

**Testimony before the
Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation**
December 7, 2022

Chair Prozanski and members of the committee:

My name is Ankur Doshi and I am the General Counsel for the Oregon State Bar. I am here to provide some background on the bar and some of the issues we are working on.

Regulatory Oversight

The Oregon State Bar regulates the legal profession and our 15,000 active members in Oregon. Our primary regulatory oversight breaks down into three general areas – Discipline, Minimum Continuing Legal Education, and Admissions.

The Bar’s Client Assistance Office (CAO) fields calls both from attorneys’ clients and from members of the public who have concerns that a lawyer has violated the Oregon Rules of Professional Conduct, which are adopted by the Oregon Supreme Court. If the CAO believes there may be concerns about an attorney’s conduct, the matter is referred to the Disciplinary Counsel’s Office (DCO) for further investigation and prosecution. After DCO completes an investigation, the State Professional Responsibility Board (SPRB), whose members are appointed by the Oregon Supreme Court, determines whether there is probable cause that a lawyer has engaged in misconduct. If probable cause exists, the SPRB may authorize filing formal charges against a lawyer for ethical misconduct. Disciplinary hearings are held before the Disciplinary Board, whose members are also appointed by the Court. The entire disciplinary system functions according to the Bar Rules of Procedure, which are adopted by the Court. The decisions of the Disciplinary Board may be appealed directly to the Court. As Ms. Graham mentioned in her testimony, Oregon is one of a very small number of states that maintains a very transparent discipline process and which involves members of the public in our discipline system.

Our MCLE Department ensures that Oregon attorneys comply with requirements to earn Minimum Continuing Legal Education credits on a two or three year cycle. The requirements are set in Oregon Supreme Court rules. The purpose of this requirement is to improve the quality of legal services in Oregon by supporting lawyer competence.

Our Admissions Department works closely with the Board of Bar Examiners, which is appointed by the Court, to investigate applicants’ character and fitness, make recommendations to the Oregon Supreme Court regarding admissions, and to administer the Bar exam twice a year. The BBX

operates pursuant to the bar's Rules for Admission, which are adopted by the Court. The Court makes all final decisions regarding whether to admit any applicant. The bar also manages *pro hac vice*, comity, and reinstatement admissions under the Bar Act and the bar's Rules of Procedure. For more information on the bar's admission process, please see the submitted written testimony from the Oregon State Board of Bar Examiners.

The bar performs additional regulatory functions pursuant to the Bar Act, including the operation of a Client Security Fund, which is designed to reimburse victims of lawyer theft, and the operation of the State Lawyers Assistance Committee, which accepts referrals regarding lawyers whose practice may be impaired. The Legal Ethics Committee recommends changes to the Rules of Professional Conduct and develops opinions in response to ethics inquiries from lawyers and members of the public. Prior to adoption, the Legal Ethics Committee submits recommended changes to the Rules of Professional Conduct to the Board of Governors, the House of Delegates, and to the Supreme Court for review. The bar maintains the rolls of Oregon licensed attorneys, their current license status, and contact information, so that members of the public can confirm licensed attorneys are in good standing.

The Oregon State Bar's Legal Services Program, established by the Bar Act, is also a key part of Oregon's system for providing civil legal services to the poor. The Bar serves as the pass-through entity for state funding that goes to legal aid providers in Oregon. The Bar provides both technical assistance to providers and fiscal and regulatory oversight to ensure that money is going where it is most needed and that delivery of legal services is efficient and effective and provides a full spectrum of high-quality legal services.

As you know, Oregon – like most other states – has historically struggled to fund our legal aid system at a level that is commensurate with the need. Based on the Oregon Law Foundation's most recent civil legal needs study, Oregon continues to fund only about 15% of the identified need for legal services, even among those who qualify by being at or below 125% of the federal poverty line.

Paraprofessional Licensing

In July of this year, the Oregon Supreme Court approved changes to OSB rules that will allow for the licensure of a new legal professional. These licensed legal practitioners will be permitted to assist clients in landlord tenant and family law cases only. They will not be able to represent a client in court, but will be able to help clients prepare court documents and may advise them on navigating court rules and procedures.

These two areas of law were chosen for this new license because both see an extremely high number of self-represented litigants. According to data from OJD, between 2016 and 2021, 71% of all parties in dissolution cases were unrepresented. In landlord tenant cases, 83% of parties were unrepresented, and 98% of all cases had at least one unrepresented party. These numbers lead not

just to a less efficient, and more costly, judicial system, but to worse outcomes for many Oregonians.

These new legal professionals will be regulated by the Oregon State Bar in much the same way that attorneys are today. They will be subject to their own code of professional conduct, will be required to have professional liability insurance, participate in IOLTA and the Client Security Fund, and will be required to meet continuing legal education requirements. The new program will launch July 1, 2023.

Thank you for your time. I would be happy to answer any questions you might have.

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