

**Supplemental Testimony of the Oregon State Bar on SCR 22
For the Senate Rules Committee**

May 14, 2021

Chair Wagner and members of the committee,

Thank you for the opportunity to testify in the Senate Rules Committee on May 13, 2021, on Senate Concurrent Resolution 22. We appreciated the opportunity to discuss the efforts we are making in response to Mr. Parker's petition.

In response to questions that arose during the hearing, please find below supplementary testimony with additional information on the admissions process in Oregon.

In early May, the Oregon Supreme Court issued an order *In re: Robert Parker's Application for Admission to Practice Law in Oregon* directing that application fees be waived and that Mr. Parker's 1990 bar exam passing scores satisfy the exam requirements imposed by Oregon Supreme Court Rules for Admission 8.10. In addition,

“The court directs the Board to assess applicant's current character and fitness to practice law under the normal rules for such assessment. If applicant established the required character and fitness, the Board shall recommend terms of conditional admission needed to ensure applicant's competence to practice law.”

The Board of Bar Examiners (BBX) has no discretion to depart from the court's order. After the BBX makes its recommendation, the Oregon Supreme Court will make a final decision on the admission petition.

The admission and regulation of lawyers is handled somewhat differently in each of the fifty states. Each state's highest court has the inherent and sole authority to admit lawyers and regulate the practice of law within its state. All states require an applicant for admission to practice law to show requisite learning and ability to practice law, as well as good moral character. How exactly an applicant can make these showings, however, varies somewhat from state to state.

Under Oregon's Constitution, and ORS 9.006, the Oregon Supreme Court has the inherent and sole authority to regulate the practice of law in Oregon. As part of its inherent authority, the Court makes all final decisions regarding whether to admit any applicant to the bar and is

responsible for adopting the [Oregon Supreme Court Rules for Admission](#) that govern the process.

With limited exception, each applicant that applies for an Oregon bar license must pass the bar exam. The rules also require that each applicant complete a character and fitness review. These requirements are intended to ensure attorney competence and to protect the public. Every appeal of denial of bar admission is made to the Oregon Supreme Court. ORS 9.160.

Under ORS 9.210, the Court appoints the Board of Bar Examiners to carry out the admissions functions of the Oregon State Bar.

The Oregon State Bar is charged with the regulation of lawyers in Oregon. ORS 9.006. The BBX is part of the OSB, and the Oregon Supreme Court grants the BBX independent authority in the Rules for Admission. Under those rules, the BBX examines applicants—for learning and ability, as well as good moral character—and recommends to the Court for admission to practice those applicants who meet the requirements prescribed by the law and the rules of the Court. ORS 9.210. 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. RFA 1.20 et seq. (Essential Eligibility Requirements). The OSB provides administrative and technical support to the BBX and otherwise assists the BBX in carrying out its charge.

Thank you for the opportunity to add this information to the record. If any additional questions arise, please do not hesitate to contact us.