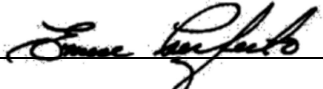




Policy Name: Contract Funding for SPPE Provisional Licensees	Number: 404.070.007
Division: Administrative Services	Effective Date: 7/1/2024
Responsible Section: Trial Division	
Approved by: Oregon Public Defense Commission	 Approval Date: 6/13/2024

PURPOSE: Establishes criteria for filling an attorney vacancy in a public defense services contract with a Provisional Licensee under the Oregon State Bar’s Supervised Practice Portfolio Examination program.

AUTHORITY: ORS 151.216 and 151.219

APPLICABILITY: This policy applies to Contracts for Public Defense Services.

DEFINITIONS FOR PURPOSES OF THIS POLICY:

Supervised Provisional Practice Examination (SPPE): Alternative exam for Oregon State Bar admission allowing law school graduates to work in supervised apprenticeship settings and submit a portfolio of work to be examined by the Oregon Board of Bar Examiners instead of taking the traditional Oregon Bar Exam.

Provisional License: The limited license to practice law in Oregon conferred under the SPPE Program after the Oregon State Bar’s application process involving employer, supervising attorney, and applicant that includes graduation from an accredited law school and a review of the applicant’s character and fitness to practice law.

Provisional Licensee: An individual practicing law within the SPPE Program to gain admission to the Oregon State Bar.

SPPE Supervising Attorney: An active member of the Oregon State Bar who has committed to supervising a Provisional Licensee under SPPE Rules 2.4-2.5; or an active member of the Oregon State Bar to whom the Supervising Attorney has delegated responsibility under SPPE Rule 5.4.

Full Time Equivalent (FTE) Attorney: A FTE Attorney is an attorney under contract with the Oregon Public Defense Commission (OPDC) to provide representational services.

Attorney Vacancy: When an attorney discontinues providing representational services under a contract with the PDSC for Public Defense Services under OPDC Vacancy Funding Policy 404-070-003.

Interim Portfolio: Compilation of the Provisional Licensee's work submitted to the Oregon Board of Bar Examiners after completing 350 hours of SPPE Program work.

Final Portfolio: Final submission by the Provisional Licensee containing proof of completion of all SPPE Program requirements.

POLICY: Contractors may fill a 1.0 FTE attorney vacancy with a Provisional Licensee under the Supervised Provisional Practice Exam (SPPE) program for up to one year, subject to the following:

- Provisional Licensee must submit preliminary OPDC Certificate of Attorney Qualification and Supplemental Questions form (Attorney Qualification form), along with Provisional License number and proof of Certificate of Eligibility to OPDS.Atty.Qualifications@opdc.state.or.us and receive confirmation that OPDC has approved the Attorney Qualifications before the Provisional Licensee will be added to a contract.
- Provisional Licensees and SPPE Supervising Attorneys must adhere to all Oregon State Bar rules and requirements of the Oregon Supervised Practice Portfolio Examination.
- OPDC will provide contract funding for Provisional Licensees at the annual Provisional Licensee contract rate.

Provisional Licensee Minimum Qualifications

Provisional Licensees funded under this policy must meet the following minimum qualifications:

- Granted a Certificate of Eligibility by the OSB Board of Examiners
- SPPE Supervising Attorney must be qualified by OPDC at the following minimum levels and have been practicing that area of law for at least 3 years immediately preceding, corresponding with Provisional Licensee's practice area:
 - Criminal: Major Felony
 - Delinquency: Juvenile Major Felony
 - Dependency: Termination of Parental Rights

Provisional Licensee Attorney Qualification Certification

So long as a Supervising Attorney who meets the above minimum qualifications is supervising Provisional Licensee, OPDC will generally certify a Provisional Licensee's attorney qualifications "with supervision."

A Provisional Licensee may not appear in court on behalf of a client without a SPPE Supervising Attorney present *regardless of client consent* until they are certified by OPDC for the case type through the Attorney Qualification process.

The Provisional Licensee should submit an updated Attorney Qualification once the Provisional Licensee is admitted to the Oregon State Bar and before accepting appointment for any case type for which OPDC has not previously confirmed their qualifications.

Limitations on Client Representation

Provisional Licensees may only appear on behalf of a client with the client's informed, written consent as well as approval by the SPPE Supervising Attorney and the Court. Client consent must be filed with the Court as a part of the case record.

Provisional Licensees may not appear on behalf of a client without a SPPE Supervising Attorney in the following circumstances:

- Civil commitment proceedings;
- Any case where the client may be subject to a felony conviction;
- Any delinquency matter in which a juvenile is alleged to have committed acts which, if committed by an adult, would constitute a felony; and
- Any case type for which OPDC has not confirmed their qualifications.

Timeline to Complete

Unless given extension by OPDC, a Provisional Licensee funded under this policy must:

- Submit proof to OPDC that they have received a "qualified" score on their Interim Portfolio within 6 months.
- Be admitted to the Oregon State Bar within 1 year.

It is the Provisional Licensee's responsibility to ensure timely Portfolio submissions to meet these deadlines. Documentation should be submitted to OPDC at OPDS.Atty.Qualifications@opdc.state.or.us.

Reporting Requirements

- Provisional Licensees and/or Supervising Attorney must report open and appointed cases for Provisional Licensees pursuant to OPDC policy.

- Both Provisional Licensee and Supervising Attorney shall complete and submit to OPDC a summary of hours, training and work under SPPE, and clients served at two points: (1) submission of “qualified” Interim Portfolio score, and (2) at the conclusion of the year or SPPE term (whichever is sooner). OPDC will develop format and content requirements for this submission.

Approved by: Oregon Public Defense Commission
Prepared by: Trial Division
Reviewed by: Executive Team
Publish: Externally and Internally