



March 16, 2023

Re: Support for SB 306

Dear Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

My name is Daniel Sims, I am a paralegal at the PCC CLEAR Clinic's Eviction Legal Defense Program, where we provide free legal representation for low-income defendants in Multnomah County Landlord-Tenant matters.

I am here to submit testimony on behalf of the PCC CLEAR Clinic, and the paralegals that work there, including my colleagues Victor Pierce and Sean Farrero. We have studied at the American Bar Association (ABA) approved Portland Community College Paralegal program; the only ABA-approved paralegal program in Oregon. Within the last year, the three of us have billed roughly 3,000 hours working on landlord tenant matters. In our roles as paralegals, we work with attorneys and law students, sharing many of the critical responsibilities which providing legal representation entails.

Presently, 83 percent of Oregon's Landlord-Tenant matters and 84 percent of Oregon's Family Law matters include an unrepresented litigant. Without representation, these litigants are almost certain to lose their case, not because their case lacks merit but simply because without representation they lack the technical knowledge of the law necessary to prevail in a legal matter. In Multnomah County, the majority of the 15 or so private attorneys who represent tenants aren't taking on new cases, so even if a tenant has the resources to pay for legal counsel, they are unlikely to obtain it.

The disparity of resources available to landlords and tenants is exacerbated by this critical lack of representation. In Landlord-Tenant hearings, landlords are usually represented, meaning that they do not have to personally appear in court. In addition, Oregon law allows landlords to be represented at first appearances by agents who are not attorneys. Tenants are usually unrepresented, so they must organize childcare and/or take time off of work to attend court hearings. If the tenant cannot make those things happen to attend the hearing, their absence

will result in a default judgment against them, adding to the crisis of houselessness that also plagues Oregon.

Allowing paraprofessionals to represent tenants at court hearings will help level the playing field and ensure that legal matters are decided on merit, rather than on what resources are available to each party. Representation by licensed paralegals would also allow tenants to be better informed about FED proceedings. Tenants are frequently confused by the FED system, to the point where they will voluntarily vacate an apartment upon receiving a notice, not understanding that the notice is only the beginning of the legal process in an FED matter, and that the notice must be legally valid to serve as the basis of an FED case against them.

SB 306 seeks to resolve these issues by creating a licensing process to allow qualified paralegals to practice law in a limited capacity, specifically within the Landlord-Tenant and Family Law practice areas. The bill's purpose is to address the current disparity of representation by authorizing the licensure of paralegals in the area of law for which they are qualified to practice by experience and education. This bill will allow the public greater access to qualified legal service providers that are well versed within the area of law they practice, working toward remedying the legal access disparity. Licensing paralegals will also prompt further development of case law in these practice areas. With licensed paralegals able to perform routine litigation, attorney's will have more time to take cases to appellate court.

The current Supreme Court Rules for Licensing Paralegals in Oregon set out guidelines that preempt many of the concerns brought up in opposition to this bill. Candidates for licensure must have completed at least 1,500 hours of substantive paralegal work, up to 500 of which must be in the practice area for which they seek licensure. Licensed paralegals must complete mandatory CLE requirements, use IOLTA accounts where appropriate, pay into the Client Security Fund, and obtain malpractice insurance through the Professional Liability Fund.

In addition to closing the access to justice gap, SB 306 presents a significant career opportunity for those who cannot afford to obtain a Juris Doctorate degree. SB 306 creates a more equitable and efficient career path than what is currently offered through a traditional law school. Law students today are given the opportunity to learn and develop skills in a broad spectrum of practice areas, at the expense of developing a robust knowledge of specialized subjects, and the burden of substantial debt which frequently precludes the possibility of representing anyone but those with financial resources. Licensing paralegals will serve to not only provide the public greater access to justice but also to increase the diversity of who will be able to pursue a career in the law.

Please join me in supporting those who are currently going unrepresented in court by supporting SB 306.

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