

**Testimony for Senate Judiciary Committee
in support of SB 306
On behalf of the Oregon State Bar
January 20, 2023**

Chair Prozanski and members of the Senate Judiciary Committee,

My Name is Ankur Doshi. I am the General Counsel of the Oregon State Bar. I wanted to take this opportunity to respond to a couple of the concerns that were raised about Senate Bill 306 during the public hearing on January 17th.

In particular, it was argued that Licensed Paralegals should be required to have sufficient training to adequately serve their clients, and that they should be required to carry sufficient malpractice insurance to compensate clients if mistakes are made. The Bar agrees with both of those goals. The Paraprofessional Licensing Implementation Committee (PLIC), which drafted this proposal, has recommended both of those requirements at every step in their two year deliberative process.

For example, on pages 28 and 29 of their [April 2022 Final Report](#), the PLIC specifically recommended “LPs should be required to comply with the same requirements in dealing with clients and the public as apply to attorneys.” The report went on to cite several examples of these requirements including:

- Rules of Professional Conduct,
- Interest on Lawyer Trust Account requirements,
- Participation in the Client Security Fund,
- Minimum Continuing Legal Education Requirements,
- Prohibitions on fee sharing and firm ownership with non-licensees, and especially
- **Mandatory malpractice insurance through the Professional Liability Fund¹**

SB 306 addresses these concerns by ensuring that any future licensee is subject to exactly the same statutory requirements that are currently in place and to which attorneys are subject today. For example:

- ORS 9.080(2) currently authorizes the OSB Board of Governors to require all “active members of the bar engaged in the private practice of law” to carry professional liability insurance.
- ORS 9.112 allows the board to establish MCLE rules for all “active members” of the bar.

¹ Paraprofessional Licensing Implementation Committee, Final Report, April 1, 2022, pp. 28-29.
https://paraprofessional.osbar.org/files/2021_PPLIC_BOGReport.pdf

These statutes are already in force, and are the source of the bar's authority to require professional liability insurance, and continuing legal education requirements.

The rules adopted by the Supreme Court in July of 2022 make it clear that LPs would be members of the bar, just as attorneys are, meaning that the bar would have identical authority to require them to maintain malpractice coverage, contribute to the Client Security Fund, participate in IOLTA, comply with CLE requirements, comply with Rules of Professional Conduct, and all of the other consumer protection requirements to which attorneys are subject today.

Senate Bill 306 makes it easier for the bar to ensure this level of consumer protection, by clarifying the terms "member" and "attorney" in the statute, and making it clear that all members of the bar – not just attorneys – are subject to these statutes.

Thank you again for allowing me to testify, and I appreciate the chance to follow up with this additional information.

Sincerely,

Ankur Doshi

General Counsel, Oregon State Bar