal may provide services related to Landlord-Tenant Law, if the client pursues a matter in small claims court that could otherwise have been brought through an affirmative plaintiff's case;
  - (2) Matters involving agricultural tenancies and leases, or commercial tenancies and leases;
  - (3) Matters involving affirmative discrimination claims, except if asserted as a counterclaim or defense of a Landlord-Tenant matter;
  - (4) Landlord-tenant claims for personal injury;
  - (5) Matters involving injunctive relief in affirmative cases;
  - (6) Matters involving housing provided in relation to employment; and
  - (7) Matters involving affirmative subsidized housing claims; however, a Licensed Paralegal who is familiar with subsidized housing-related issues is not precluded from advising on defenses to eviction related to the subsidized status of a unit.

## SECTION 12 [RESERVED]