

**TESTIMONY ON SB 768
BEFORE SENATE COMMITTEE ON JUDICIARY AND
BALLOT MEASURE 110 IMPLEMENTATION
MARCH 8, 2011**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS, OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is Erin Pettigrew, and I am the Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department (OJD). I am here to testify in support of SB 768, an omnibus bill brought before you at the request of the Oregon State Bar. In the interest of time, our testimony specifically addresses the portions of the bill that enhance the services offered by courts and assist self-represented litigants. Thank you for the opportunity to testify in support of the bill.

Two sections of the bill, sections 11 and 13, will help courts serve parties who are currently self-represented. In its 2020-21 [Strategic Campaign](#), OJD noted that at least one party is not represented by a lawyer in more than 80% of cases involving the dissolution of marriages, custody of children, domestic violence protective orders, and housing -- often resulting in significant impacts on Oregonians and their families.

Section 11 of the bill clarifies that employees and volunteers acting within the authorization of the Chief Justice or a presiding judge of a circuit court, who provide assistance to members of the public with court processes, selecting and completing court forms and legal information are not engaged in the unlawful practice of law. This provision allows court staff to assist parties within the parameters and guidance or policies issued by the Chief Justice or a presiding judge of a circuit court. We believe that this statutory clarification will improve the level of service that courts can provide to the public and will reduce frustration for court users.

Section 13 of SB 768 amends ORS 9.241, to add a new subsection (3) that would permit the Supreme Court to adopt rules, pursuant to ORS 9.210, to admit individuals with substantive legal education as "associate members" of the Oregon State Bar without taking the examination required by ORS 9.210. Section 13 is "notwithstanding" ORS 9.160, which prohibits the practice of law (with exceptions) unless a person is an "active member" of the Bar. The statute cross-referenced in the rulemaking authorization, ORS 9.210, currently authorizes the court to appoint a board of bar examiners to carry out the admissions function of the Bar as set out in the Bar's bylaws and rules of the court.

The new concept of "associate membership" described in Section 13 would provide a mechanism for implementing a paraprofessional licensing program to be administered and regulated by the Bar -- thereby serving a vital need in assisting those with low or moderate incomes whose legal service needs are not adequately met. OJD supports Section 13, which is consistent with OJD's Strategic Campaign Initiative 2.1: If this bill becomes law, we anticipate that the Oregon State Bar will make recommendations to the Supreme Court later in 2021, and that the Supreme Court will consider those recommendations and adopt rules for any resulting program, as contemplated in the bill.

I am happy to answer any questions you may have. Thank you.