

**Testimony before the  
House Interim Committee on Judiciary Oregon State Board of Bar Examiners**

December 9, 2022

Chair Kropf and members of the committee:

My name is Joanna Perini-Abbott and I am a member of the Oregon State Board of Bar Examiners. I am here to provide some background on the board and on our admissions process.

**Overview**

The admission and regulation of lawyers is handled differently in each of the fifty states. In Oregon, the ultimate authority over the practice of law is the Oregon Supreme Court.

The Court appoints members to the Oregon State Board of Bar Examiners (BBX) to oversee the admissions functions of the Oregon State Bar. The primary purpose of the BBX is to safeguard the public by ensuring that bar applicants admitted to practice law in Oregon possess the requisite learning and ability, and character and fitness to practice law. The Court has delegated the authority to the BBX to conduct bar examinations and to investigate the character and fitness of bar applicants.

The Oregon State Bar is charged with the regulation of lawyers in Oregon. As part of that charge, the bar works to ensure Oregon lawyers meet competency requirements and provides administrative support to hold two bar exams each year.

**Current Oregon Bar Exam Process**

Oregon is a Uniform Bar Exam (UBE) jurisdiction which provides applicants flexibility to sit for the exam in Oregon but use their score on Oregon's exam to become admitted in other states without further testing. Likewise, this allows out-of-state applicants to test in another state, transfer their score from that exam to Oregon, and seek admission to practice law in our state as though they sat for Oregon's exam.

Currently, the BBX, the Oregon State Bar, and the Oregon Supreme Court hosts two UBEs each year. In order to secure a license to practice law in Oregon, each applicant is required to complete three steps.

- Each applicant is required to pass an ethics assessment. This exam is often taken during law school.
- Each applicant is required to complete a two-day multi-topic exam, the UBE. The first day includes multiple essay questions and the second day is the Multistate Bar Exam (MBE),

which is a day-long multiple choice exam. The exam is held twice a year, in July and February. The majority of applicants take the exam during the summer.

- Each applicant is required to complete a character and fitness review. Applicants must demonstrate good moral character and fitness to practice law.

### **New Pathways – Alternatives to the Bar Exam and Licensure Pathways Development**

Spurred by systemic challenges, a review of the admissions process since the beginning of COVID-19, and recommendations from the National Conference of Bar Examiners (NCBE) and the Institute for the Advancement for the American Legal System, the Oregon Supreme Court, the Board of Bar Examiners, and the Oregon State Bar explored alternative pathways to attorney licensure in Oregon. The Alternatives to the Bar Exam Committee, convened by the Oregon Supreme Court, issued its [final report](#) in June of 2021. The report included the following proposed licensure pathways:

- Participate in a period of supervised practice and generate a portfolio of work to be reviewed by the Board of Bar Examiners, or
- Dedicate the last two years of law school to a practical skills focused curriculum and likewise generate a portfolio of work to be reviewed by the Board of Bar Examiners.

In January of 2022, the Oregon Supreme Court approved, in concept, these two additional pathways for attorney licensure.

The Board of Bar Examiners' Licensure Pathways Development Committee (LPDC) was charged with the development and creation of these programs. This committee, made up of lawyers, academics, and Bar administration, and aided by an advisory group of over 40 lawyers across the state, has continued to meet to craft curriculum and criteria for two programs.

- **The Oregon Experiential Pathway (OEP)**, is for second and third year law students and focuses on experiential learning and courses critical for practice.
- **The Supervised Practice Pathway (SPP)** is a Post- Graduation (paid) legal apprenticeship under a qualified supervising attorney.

These programs, if adopted by the Oregon Supreme Court, would not replace the existing bar admissions process, but rather provide two new pathways to licensure. These new options would offer an alternative to the UBE, however applicants would still have to pass an ethics assessment as well as a character and fitness review. Regardless of the pathway an applicant chooses, the Board of Bar Examiners will retain the responsibility to determine if the applicant has demonstrated the competence to practice law.

The LPDC committee expects to publish initial drafts for public comment this winter and then to incorporate that public comment into the proposals in the spring to present to the Oregon Supreme Court in late spring 2023.

For more information contact:

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