

**Testimony before the
Interim House Judiciary Committee and Interim Senate Judiciary Committee
on behalf of the Oregon State Bar**

September 19, 2017

Chairs Barker, Prozanski, and members of the committee:

My name is Chris Garrett. I am a judge on the Oregon Court of Appeals. I am joined today by Amber Hollister, the General Counsel for the Oregon State Bar, on behalf of the Oregon State Bar Board of Governors. From late 2016 through June 2017, I chaired the Regulatory Committee of the Oregon State Bar's Futures Task Force. Ms. Hollister served as staff liaison to the Committee.

Technological advances are transforming how legal services are delivered, how legal disputes are resolved, and how people engage in legal education. State bars around the country are, to varying degrees, beginning to grapple with these changes and considering their implications for the regulation of the practice of law. In 2016, the Oregon State Bar, with the support of the Oregon Judicial Branch, committed to exploring the challenges and opportunities presented by this quickly changing environment. In that vein, the bar appointed the Futures Task Force with the following overarching charge:

Examine how the Oregon State Bar can best protect the public and support lawyers' professional development in the face of rapid evolution of the way in which legal services are obtained and delivered. Such changes have been spurred by the blurring of traditional jurisdictional borders, the introduction of new models for regulating legal services and educating legal professionals, dynamic public expectations about how to seek and obtain affordable legal services, and technological innovations that expand the ability to offer legal services in dramatically different and financially viable ways.

The Task Force, which included members and advisors from small and large law firms, the courts, Oregon's three law schools, and the public, split into two committees, the Legal Innovations Committee and the Regulatory Committee. I served as Chair of the Regulatory Committee, which was directed to, among other things, examine existing methods for delivering legal services and the ways in which the market is evolving through new types of

providers, considering whether and how Oregon's regulatory structure should adapt to this changing market. For several months, we discussed possible changes with a view to Oregon's access-to-justice gap, the changing ways in which consumers expect to obtain professional services, and the state bar's overriding imperative to protect the public by upholding the integrity of the legal profession. We issued our report in June 2017, and it was accepted by the Board of Governors at its June 2017 meeting. The leadership of the bar has solicited public feedback on the report, and the bar's House of Delegates will vote on the report's specific recommendations at a future meeting. The bar welcomes the opportunity to work with legislators, stakeholders, and the public as this process moves forward.

The report's key recommendations include:

- **Revise Rules of Professional Conduct to remove unnecessary barriers to innovation.** To stay true to mission of access to justice and serving justice, the Bar's regulatory framework must be flexible enough to allow space for innovation and for new ideas to grow.
- **Explore paraprofessional licensure.** Oregon should explore the viability of a program for licensure of paraprofessionals authorized to provide limited legal services, without attorney representation, to self-represented litigants in (1) family law and (2) landlord-tenant proceedings.
- **Expand the bar's lawyer referral service and modest means program to expand outreach to the public.**
- **Enhance practice management resources.** Develop a training curriculum for Oregon's lawyers to assist in developing modern law practice management methods.
- **Reduce barriers to accessibility.** Support the provision of legal services to rural and low-income communities through the use of technology and community building while allowing for unbundled legal services.
- **Improve resources for self-navigators.** Recognizing that a certain number of Oregonians will inevitably choose self-representation, we must provide resources for those litigants by creating virtual and physical self-

help centers, streamlining the family law and small claims process, and promoting the delivery of unbundled legal services when appropriate.

The modernization of any industry requires a dedicated community of both industry veterans and stakeholders with new ideas and goals. The bar appreciates the work of all the participants of the Futures Task Force and looks forward to working with the public, Oregon's lawyers, and the legislature to craft a path forward.

For a full discussion of all of the recommendations, please review the [OSB Task Force Report Executive Summary](#) and [Report](#).