

**Testimony before the Senate Judiciary Committee
in support of SB 306
On behalf of the Oregon State Bar
January 18, 2023**

Chair Prozanski and Members of the Committee:

My name is Lee Ann Donaldson. I am the current President of the Oregon State Bar. The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

Oregon's Struggle with Unrepresented Parties

I would like to provide a little bit of background about why SB 306 is before you today. Earlier in my legal career, I spent several years working as a law clerk at one of the busiest courthouses in Oregon. I spent over five years working for Judge Jean Kerr Maurer, Judge Nan Waller, and Judge Stephen Bushong face to face with members of the public struggling to understand the court system. One of the things I learned during those years, is that an extremely large number of Oregonians come in to the courthouse every day who don't really know what they need to do to address their legal matter. According to data from the courts, over 80% of dissolution cases have at least one unrepresented party. In landlord-tenant cases that number is 98%.

In some cases these individuals tried to hire a lawyer, but were unable to do so – often because they could not afford it. In other cases, they may not have needed a lawyer, but still would have benefited from some basic guidance to fill out forms or to understand basic court processes. Most of the time, court staff like myself were not permitted to offer legal advice and couldn't answer most of those questions – even when we knew the answers.

When parties who need help are forced to represent themselves without the tools they need, they not only end up with worse outcomes for themselves and their families – they put an additional strain on our court system. Most circuit court judges will tell you that helping pro se parties who find their way into their courtroom slows down cases, and they are often forced to walk them through next steps and give them multiple chances to file documents that a professional could have handled quickly.

This problem is not new, and we have known about it for decades. While Oregon has made progress by offering additional services to unrepresented parties in some counties – for

example by creating court facilitators – the number of unrepresented parties in our courts has not diminished. This problem has convinced many in the legal community that one part of the solution is allowing a limited license to perform discrete legal services in areas of the highest need.

Paraprofessional Licensure

In 2017, the OSB’s Futures Task Force recommended the creation of a limited-scope license for paralegals, that would allow licensees to provide limited legal services in family law and landlord tenant cases. These two areas of law were singled out because both see extremely high rates of self-represented litigants in our courts.

In 2019 the OSB Board of Governors authorized the creation of a Paraprofessional Licensing Implementation Committee. That group was charged with crafting a discrete proposal to the Oregon Supreme Court to allow limited licensure in those two area. That group met regularly for about two years, releasing their final report in April of 2022. [That report is linked in my written testimony.](#)

In July of 2022, the Oregon Supreme Court accepted all the hard work of the committee and directed the Oregon State Bar to implement a new program to license paraprofessionals to provide limited legal services in family law and landlord-tenant cases. Licensed paraprofessionals will be able to provide important assistance and guidance to clients, but in most cases will not be able to represent clients in court.

Judge Dan Harris, the vice-chair of the committee is here with me today and can tell you a little more about the committee’s work.

These new legal professionals will be regulated by the Oregon State Bar. They will be subject to their own Rules of Professional Conduct, will be required to have malpractice insurance, contribute to the Client Security Fund, and comply with IOLTA rules and continuing legal education requirements.

SB 306

Senate Bill 306 makes it easier for the bar to create new program by making one important change to ORS Chapter 9. These new legal professionals will be members of the Oregon State Bar. However, they will not be attorneys. This could create confusion within ORS Chapter 9, because in many cases the statute has used the terms “attorney” and “member” synonymously.

SB 306 creates new definitions for these terms, and clarifies statutes throughout Chapter 9 to make it clear whether they refer to all OSB members or only to attorneys.

Clarifying the statute in this way will help the bar to clearly communicate to the public the important differences between these legal professionals, and help ensure that legal consumers understand who they are hiring and how that person can help them.

Thank you for your consideration of SB 306. I am happy to answer any questions.