



MAUREEN McKNIGHT  
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**TESTIMONY REGARDING SB 306 —  
AUTHORIZATION FOR NON-ATTORNEY ASSOCIATE MEMBERS OF THE  
OREGON STATE BAR**

Before the Senate Committee on Judiciary, Oregon State Legislature  
January 18, 2023

Submitted by:  
Maureen McKnight, Senior Judge  
Formerly of Multnomah County Circuit Court

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

My name is Maureen McKnight and I am a Senior Judge. I am here today speaking for myself and for the Oregon Judicial Department.

I sat on the Family Law Bench in Multnomah County for 17 years and served as its Chief Family Court Judge. I still handle family law cases and other matters, when and where the Chief Justice assigns me. Prior to taking the bench, I spent 22 years working for Oregon's Legal Aid Programs, again with specialization in family law matters. I mention this background because during both my experience as a practicing attorney and my time on the bench, I have been involved in numerous access to justice efforts – everything from creating and simplifying model court forms; to encouraging unbundled legal services and Informal Domestic Relations Trials; to statutorily authorizing court staff as Facilitators to provide procedural assistance; and supporting efforts to increase attorney *pro bono* efforts. Licensed paralegals as valuable addition to that access arena.

**The Oregon Judicial Department and I support SB 306.**

This bill is only an authorizing statute. It does not contain the details on how licensed paralegals (“associate members of the Bar” in the bill) would function, the limits on their practice, and the client protections that address their operations. But all of those specifics have been developed and drafted while work continues on an approach to implementation. I, for example, am involved in a committee assessing testing and portfolio requirements for applicants.

What I want to stress to the Committee is the very great need that remains, despite access to efforts to date, and the role that associate bar members can play in meeting that need. Neither I

nor anyone working in the access field would deny that having an attorney is the optimal choice. But the reality is that only 29% of spouses in Oregon divorce cases have attorneys. In evictions, that number is even lower: 17%. And Legal Aid organizations simply cannot meet the demand. Eighty-five percent (85%) of the civil needs of low-income Oregonians go unmet. Associate bar members working in defined fields on defined types of cases will not meet that demand either. Court forms don't meet the demand, facilitators don't meet the demand, and *pro bono* work doesn't meet the demand. But my point is that **each separate tool has helped some people, and so will licensed paralegals.**

Associate bar members who are trained, experienced, regulated, and subject to continuing legal education requirements can review legal documents and provide legal advice in some defined areas. (Legal advice is not something court facilitators are allowed to provide). They can assist with preparing court forms, explaining the process, preparing exhibits, and prepare people for court – and mediation -- both emotionally and practically. I know from my experience how much simply understanding the language used can put someone at ease – much as the nonmedically-trained benefit from clear explanations when trying to navigate unfamiliar medical systems and medical records.

When we worked on model forms and facilitators, there were opponents who worried about people without attorneys using the those forms incorrectly to their disadvantage and facilitators taking away work from attorneys or providing incorrect procedural assistance. Those concerns have not materialized overall and each access effort that has been carefully planned and piloted, and provides protections for the consumer client, has been successful. The Oregon Judicial Department and I share the belief that the associate bar member approach the OSB is developing is a carefully thought-out and valuable initiative. Passing the bill will allow the OSB's work on it to progress.

Thank you for considering our testimony.