

Good afternoon. My name is Amber Hollister and I am the General Counsel for the Oregon State Bar. With me today is Vanessa Nordyke, President of the Oregon State Bar.

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 by creating the Futures Task Force.

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. In 2016 and 2017, the task force examined ways to approach Oregon's access-to-justice gap, the changing ways in which consumers expect to obtain professional services, and the state bar's overriding mission to protect the public by regulating the legal profession. The final report of the Task Force was accepted by the Board of Governors at its June 2017 meeting and can be found on the bar's website https://www.osbar.org/_docs/resources/taskforces/futures/FuturesTF_Reports.pdf.

The task force provided a list of seven recommendations to Oregon State Bar, the court system, and the profession at large. Last November, two changes to the Oregon State Bar's Rules of Professional Conduct were considered and debated by the bar's House of Delegates. Ultimately the proposed modifications to Rule 5.4 (relating to attorney fee sharing) were referred to committee for further review, and the proposed changes to Rule 7.3 (relating to in-person and real time electronic solicitation) were approved by the Supreme Court. A third recommendation has resulted in the creation of a paraprofessional implementation task force.

This year, the Oregon State Bar has created a committee to review the Futures Task Force's proposal to implement legal paraprofessional licensure. This program will provide access-to-justice to those Oregonians who don't qualify for legal aid but would not otherwise hire a lawyer.

Paraprofessional licensure is designed to fit between a paralegal and a practicing attorney, providing legal advice and assistance to those Oregonians with straightforward legal matters. This program would establish a system for licensure of paraprofessionals who would be authorized to provide limited legal services, without attorney supervision, to self-represented litigants in two areas of law: family law and residential landlord-tenant proceedings.

While the committee continues to review proposed changes to Rule 5.4, the bar, along with the court system, continues to move forward with the Task Force's other recommendations. The proposals below reflect the bar's continued focus on access to justice and consumer protection for all Oregonians.

LC 205 – Attorney-Client Privilege with lawyer referral services. The Oregon State Bar provides a lawyer referral service that is focused especially on helping moderate income Oregonians find a lawyer who can help address their legal needs. Currently however, there are no evidentiary protections for ordinary Oregonians who contact a lawyer referral service because they are seeking legal help.

LC 205 expands the attorney-client privilege found in Rule 503 of the evidentiary code to include communications between a lawyer referral service and clients. Often, people share information with LRS so they can be matched with a lawyer with the right experience and practice area. The expansion of this privilege will ensure that a consumer's confidentiality continues to be protected as the practice of law responds to a changing legal environment.

The Task Force's proposal targets these two areas because clients are by and large unrepresented. If however, a client needs other kinds of legal help, has a complex case, or desires representation in court for any reason, he or she would still need a lawyer.

We believe that further exploration of paraprofessional certification and the passage of LC 205 are common sense consumer protections and will expand access to justice for all Oregonians. Just like so many other industries in our state, the legal services industry is rapidly changing. As the bar, its lawyers, and the industry itself evolves, we continue to believe that protection of the public is one of our core functions. The two proposals from the Futures Task Force will further the goal of access to justice while strengthening consumer protections for all Oregonians. We are happy to answer any questions.

Respectfully submitted,



Vanessa A. Nordyke
Oregon State Bar President



Amber A. Hollister
Oregon State Bar General Counsel

Oregon State Bar Fact Sheet

The Oregon State Bar – The Oregon State Bar (OSB) is a public corporation and an instrumentality of the courts with over 15,000 active members. The bar licenses and disciplines lawyers and performs other functions to benefit the public. The bar does not receive any direct financial support in the form of taxpayer dollars from the General Fund, but is funded entirely by membership fees and revenue from various member service programs. The Executive Director of the bar oversees approximately 100 staff members not including the Professional Liability Fund.

Governance – The bar is administered by a 19-member volunteer Board of Governors. Fifteen of the members are lawyers and four are non-lawyers appointed based on their areas of interest and expertise. Attorney board members are elected by the membership from different regions to ensure geographic diversity. The OSB House of Delegates (HOD) serves as the representative assembly of the membership, voting on proposed rules, dues and policies. It helps set policy direction for the bar. Composed of approximately 230 delegates, the HOD meets annually, and may occasionally convene for a special meeting on topics of importance.

Unique Traits – The Oregon bar is unique in a number of ways:

- **Open Disciplinary System** – It is the only bar in the country which allows public access to disciplinary complaint files from the time the complaint is filed with the bar.
- **Mandatory Malpractice Coverage** – It is the only bar in the nation that requires attorneys to have malpractice insurance and that has a self-insuring organization to provide that coverage – the Professional Liability Fund.
- **Public Member Involvement** – The bar encourages public participation in all aspects of its operations. Four of the 19 members of the Board are public members. Public members also participate throughout the Oregon lawyer discipline system. Non-lawyers sit on the State Professional Responsibility Board, local investigation committees, trial panels and the Unlawful Practice of Law Committee.
- **Lawyers Average Nine Hours a Month Pro Bono** – 41 percent of lawyers spend an average of 9.2 hours per month providing pro-bono legal services. This category of lawyers does not include those working for legal aid organizations or non-profit groups that regularly provide legal services on a free or reduced fee basis. (2012 OSB Economic Survey)
- **Campaign for Equal Justice** – Oregon is one of the few states that has developed a non-profit fundraising campaign to raise money from the legal community for legal services to the poor. Since 1991, CEJ has raised \$23 million for legal aid. This year the goal for the annual campaign is \$1.2 million.

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