Meeting of the Licensing Pathways Development Committee
Of the Oregon State Board of Bar Examiners
Open Session Agenda
(Items may be discussed in a different order than as they are listed)

Wednesday, April 9, 2025 12:00 p.m. – 1:30 p.m.
Zoom Meeting – Invites are sent via Outlook Calendar

1. Call to Order/Finalization of Agenda

A. Finalize Agenda

2. Old Business

A. Supervised Practice Portfolio Examination Implementation Update
   a. Participation
   b. Considerations and Concerns
   c. Policy & Rule Changes since Implementation

B. Oregon Experiential Portfolio Examination
   a. Overview of Court Presentation
   b. Recap of Progress to Date
   c. How SPPE Implementation Has Informed OEPE Development

3. New Business (See Exhibit 1)

A. Review of Draft OEPE Rules Language
   a. Items for Consideration

B. OEPE Timeline

4. Next Steps

5. Adjourn

The Oregon Experiential Portfolio Examination (Draft)
Date: 3/25/2025
Table of Contents

Section 1
Background, Definitions, and Authorities

1.1 Origin and Purpose. The Oregon Experiential Portfolio Examination (OEPE) offers an avenue for establishing minimum competence to practice law. Candidates who successfully complete the Program are eligible for admission to the Oregon State Bar without taking the Oregon Bar Examination or Multi-State Professional Responsibility Examination. Those candidates, however, must satisfy all other requirements specified in the Rules for Admission.

1.2 Definitions.

(A) **Admissions Department** means the Admissions Department of the Oregon State Bar.
(B) **Admissions Manager** means Regulatory Counsel to the Oregon State Bar working in counsel's capacity as the Board's Admissions Manager.
(C) **Board** means the Oregon State Board of Bar Examiners.
(D) **Employee** means any individual regularly providing work to an Employer and receiving compensation for that work, whether the individual is formally designated a partner, member, employee, of counsel, consultant, independent contractor, or other similar term.
(E) **Employer** is a business entity, non-profit organization, or government agency (including instrumentalities thereof) that employs the Supervising Attorney, and employs or has agreed to employ a Provisional Licensee.
(F) **Examiner** means a member of the Oregon State Board of Bar Examiners or a grader appointed by the Board to review and score Portfolios.
(G) **Final Portfolio** means a final compilation of the Participant's work product, documentation, and other Program requirements that have been submitted and scored as "qualified" as described in Rule 7.
(H) **Legal Work** means work that is commonly performed by licensed attorneys in Oregon. Legal work may include activities that are also performed by unlicensed individuals, as long as newly licensed attorneys working for the Employer regularly incorporate those activities in their work.
(I) **Minimum Competence to Practice Law** is defined by the essential eligibility requirements of RFA 1.25.
(J) **Minimum Continuing Legal Education Activities** or **MCLE Activities** means any activities approved for credit under Title 8 of the Oregon State Bar Rules of Licensure.
(K) **Ombudsperson** means an ombudsperson for this program appointed by the Board under Section 17.
(L) **OEPE** means the Oregon Experiential Portfolio Examination Program established by these Rules
(M) **Participant** means an individual who has been admitted to the OEPE pursuant to Section 3, of these Rules.
(N) **PLF** means the Oregon State Bar Professional Liability Fund.
(O) **Portfolio** means a folder of work products, documentation, and other Program requirements submitted by a Participant., as described in Rules 5.8.
(P) **Program** means the Oregon Experiential Portfolio Examination established by these rules.
(Q) **Program Manager** means the individual appointed by the Board to supervise the

Deleted: <#>**Halfway Portfolio** is a Portfolio submitted to the Board after a Provisional Licensee has completed at least 350 hours of Program work, as further described in Rule 7.1.¶
Interim Portfolio is a compilation of the Provisional Licensee's work, submitted while¶
still pursuing the Program, as further described in Rules 7.1 – 7.2.¶

Supervised Practice Portfolio Examination Program. If the Board does not appoint a Program Manager, then the default Program Manager shall be the Admissions Manager.

(R) **Rules for Admission** or **RFA** means the Rules for Admission of Attorneys published by the Oregon Supreme Court (Jan. 1, 2023) with any subsequent amendments.

(S) **Satisfactorily Completes** means the applicant earned a passing grade in a law school course, whether that course was taken during law school or after graduation.

(T) **Supervising Attorney** means (1) an individual who has committed to supervising a Provisional Licensee under Rules 2.4 – 2.5; or (2) an active member of the Oregon State Bar to whom the Supervising Attorney has delegated responsibility under Rule 5.4.

1.3 Regulatory Authority. The Oregon Supreme Court delegates to the Oregon State Bar the administrative, disciplinary, and regulatory authority to oversee the Oregon Experiential Portfolio Examination. Nothing about this delegation of authority shall interfere with the Board's authority under ORS 9.210 to carry out the admissions functions of the Oregon State Bar or otherwise oversee the Oregon Experiential Portfolio Examination Program.

Section 2
Qualifications of Program Participants

2.1 Qualifications of Participants.

(A) An individual may participate in the Oregon Experiential Portfolio Examination Program if that individual is enrolled in a Juris Doctor program, or equivalent, at a law school accredited by the American Bar Association and:

(1) If enrolled in an Oregon law school, satisfies the requirements of RFA 13.05, as applicable; and

(2) If enrolled in a non-Oregon law school, satisfies any applicable requirements for the appearance or provision of legal services by law students of the jurisdiction in which the student completes activities satisfying Program requirements.

Commented [AR1]: These are the provisions for appearance by law students. I assume if a student participating in OEPE makes such appearances as part of their work in the program, they rules would apply. Subsection 2 ensures that non-Oregon students understand that they would need to meet any such requirements in the states they attend school/work.

Section 3
Application and Admission to Program

3.1 Application Forms/Publication. The Board will develop forms governing admission to the Program and will publish those forms for public review.

(A) The application form for applicants will parallel the Board's Bar Exam Application to the extent possible. In addition to seeking information about the applicant's identity and eligibility for the OEPE Program, the form will request information needed to determine whether the applicant has the good moral character and fitness to practice law prescribed by ORS 9.220(2).

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Commented [AR2]: Not sure this is needed prior to admission, though it will need to be done early if the goal is to achieve licensure at time of graduation.

Deleted: That information will be used to determine whether the applicant qualifies for the Certificate of Eligibility described in Rule 3.5.

(B) Applicants have a duty to update this application promptly and continuously under RFA 4.25(2). That duty lasts until the applicant is admitted to the Oregon State Bar, is denied admission to the State Bar, or withdraws their application for admission.

3.2 Filing Application, Timing. All relevant forms must be filed with the Admissions

Department, following instructions and timelines on the Department's website. Applications must be received by the Department no later than 9 months prior to the applicant's anticipated date of graduation from law school. The applicant is responsible for ensuring that all forms are complete and have been properly filed.

(A) To assist curriculum planning, law schools may require students to notify the school of their intent to apply for Program participation at a time prior to the deadline established in this Rule.

3.3 Fees.

(A) OEPE applicants must pay to the Board, at the time of filing their OEPE application, an application fee of $x.x. An application will not be processed until this application fee is paid in full.

(B) In addition to the fee prescribed by paragraph (A), on the yearly anniversary of the Applicant's admission to the OEPE program, the Participant must pay an annual participation fee of $x.x.

(1) Participants will have six-months from the yearly anniversary date to pay the fee. At any time during this six-month period, Participants may pay the fee in full, or make lesser payments that will be counted toward the license fee until the balance due is paid in full.

(2) There will be no interest or late payment fees applied to any balance, regardless of whether the Participant pays the fee within the required six-month period.

(3) Failure to remit payment for the balance of the annual participation fee by the six-month deadline will automatically suspend Program participation until the annual fee is paid in full.

3.4 Processing by Admissions Department. The Admissions Department will verify that the applicant has submitted all required forms under Rule 3.1, that they were submitted in compliance with Rule 3.2, and that the appropriate fee was paid under Rule 3.3. Program administrators will notify applicants if any information is missing or if the applicant does not meet the Program admission requirements. If an application is deficient, the Admissions Manager will give the applicant a reasonable time in which to cure the deficiency. If an applicant does not cure the deficiency by the deadline, then the application will be rejected, and the applicant may not reapply unless the applicant pays a nominal resubmission fee, demonstrates that the deficiency has been cured, and demonstrates that all other Program admission requirements are met. When the Admissions Manager is satisfied that the applicant has met the requirements of Rules 3.1 – 3.3, the Admissions Manager will initiate the review of character and fitness pursuant to the Rules for Admission.

3.5 Admission to OEPE Program. When an applicant has established that the requirements of Rules 2.1 and 3.1 – 3.4 have been met, the Admissions Department will notify the applicant of admission into the Oregon Experiential Practice Portfolio Examination Program as a Participant and may begin submitting required work product and accumulating required experiences under the Program.

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Section 4

Roles and Duties of Program Participants

4.1 Role and Duties of Partipants. The duties specified in RFA 4.25(2) are applicable to Program Participants until such time as the Participants are admitted to the Oregon State Bar, are denied admission to the State Bar, or inform the Admissions Department of their withdrawal from the Program. Participants are expected to make satisfactory progress toward meeting the Program requirements detailed in Section 5 of these Rules during their law school experience. Participation in the program does not grant the Participant any authorization to practice law in Oregon or any other jurisdiction.

4.2 Continued Participation. Participation in the Program is conditioned upon continued satisfactory enrollment and progress toward degree as determined by the law school of attendance. Students who withdraw from law school or otherwise discontinue attendance and later wish to reenroll in the Program may be required to submit a new application for participation and satisfy the requirements for licensure that are then in effect at the time of the new application.

Section 5
Program Requirements

5.1 Overview of Program Requirements. The Program has ten substantive requirements, each described in more detail in the rules below. Participantss must also comply with the timing requirement of Rule 5.9. In brief, the program requirements are:

(A) Graduation from an American Bar Association ("ABA") accredited law school with the degree of Juris Doctor or equivalent;

(B) Satisfactory completion of the following law school courses in the subject matter areas generally known as:

- (1) Business Associations
- (2) Civil Procedure
- (3) Constitutional Law
- (4) Contract Law
- (5) Criminal Law of Investigatory Criminal Procedure
- (6) Evidence
- (7) Torts
- (8) Real Property.

(C) Satisfactorily complete fifteen (15) semester credits (or the equivalent) of experiential courses and/or work completed during the enrollment in law school, inclusive of academic breaks:

- (1) As part of those 15 credits (or the equivalent), participate in course(s), clinic(s), externship(s), work experience, or competition(s) that require client counseling and negotiation, as specified in Section 5.3 of these Rules;

(D) Earn a satisfactory score on three (3) specialized performance assessments administered by the Board;

(E) Production of at least three (3) pieces of qualified written work product;

(F) Evidence of competence in professional responsibility as described in Rule 5.6;

(G) Completion of at least 10 hours of activities exploring diversity, equity, inclusion, or

Commented [AR3]: The duties to update and notify the Admissions Department of any changes.

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Deleted: <#>Completion of a Learning Plan for accomplishing the below activities;¶

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Deleted: <#>Leadership of at least 2 initial client interviews or client counseling sessions;¶
Leadership of at least 2 negotiations;¶
Completion of 15 hours of Practice Overview MCLE programs designated by the Board;

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access to justice issues as described in Rule 5.7;

(H) A Portfolio organizing the above Program components;

(I) Satisfactory character and fitness determination [and other requirements]; and

(J) Compliance with the timing requirement of Rule 5.9.

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5.2 Experiential Learning Requirement. Students must satisfactorily complete fifteen (15) semester credits (or the equivalent) of experiential courses and/or work.

(A) Credits counted toward this requirement must be earned in courses that satisfy the ABA definition of "experiential" under Standard 304.

(B) No more than 3 credits counted toward this requirement may be drawn from the law school's first-year curriculum.

(C) Students may satisfy up to 5 credits of this requirement through work done in legal employment, pro bono legal work, or extra-curricular activities that do not confer credit. Each 45 hours of work completed in one of these ways will count as 1 academic credit. To count towards these 5 credits, the work completed in any of these experiences must be "legal work" as defined in Rule 1.2(H) and verified by a supervising attorney who meets one of the following:

(1) A licensed member of a bar in the jurisdiction in which the legal work is completed and who:

(a) Has been an active member of the bar in at least one jurisdiction for at least three of the five years preceding the application;

(b) Has no record of public discipline in any jurisdiction to which they are or have been members; and

(c) Is not an immediate family member of the student;

(2) A federal judge, magistrate, or bankruptcy judge whose primary chambers are in the jurisdiction in which the legal work is completed; or

(3) A faculty member of the law school in which the legal work is completed.

(D) For the purposes of this rule, "immediate family member" means a parent, child, or sibling, whether biological, adopted, foster, or related by marriage.

Commented [AR5]: Mirrors definition of legal work in Section 1.29(J) of SPPE rules.

5.3 Client Counseling and Negotiation. The experiential learning required by Section 5.2 of these rules shall include Participant participation in course(s), clinic(s), externship(s), work experience, or competition(s) that include instruction or experience with client counseling and negotiation.

(A) For the purposes of this rule, client counseling refers to interviews or counseling discussions with clients on legal matters conducted orally (in person, by phone, or by video) or in writing (by exchange of letters, emails, or other electronic messages).

(B) For the purposes of this rule, a negotiation refers to any discussion aimed at reaching an agreement. It may occur in the context of litigation, transactional, regulatory, or other matters. The negotiation does not have to focus on final resolution of the matter; it may focus on preliminary or interim matters. Negotiations may be conducted orally (in person, by phone, or by video) or in writing (by exchange of letters, emails, or other electronic messages).

Commented [AR6]: Does mediation count? This has been a recent topic for the SPPE.

(C) Participants who are unable to enroll in a course providing these experiences, and who cannot find these experiences in the workplace, will be able to satisfy this requirement through the ABA-sponsored client counseling and negotiation competitions. If the

Participants' law school does not award academic credit for participation in those competitions, Participants may claim credit towards the 15-credit experiential learning requirement through the equivalency calculation provided in Rule 5.2(C).

(D) The Board may also designate client counseling and negotiation simulations approved for the Supervised Practice Portfolio Exam as options for meeting this requirement.

(E) The instruction or experiences used to satisfy this requirement must include feedback from an instructor, supervisor, or competition judge. Participants are required to document that feedback was received; however, the feedback will not be shared with the Board.

(F) Participants will submit a completed cover sheet documenting the client counseling and negotiation experiences and using a template provided by the Board. The experiences will be graded on participation and not on the level of performance within the experience.

5.4 Specialized Performance Assessments. Participants must complete and earn a satisfactory score as determined by the Board on three (3) specialized performance assessments.

(A) The assessments will require Participants to analyze a client problem and produce a specified piece of work product. The assessments will be open book and will emphasize Participants' abilities to conduct independent legal research, assess and analyze relevant facts and legal principles, and develop legal work product at the level of minimum competence of entry-level licensed attorneys. Assessments will vary in content and in the type of written product they demand; however, Participants will not be required to take assessments in any particular subject. Assessments will be designed to require no more than 10 hours of work to achieve minimum competence.

(B) The Board of Bar Examiners will design these assessments in consultation with Oregon law school faculty, legal professionals, and organizations with expertise in legal preparation and assessment of legal preparation as appropriate.

(C) The Board will administer assessments during three ten-day assessment windows each year: in early January, March (spring break), and August. One assessment will be offered in each January and March windows, and two assessments will be offered each August window. Students may utilize the entire window to complete assessments.

(D) Participants must submit completed assessments by the close of the ten-day window. Late submissions will not be accepted. Participants must certify that each submitted assessment was completed independently and without assistance or consultation from any other individual, entity, or artificial intelligence platform.

(E) Participants will normally have access to legal research databases while attending law school, which may be utilized during completion of the assessments. However, Participants unable to access legal research databases through their law school of attendance, may contact the Admissions Department for further guidance.

Commented [AR7]: Law schools generally provide students access to legal databases during periods of continuous enrollment. What options does the Bar have in supporting students with this?

(F) Participants may begin taking assessments after their third semester of law school. Participants are not required to take assessments in consecutive windows and may take additional assessments in the event of an unsuccessful attempt. The last opportunity to take an assessment will be during the final term of their enrollment in law school.

5.5 Written Work Product.

(A) Each Participant must prepare and submit at least 3 pieces of written work product. At least 1 of the 3 pieces of work product must be at least 1500 words long, not including

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headers or signature blocks. The remaining pieces of work product must be at least 500 words long. Footnotes do count towards the word totals. All submitted work product must comply with the following requirements:

(1) The work product must address some substantive aspect of a legal matter, as well as a prediction, conclusion, or recommendation related to that issue.

(2) Each piece of work product must constitute a separate piece of work. Participants may not divide a memorandum, brief, or other piece of work into components that they submit separately.

(3) Each piece of work product must address at least one legal issue that differs from the legal issues addressed in other pieces of work product.

(4) Written work product must take the form of work product generally used in the practice of law including, but not limited to, memoranda, correspondence, pleadings, motions, briefs, contracts, wills, legal or statutory analysis articles, white papers, or mediation statements.

(B) Before a Participant begins a writing to be utilized to satisfy this requirement, the Participant may discuss the related issues or research strategies with a supervisor, professor, or other individuals, but the writing must be Participant's. If a Participant revises a writing after receiving feedback, the Participant must submit an earlier draft of the writing including only the Participant's independent work.

(C) Each piece of work product must be accompanied by a cover sheet completed by the Participant. The Board will provide a standardized template for the cover sheet, seeking information about the context for the work product; the strategy used for any necessary research; whether a template, form, or artificial intelligence text provided a foundation for the work product; the extent to which the Participant received input from other lawyers or individuals; the extent to which the Participant relied upon artificial intelligence programs; and the document's word count (as defined by subsections (A) and (D)(4). The Participant must attest that the information provided on the cover sheet is correct.

(D) Each piece of work product must also be accompanied by a statement from the supervisor of the experiential activity, as defined in Rule 5.2(C)). The Board will provide a template for this statement, which will require the supervisor to:

(1) Attest that, after reviewing the assistance noted by the Participant on their cover sheet, the work product sufficiently reflects the knowledge/research, analysis, and writing of the Participant that the Board can meaningfully assess the Participant's competence from the work product;

(2) Attest, to the best of their knowledge, the legal analysis in the work product is correct (or, that the legal principles cited in the work product are correct); and

(E) If the Participant used a template, form, or artificial intelligence composition as the foundation for the work product, these provisions apply:

(1) The Participant must submit a copy of the original template, form, or artificial intelligence text used as a foundation;

(2) The Participant must highlight the portions of the work product that represent the Participant's additions, edits, or other customization;

(3) The Participant may not rely upon the same template, form, or artificial intelligence text for more than one work product submitted to the Board; and

(4) Only the additions, edits, or other customization will count towards the word-count

Commented [AR8]: How do we square this language with the SPPE matter that came up about using the same longer piece to satisfy multiple individual submissions?

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requirements in subsection (A).

(F) Participants must redact the work product to remove information that would identify them, the supervising faculty or other supervisor for whom the work product is created or reviewed, their Employer, and the names and affiliations of any other counsel associated with the matter.

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(G) If the work product relates to an actual client matter:
  (1) The work product must be redacted to protect the client's interests; and
  (2) Before the work product is submitted, the client must consent to inclusion of the work product in the Portfolio.

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5.6 Evidence of Competence in Professional Responsibility.

(A) Participants may demonstrate their competence in issues of professional responsibility in one of two ways:
  (1) Achieving a score of at least 85 on the Multistate Professional Responsibility Exam (MPRE); or
  (2) For Participants who have passed a law school course on Professional Responsibility, completing a set of 10 journal entries devoted to issues of professional responsibility or professionalism. The Board will develop rules governing the format and content of these entries, following these principles:
    (a) Each entry should describe a lawyering situation that raises an issue of professional responsibility, identify relevant Oregon Rules of Professional Conduct and other sources, analyze the issue, and offer a conclusion. Conclusions may, if appropriate, note that resolution of the issue is unclear or disputed.
    (b) The journal entries should discuss rules drawn from at least 5 of the 8 chapters of the Oregon Rules of Professional Conduct.
    (c) Participants may discuss the issues they write about with colleagues, the State Bar's Legal Ethics Hotline, and other sources. The State Bar encourages this type of discussion and consultation for all lawyers.

(B) An Examiner will independently assess the content of the journal entries submitted under option (2).

5.7 Activities Related to Diversity, Equity, Inclusion, or Access to Justice. Participants must devote at least 10 hours to activities related to diversity, equity, inclusion, or access to justice. These activities may include pro bono work, MCLE programs, volunteer work with an Oregon State Bar sponsored affinity bar association or affinity section, and self-study. Law schools may designate courses or extracurricular activities that satisfy this requirement. The Admissions Department will maintain a list of approved self-study activities, and Participants may propose additions to that list to be approved by the Program Manager. Participants will log these activities on a template provided by the Admissions Department.

~~**5.8 Practice Overview.** The Board will designate 15 hours of MCLE programs that, taken together, provide an overview of doctrinal principles commonly encountered in entry-level law practice. The Provisional Licensee must attend, listen to, or watch all 15 hours of these designated programs. As the Provisional Licensee attends or watches these programs, they must include their certificates of completion in their Portfolio.~~

Commented [AR9]: See comment in program requirement overview section. If the participant is at an out-of-state law school, should we maintain this requirement on Oregon specific principles?

5.8 Portfolio. The Provisional Licensee must create and maintain a Portfolio collecting all the above materials. The Board will provide a template for organizing the Portfolio. When the Provisional Licensee has completed the Program requirements, they will prepare and submit a Final Portfolio to the Board as provided in Rules 7.1 – 7.2.

5.9 Timing. All the work product described in Rules 5.4, 5.5, 5.6, and 5.7 must have been scored as "qualified" within 3 calendar years of the date on which an Examiner transmits a Final Portfolio to the Admissions Department under Rule 8.3(A). Participants are to submit to the Board for scoring individual items applied to the Work Product (Rule 5.5), Professional Responsibility (Rule 5.6), and Diversity, Equity, and Inclusion (Rule 5.7) requirements as they are completed to provide timely scoring and notification of qualifying status to the Participant. The Board will publish a schedule of scoring windows to assist Participants in the timely submission of materials.

Section 6
Scoring of Required Program Components and Portfolios

6.1 Examiner Review. The Board will create and publish rules for review and grading of Required Program components and Final Portfolios that follow best practices, account for bias, and address conflicts (Rule 13). Those rules will ensure that multiple Examiners participate over time in grading of Program components and Final Portfolios of each Participant. If practicable, at least two Examiners will grade each piece of written work product (Rule 5.4) included in a Portfolio.

6.2 Anonymous Grading. All Required program components and Portfolios will be graded anonymously.

6.3 Scoring Rules. Each required Program component and Portfolio will be scored as follows:

(A) Required law school coursework and credit hours earned in law school to satisfy doctrinal coursework and experiential requirements will be evaluated through the review of official transcripts from the law school of attendance.

(1) When legal work experience is used in partial satisfaction of required experiential credits, Participants will submit a log of the experience verified by the supervisor of the experience, on a form published by the Board, which will be evaluated by the Examiner(s) for sufficiency.

(B) Specialized Performance Assessments will be graded by two Examiners and scored "qualified" or "not qualified" using rubrics published by the Board and designed by the Board in consultation with Oregon law school faculty, legal professionals, and organizations with expertise in legal preparation and assessment of legal preparation as appropriate. Each assessment will be graded as a summative assessment of minimum competence, and Participants will receive notification of their scores on the assessments with completed rubrics. Where each of the graders of a specialized performance assessment scores the assessment differently, a Board member Examiner will seek to reconcile scores between the Examiners, with a final decision made by the Board member

Deleted: <#>**Timesheet.** Provisional Licensees must record their Program hours, and the Supervising Attorney must approve that record of hours with their signature at the end of each week. The Board will provide a template for recording these hours. Provisional Licensees should record all time devoted to the activities listed in Rule 6.12, even if that time is not billable to a client.¶

Commented [AR10]: The interim/halfway portfolio has really not been "a thing" with the SPPE. I don't believe it is necessary here.

Deleted: As explained in Section 7 below, Provisional Licensees must submit at least one Interim Portfolio (the "Halfway Portfolio") to the Board for review and feedback. Submission of additional Interim Portfolios is optional.

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Deleted: <#>**Hours**. To demonstrate their minimum competence and qualify for admission to the Oregon State Bar, Provisional Licensees must document at least 675 hours spent working within the Supervised Practice Program. Those hours may include:¶
Up to 40 hours per week of Legal Work assigned by the Supervising Attorney, even if the time is not billed to a client;¶
All time devoted to working on the Program components outlined in Rules 6.2 – 6.11; and¶
All time spent in any training or educational activities required by their Employer that are not included in the Program components.¶
Credit for Legal Work Performed While Enrolled in a JD Program. A Provisional Licensee who has earned a JD from an ABA-accredited law school may count up to 100 hours of Legal Work performed while enrolled as a JD student if:¶
The work was assigned and supervised by an attorney who met the requirements of Rules 2.4 through 2.6;¶
That attorney signed the Declaration of a Supervising Attorney (Rule 2.4(G)) before the work was performed;¶
The Provisional Licensee was certified under Oregon's Law Student Appearance Program¶
(RFA 13.05 through 13.30) when the work was performed;¶
The work satisfies the definition of Legal Work in Rule 1.2(J); and¶
The Provisional Licensee maintained contemporary timesheets documenting that work, and those timesheets were signed by the Supervising Attorney.¶

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Commented [AR11]: Should this be applicable to OEPE? I think so, but it is a capacity issue.

Commented [AR12]: What of check off items? Won't BBX staff know who the work belongs to? Perhaps we are only worried about anonymity in subjectively graded items.

Examiner if necessary.

~~(C) The Practice Overview MCLE requirement will be scored "qualified" when the Provisional Licensee has submitted certificates of completion for all 15 hours.~~

(C) The Professional Responsibility requirement will be scored "qualified" when the Participant (a) submits evidence of achieving a score of at least 85 on the MPRE; or (b) receives a "qualified" score on the 10 professional responsibility journal entries. The Board will develop and publish rubrics for scoring those journal entries.

(D) Activities related to diversity, equity, inclusion, or access to justice will be scored "qualified" when the Participant submits the required template documenting 10 hours of those activities.

(E) Written work product will be scored "qualified" or "not qualified" using rubrics published by the Board. The Examiners will score these documents based on independent review of the document, the supervisor's attestation, and the Participant's cover sheet.

(F) Client interviews, client counseling sessions, and negotiations will be scored "qualified" or "not qualified" using rubrics published by the Board. The Examiners will score these components based on the supervisor's completed rubric and the Participant's reflection.

Commented [AR13]: Reinstate if MCLE requirement is included.

Commented [AR14]: While interviews/counseling/negotiations are required, what is the role of a law school professor or supervisor in completing a rubric?

Section 7
Final Portfolios

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7.1 Submission of Final Portfolio. When the Participant has completed all Program requirements, they will submit a Final Portfolio to the Board. Participants must mark their submission as a Final Portfolio. The Final Portfolio will contain:

(A) A certification of completion of requirements for the award of a required degree from the law school of attendance;

Deleted: ny Timesheets (as described in Rule 6.10) not yet submitted to the Board

(B) Law school transcripts demonstrating completion of required coursework;

(C) Law school transcripts and documentation of any legal work demonstrating completion of required experiential credits, per Rule 6.3(A); and

(D) All remaining Portfolio components that have not already been marked "qualified."

7.2 Timing of Submission and Review. The Board will create and publish rules for submission and review of Final Portfolios that ensure frequent and regular opportunities for Participants to submit Final Portfolios and receive timely results and feedback.

7.3 Final Portfolio Review. The contents of each Final Portfolio will be reviewed and scored as provided in Section 6.

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(A) If the Examiner(s) mark each component of the Final Portfolio as "qualified," an Examiner will transmit the Portfolio and completed rubrics to the Admissions Department, noting that the Participant appears to have demonstrated their minimum competence to practice law by passing all Program requirements. The Participant will be provided a copy of this notice and the completed rubrics for their information.

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(B) If a Final Portfolio fails to earn a "qualified" score on each component, the Provisional

Licensee may submit another Final Portfolio as provided in Rules 7.1 and 7.2.

(C) Final Portfolios may be accepted by the Board for review no later than 90 days after the award of the required law degree. This includes Final Portfolios resubmitted for review.

Section 8
Admission Decision

8.1 Admission of Participant. When an Examiner notifies the Admissions Department that a Participant appears to have successfully completed all Program requirements, the Admissions Department will check the Portfolio to confirm that that the Participant has received a "qualified" score on all Program requirements. This is a clerical check rather than a second review.

(A) If the Admissions Department agrees that the Participant has successfully completed all Program requirements, the Admissions Manager will inform the Participant of that fact.

(B) The Admissions Department will review the Participant's updated application (Rule 3.1) to determine if any updates raise new questions about the Participant's good moral character and fitness to practice law. If the Department identifies any new questions, the Admissions Manager will refer the Participant's application to the Board for consideration. The Board will consider whether, considering this new information, the Participant still possesses the good moral character and fitness to practice law. In making that determination, the Board will follow all applicable rules in the RFA.

(C) The Admissions Department will conduct any necessary further review to confirm that the Participant has satisfied other requirements of admission under the RFA, and will process the Participant's application for admission as if the Participant had passed the Uniform Bar Exam and Multistate Professional Responsibility Exam.

Section 9
Accommodations

9.1 Accommodations for Educational Program or Workplace Conditions. If a Participant seeks accommodations for any conditions or assignments within the law school program or workplaces in which Program requirements are completed, they must address that request through the appropriate person in the those entities. Any accommodations provided by Participant's law school or work place does not alleviate the Participant from satisfying all Program requirements.

9.2 Accommodations for Program Requirements. If a Participant believes that a disability, health condition, caretaking responsibility, or other condition will impair their ability to complete any Program requirements, they may request reasonable accommodations from the Board. These requests may be filed at any time. The Board will list examples of accommodations on the OEPE website and will make available a form for requesting those or other accommodations. Participants can also reach out to the Ombudsperson for assistance with accessing accommodations.

Section 10

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Transparency

10.1 Transparency Required. The Board will maintain an OEPE website that will include:

(A) All Program rubrics, templates, and other forms needed by Applicants, Participants, law schools, or those supervising OEPE activities;
(B) Any scoring rubrics used by Examiners;
(C) Examples of accommodations that may be provided under Rule 9.2;
(D) A handbook offering explanations and examples related to these rules;
(E) Links to training materials related to this Program;
(F) Information about the Ombudspersons described in Section 13;
(G) Proposed amendments to these rules; and
(H) A current version of these rules with any amendments highlighted.

Section 11 Conflicts

11.1 Examiner/Participant Conflicts. Examiners will review Participants' Portfolios anonymously, but the Program seeks to avoid even the appearance of favoritism or bias by an Examiner. The Board, therefore, will develop guidelines and processes for identifying relationships between Examiners and Participants that might suggest bias or an appearance of favoritism. Examiners will not review Portfolios submitted by Participants with whom they have that type of relationship.

11.2 Client Conflicts. Where portfolio elements described in Rules 5.3, 5.5, and 5.7 are based upon actual clients or their legal matters, they will be redacted to remove information that would identify the client or matter. To prevent Examiners from inadvertently reviewing work product on a matter where they have a conflict of interest, or for which their review would create an appearance of impropriety, the Board will develop guidelines and processes for identifying and precluding those possibilities.

Section 12
Training of Program Participants and Examiners

12.1 Training on Diversity, Equity, and Inclusion. Each Examiner must complete at least 2 hours of training related to issues of diversity, equity, and inclusion that may arise in the OEPE Program. The Admissions Department will develop that training, and participants may claim MCLE credit for attending or viewing these sessions.

12.2 Other Training for Examiners. The Board will arrange training sessions to familiarize Examiners with the Program requirements and scoring rubrics. Examiners may claim MCLE credit for attending these sessions.

12.3 Training of Participants. The Board will create up to 4 hours of introductory training to orient Participants to the Program. Among other elements, this training will introduce the Participants to the Ombudspersons described in Section 13. Participants must attend this training in person or view it online.

Section 13

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Deleted: <#>**Other Training for Supervising Attorneys.** In addition to completing the training specified in Rule 14.1, Supervising Attorneys must complete training related to Program requirements, successful supervision, and constructive feedback. The Admissions Department will arrange for creation of these training programs, which will require no more than 4 hours total.¶
These training sessions will be videotaped so that Supervising Attorneys can watch them at their convenience. Supervising Attorneys, however, must complete these training sessions or videos within one month of beginning supervision of a Provisional Licensee.¶
Supervising Attorneys may claim MCLE credit for attending or viewing these sessions.¶

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Ombudspersons

13.1 Appointment of Ombudspersons. The Board shall appoint at least 2 Ombudspersons for this Program. The Ombudspersons may have any qualifications that the Board deems appropriate. Ombudspersons may serve in this capacity for the OEPE Program and the Supervised Portfolio Examination Program simultaneously.

13.2 Duties of Ombudspersons. Any Program Participant may contact an Ombudsperson to express concerns related in any way to the Program.

(A) The Ombudsperson(s) must keep discussions with each Program participant confidential, unless (1) authorized by a participant to share information or (2) required by law to disclose information.
(B) The Ombudsperson(s) will attempt to help Program participants resolve individual or systemic difficulties related to the Program.

13.3 Conflicts of Interest. An Ombudsperson may not assist a Program participant if the Ombudsperson has a conflict of interest with that participant or any other person related to the participant's concern.

(A) For the purpose of this rule, a conflict of interest means a family relationship, a current or former employment relationship, or any other relationship that would bias the Ombudsperson's handling of the concern.
(B) If a conflict emerges while addressing a participant's concern, the Ombudsperson must immediately refer the concern to another Ombudsperson.

13.4 Restrictions on Ombudspersons. The Ombudspersons may not:

(A) Assist Participants with matters related to the Participants' enrollment, attendance, or completion of academic requirements at the law school of attendance, or any other matter related to the administration of the law school program. Participants are encouraged to contact their law school of attendance with these matters.

(B) Assist Program Participants with legal issues related to client matters; or
(C) Offer advice on whether the Examiners will find Portfolio components qualified.

Section 14
Program Review

14.1 Audits of Component Scoring. The Admissions Department will maintain a file of anonymous work product and standardized performance assessments that were scored "not qualified." At least once a year, the Board will review samples randomly selected from this file, comparing the samples to work product scored as "qualified," to check for consistency among Examiners. If significant discrepancies are identified, the Board will discuss those discrepancies and consider revisions to its rubrics, changes in Examiner training, or other steps to reduce future discrepancies.

14.2 Review of Minimum Competence Standard. At least once a year, the Board will randomly select several completed Portfolios to assess whether those Portfolios—taken as a whole—

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demonstrate minimum competence to practice law. If the Board finds that the Portfolios do not meet that standard, it will consider revisions to its rubrics or these rules.

14.3 Review of Other Program Elements. At least once a year, the Board will gather input from Participants, law schools, and experiential course or workplace supervisors about their experience in the Program. The Board may use any suitable means (including surveys and focus groups) to gather this information. The Board may also consider gathering input from other individuals, including judges and clients. Information from these inquiries will inform further Program development.

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14.4 Data Collection. At least once every other year, the Board will gather data about the work Participants of the OEPE are doing, including but not limited to: area of law of practice, nature of experiential activities completed. The Board will also gather data on malpractice claims and bar complaints against individuals licensed through the program.

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14.5 Annual Report and Periodic Re-Authorization. The Board will submit an annual report to the Oregon Supreme Court, noting the number of Applicants and Participants in the Program and the number of Participants admitted to the Bar. The annual report will also note any insights gathered from the reviews described in Rules 14.1-14.3 (and will provide the underlying data at the Court's request); and any proposal for improving the program. Every other year, the report to the Court will include data gathered pursuant to Section 14.4. Every fourth year, the Court will vote whether to re-authorize the Program. If the Program is not reauthorized, any currently enrolled Participant will be permitted to remain in the Program but no new applicants can begin the Program.

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Section 15
Amendments to These Rules

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15.1 Amendments. The OEPE is a new initiative, and the Board may amend these rules as it gains experience with different aspects of the Program.

(A) Amendments may be initiated by the Board, one of its Members, the Admissions Manager, or an Ombudsperson.
(B) The Board will notify Participants and Oregon law school representatives by email if it is considering an amendment and will give those individuals an opportunity to comment on the proposed amendment.
(C) Any amendment adopted by the Board must be approved by the Oregon Supreme Court.
(D) The Board must publish any approved amendment on its website, and notify Program Participants and Oregon law schools by email of the amendment, at least 14 calendar days before that amendment goes into effect.
(E) If an amendment adds to the duties of Program Participants, the amendment will not affect existing Program Participants until 6 months after it is approved by the Oregon Supreme Court. Similarly, an amendment that increases Program requirements or makes it more difficult for Participants to qualify for Bar admission will not affect Participants who are already enrolled in the Program until 6 months after it is approved by the Oregon Supreme Court. Other amendments will take effect as

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provided in subsection (D).

(F) The Board may alter scoring rubrics, templates, and other forms used in the Program without amending these rules. The Board, however, will publish altered rubrics, templates, and other forms on its website at least 30 days before those changes go into effect. Similarly, it will notify Program participants by email of these changes at least 30 days before they go into effect.