

Testimony of the Oregon State Bar on HB 2578
House Committee on Early Childhood and Human Services

February 10, 2023

Thank you for the opportunity to share the following information in response to HB 2578. The Oregon State Bar strongly supports the statutory requirements that make many professionals in Oregon mandatory reporters, but wishes to express concerns about how HB 2578 could impact the OSB's existing continuing education requirements regarding attorneys' mandatory reporter obligations.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the Oregon Supreme Court with over 15,000 active members. The mission of the OSB is to serve justice and 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.

Under the direction of the Oregon Supreme Court, and guided by its Board of Governors and House of Delegates, the bar regulates lawyers through a licensing and discipline system, and performs other functions to benefit the public. Our primary regulatory oversight breaks down into three general areas – Discipline, Minimum Continuing Legal Education, and Admissions.

In order for a lawyer to maintain his or her license, the Oregon Supreme Court requires each Oregon attorney to earn minimum continuing legal education (MCLE) credits on a two or three year cycle. The requirements are set in Oregon Supreme Court rules. The purpose of this requirement is to improve the quality of legal services in Oregon by supporting lawyer competence. The bar's MCLE Department, part of the bar's regulatory structure, ensures that Oregon attorneys comply with this requirement. Under our existing rules, a lawyer can have their license to practice law suspended for failure to complete their MCLE requirements.

While attorneys have the opportunity to earn MCLE credits in specific practice areas, all attorneys are required to complete core educational programming in each reporting cycle, including child abuse and elder abuse mandatory reporting. Because bar educational requirements are on a two or three year cycle, rather than a four year cycle, Oregon licensed attorneys' already complete mandatory abuse reporting educational requirements more frequently than required by HB 2578.

In addition, Oregon attorneys must strictly abide by the confidentiality owed to their clients under the Oregon Rules of Professional Conduct and Evidence Code. The application of legal ethics rules with reporting statutes creates unique fact patterns specific to attorneys and their representation of clients. Bar mandatory reporter CLE presentations and educational materials focus on this critical analysis for Oregon lawyers. The Oregon State Bar, under the direction of the Oregon Supreme Court, has responded by requiring Oregon lawyers to complete mandatory abuse reporter training that takes into account his or her statutory and ethical obligations.

The Oregon State Bar hopes that any changes made through HB 2578 will not negatively impact the robust educational requirements we have created surrounding attorneys' existing abuse reporting requirements.

Thank you for the opportunity to provide this additional information, and we look forward to working with the committee on this issue this session.