

March 14, 2023



Oregon House Judiciary Committee:

The National Federation of Paralegal Associations, Inc. (NFPA), a professional organization founded in 1974 as the first national paralegal association, is an issues-driven, policy-oriented professional association directed by its membership. NFPA promotes leadership in the legal community, with a core purpose of advancing the paralegal profession.

In pursuit of this purpose, NFPA supports and advocates expanding the paralegal role, in limited circumstances, to bridge the access to justice gap. The United States is ranked 41st across 139 countries for civil justice but is ranked near the bottom (126th) when it comes to people who can access and afford civil justice. Current endeavors, such as pro bono work and legal aid, are not enough to meet the need, and it is NFPA's view that qualified paraprofessionals should be trained and utilized in providing additional affordable legal assistance options to the people who need it most.

NFPA has watched the development of limited licensing and paraprofessional practice projects throughout the United States. Oregon has proposed a comprehensive, well-researched proposal for a paraprofessional licensure program. We are especially impressed with the lengths the Oregon Paraprofessional Licensing Implementation Committee has gone to solicit the input of stakeholders throughout the state. We are hopeful that the Oregon plan has built on the experience of other states utilizing legal paraprofessionals to provide legal services to low- and middle-income families and individuals.

NFPA first comprehensively addressed the issue of Non-Lawyer Practice in 2005 when it issued its first Position Statement on Non-Lawyer Practice, and again in 2017 when it approved its Position Statement on Non-Lawyer Legal Professionals ("NLLP"). The current Position Statement on Legal Paraprofessionals was updated in September 2022 and outlines the suggested criteria for the creation of such a Project, to wit:

NFPA supports legislation and adoption of court regulations permitting NLLPs to deliver limited legal services directly to the public, provided that such legislation or court regulation includes:

- 1. Exceptions from the unauthorized practice of law within the confines of the respective state's regulations and statements on unauthorized practice of law;*
- 2. Post-secondary education standards;*
- 3. Character and fitness standards consistent with those required for attorneys in the applicable jurisdiction;*

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4. *Ethical standards that are the same as attorneys in the state must adhere to, or substantially similar to those defined by the ABA and NFPA;*
5. *CLE consistent with NFPA's CLE standards;*
6. *Bonding or malpractice insurance requirements as set forth by the jurisdictional authority; and*
7. *One or a combination of the following:*
 - a. *Specialized post-secondary education in the specialized area of law in which the LP will be practicing;*
 - b. *An attorney-supervised experience requirement, including attestation by the supervising attorney(s) as to that experience; and/or*
 - c. *A requirement that LPs submit to advanced competency testing as to their specialty practice area.*

A review of the Oregon Paraprofessional Licensing Implementation Committee Licensing Recommendations satisfies us that Oregon's proposal meets these criteria. Specifically, NFPA appreciates the inclusion of a "Highly Experienced Paralegal II - Education Waiver" category that recognizes NFPA's CORE Registered Paralegals and PACE Registered Paralegals, who have passed one (or both) of our voluntary certification examinations. The Recommendations are comprehensive in nature, and we applaud the Oregon Paraprofessional Licensing Implementation Committee for their exceptional work.

We are enthusiastic about the potential for this licensing program. The Recommendations, however, are ambitious, and we encourage the Implementation Committee to give a second look at other states' programs, especially those that have failed to self-sustain. It is not enough to just have education and training requirements - there must also be a cost-effective infrastructure to support the licensed paraprofessionals once they begin practicing. The Implementation Committee must work to create a respectful and safe space for licensed paraprofessionals to practice their growing responsibilities, and build support for the program within the legal services industry, to ensure the program is self-sustaining.

NFPA recommends that Oregon consider expanding the scope of the program to include court appearances in certain cases and types of hearings and administrative proceedings, to further the goal of bridging the justice gap. For example, Minnesota's pilot project permits a Legal Paraprofessional to represent tenants in court, including in evidentiary hearings, and that has proven to be successful in allowing tenants to

remain in their homes. For a licensed paraprofessional program to be successful, self-sustaining, and make a significant impact on our justice gap, licensed paraprofessionals must be empowered to represent individuals in certain courts of law and administrative proceedings. The needs of the represented individuals do not end at the courthouse doorstep, but rather increase when entering the courtroom. A move to allow limited courtroom appearances will help alleviate the burden *pro se* litigants place on an already strained justice system and judiciary.

Overall, NFPA commends the Implementation Committee on its diligence to create a comprehensive plan for paraprofessional practice, which we believe has great potential for success, and support the proposal in its entirety as put forth by the Implementation Committee.

Respectfully submitted,

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