

**Testimony of the Oregon State Bar on SCR 22
Before the House Rules Committee**

June 3, 2021

Chair Smith Warner and members of the committee,

My name is David Wade. I am an attorney in Eugene and I am speaking to you today as the 2021 Oregon State Bar President. Thank you for the opportunity to testify on Senate Concurrent Resolution 22.

Thirty-one years ago, Robert Parker was denied the opportunity to practice law in Oregon. Mr. Parker has shared serious concerns about institutional bias in the admissions process in his case. We take seriously those issues and are deeply sorry for the impact on Mr. Parker personally. Systemic racism results in real and lasting harm to individuals. It also dangerously undermines the very purposes for which the Oregon State Bar (OSB) and Board of Bar Examiners (BBX) exist.

The OSB is a public corporation and an instrumentality of the Oregon Supreme Court. Under the direction of the Court, the bar licenses and disciplines lawyers and performs other functions to benefit the public. The mission of the OSB is to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.

The BBX oversees the admissions functions of the OSB. Its primary purpose is to safeguard the public by ensuring that bar applicants have the requisite learning, ability, character, and fitness to practice law in Oregon.

Systemic racism and institutional bias undoubtedly affected the admissions process in 1992. The OSB and BBX are committed to eliminating any such bias in this new examination, and in any processes moving forward.

The Supreme Court recently issued an order *In re: Robert Parker's Application for Admission to Practice Law in Oregon* directing that application fees be waived and that Mr. Parker's 1990 bar exam passing scores satisfy the exam requirements imposed by RFA 8.10. In addition,

“The court directs the Board to assess applicant's current character and fitness to practice law under the normal rules for such assessment. If applicant established the required

character and fitness, the Board shall recommend terms of conditional admission needed to ensure applicant's competence to practice law.”

The Board of Bar Examiners (BBX) has no discretion to depart from the court's order. After the BBX makes its recommendation, the Oregon Supreme Court will make a final decision on the admission petition. Because this is now a pending proceeding, we will withhold further comment on the substance of the matter, pending review and decision.

More broadly, the OSB and BBX are committed to examining and eliminating systemic racism from their work. Moreover, as a part of the judicial system, we acknowledge our responsibility to all Oregonians to take a leadership role and elevate this issue going forward.

Currently, the OSB and BBX are engaged in several distinct efforts to evaluate the Oregon admissions process, with a focus on the need to create a more equitable system that meets the needs of all Oregonians. These efforts include discussions of alternatives to the bar exam, alternatives to law school, and alternative licenses for the practice of law. Additionally, in 2019, the BBX codified a process, which the Court approved, for reviewing character and fitness issues in admission applications. This process makes clear that all character and fitness decisions should be based on conduct only, and specifically prohibits discriminatory practices (Rules for Admission 1.20 - 1.45).

Once again, we would like to express our support, both for a fresh look at the admissions process Mr. Parker experienced, and for changes to create a more equitable system in the future.