

**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 Dan Harris. I am a senior judge and an arbitrator in Wilsonville. I wanted to give you some additional background on the bar's work developing the paralegal licensing proposal.

When I was on the bench, I spent a lot of time working with unrepresented parties who came into my courtroom. A lot of these parties arrived not really sure of what they were supposed to do to address the problem that brought them there. Some of these parties may not have been able to afford a lawyer, or couldn't find a lawyer to take their case. Others simply thought they didn't need one and wanted to try to handle the situation themselves. Sometimes there are language barriers that make individuals reluctant to hire a lawyer. The reasons are as varied as the people in need.

Regardless of the reasons, we know that the number of unrepresented parties is very high. Data we received from the Oregon Judicial Department shows that over 80% of dissolution cases have at least one unrepresented party. In landlord-tenant cases that number is 98%.

Some of these people have complicated legal problems and really do need to be connected with a lawyer. And in many cases I would try to encourage them to do that. But for others, all they really need is some basic legal assistance to help them understand how to better represent themselves. And that is where I see this new Licensed Paralegal program providing real value. It provide someone who has a legal problem with an additional option in between hiring a lawyer, and trying to resolve their legal problems alone.

Paralegal Licensing

As OSB President Donaldson mentioned in her testimony, I spent over two years as the vice-chair of the bar's Paraprofessional Licensing Implementation Committee. Between both the main committee and the advisory committee that assisted us, there were about 25 legal professionals from all over Oregon who assisted us in crafting the proposal which the Supreme Court eventually adopted.

Our goal on that committee was to design a program that ensured licensees had the education and experience to provide this narrow range of legal services, and to clearly define what LPs can do and when they need to refer someone to a lawyer.

One of the themes that we kept coming back to in our discussions was protecting the rights of the legal consumer, while also making sure that the licensees are able to address the kinds of legal problems that people are likely to come to LPs looking to solve. This meant creating detailed recommendations regarding what kinds of legal services would be inside and outside of the scope of the new license. In our report that Lee Ann mentioned you can see a lot of that detail if you are interested.

We also recommended several different pathways to licensure. Our goal was to ensure that all of the licensees were competent to provide legal services, but at the same time not restrict access to the program only to applicants with a traditional educational background that may not be equally available to everyone in our community.

And of course these new licensees will be subject to the same regulatory oversight from the bar that lawyers are subject to today. That includes things like new Rules of Professional Conduct, participating in the Client Security Fund, and having professional liability insurance. It also means completing CLE requirements, including ethics requirements.

I am really proud of the work that this committee did, and I am really looking forward to seeing this program develop in the years to come.

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