

**The Oregon Supervised Practice Portfolio Examination
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Section 1 Background, Definitions, and Authorities

1.1 Origin and Purpose. The Oregon Supervised Practice Portfolio Examination (SPPE) 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 Uniform Bar Examination or Model 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) **Board** means the Oregon State Board of Bar Examiners.
- (C) **Certificate of Eligibility** means a certificate issued by the Board under Rule 3.4.
- (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 Provisional Licensee's work, as described in Rule 8.1.
- (H) **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.
- (I) **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.
- (J) **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.
- (K) **Minimum Competence to Practice Law** is defined by the essential eligibility requirements of RFA 1.25.
- (L) **Minimum Continuing Legal Education Activities** or **MCLE Activities** means any activities approved for credit under Rules 5.1 to 5.15 of the Oregon State Bar Minimum Continuing Legal Education Rules and Regulations.
- (M) **Ombudsperson** means an ombudsperson for this program appointed by the Board under Section 17.
- (N) **Program** means the Supervised Practice Portfolio Examination established by these rules.
- (O) **Provisional License** means the limited license to practice law conferred under the Supervised Practice Portfolio Examination Program.

- (P) **Provisional Licensee** means an individual practicing law within the Supervised Practice Portfolio Examination Program.
- (Q) **PLF** means the Oregon State Bar Professional Liability Fund.
- (R) **Portfolio** means either a Halfway Portfolio, Interim Portfolio, or Final Portfolio, as described in Rules 7.1 – 7.2 and 8.1.
- (S) **Program** means the Supervised Practice Portfolio Examination Program established by these rules.
- (T) **Program Manager** means the individual appointed by the Board to supervise the Supervised Practice Portfolio Examination Program. If the Board does not appoint a Program Manager, then the default Program Manager shall be Regulatory Counsel.
- (U) **Regulatory Counsel** means Regulatory Counsel to the Oregon State Bar.
- (V) **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.
- (W) **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.
- ~~(X)~~ **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.
- ~~(Y)~~ **SPPE** means the Supervised Practice Portfolio Examination Program established by these rules.

1.3 Regulatory Authority. The Oregon Supreme Court delegates to the Oregon State Bar the administrative authority to oversee the Supervised Practice Portfolio Examination Program and all Program-related activities, so long as the Program and related activities are in accordance with SCO No. ____, and these rules.

Section 2 Qualifications of Program Participants

2.1 Qualifications of Provisional Licensees.

(A) An individual may participate in the Supervised Practice Portfolio Examination Program if that individual:

- (1) Satisfies the criteria in RFA 3.05(1), (2) or (3) (Qualifications of Applicants);
 - (2) Has applied for the Certificate of Eligibility described in Rule 3.4;
 - (3) Has secured a commitment of employment with a qualified Employer;
 - (4) Has secured a commitment from a qualified Supervising Attorney to serve in that role;
- and

(5) Signs the “Oath for a Provisional Licensee” and files that document with Regulatory Counsel.

(6) Satisfies the curriculum requirements described in subsection (B).

(B) Curriculum Requirements.

(1) To participate in the SPPE an individual an individual must have satisfactorily competed courses in the subject matter areas generally known as:

- Business Associations
- Civil Procedure
- Constitutional Law
- Contract Law
- Criminal Law or Investigatory Criminal Procedure
- Evidence
- Torts
- Real Property

(2) If an individual has not satisfactorily competed a course covering one of these areas before graduation from law school, the incomplete course may be completed during an applicant’s participation in the SPPE, but an applicant may not be admitted to the bar until the course(s) have been completed.

2.2 Qualifications of Employers. Any law firm, solo practitioner, business entity, non-profit organization, or government agency (including instrumentalities thereof) may serve as an Employer if that firm, practitioner, entity, organization, or agency:

- (A) Is authorized to practice law, do business, regulate, or otherwise operate within Oregon;
- (B) Regularly practices law, does business, regulates, or otherwise operates within Oregon;
- (C) Except as provided in Rule 2.3, employs (or has agreed to employ) a Provisional Licensee for at least 20 hours of paid work a week;
- (D) Except as provided in Rule 2.3, commits to providing the Provisional Licensee at least the salary and benefits provided to other recent law school graduates;
- (E) Employs an attorney who is qualified to serve as a Supervising Attorney and who has agreed to assume that role;
- (F) Provides Professional Liability Insurance for the Provisional Licensee (or obtains a waiver of that requirement), to the same extent as they would for another new lawyer, as required by Rules 4.1 – 4.4; and
- (G) Files the “Declaration of an Employer,” signed by an individual with authority to bind the organization, with the Admissions Department. The Declaration shall name an individual authorized to receive notices on behalf of the Employer.

2.3 Exceptions to Hours and Pay Requirements for Employers. An organization may qualify to serve as an Employer without meeting the requirements of Rule 2.2 (C) – (D) if:

- (A) The Provisional Licensee has a grant or stipend that will compensate them for work performed for the Employer; or
- (B) The Provisional Licensee volunteers to provide pro bono services to a client of the Employer and the Employer does not bill the client for those services.

Employers must also comply with federal, state, and local employment laws as applicable to the Provisional Licensee.

2.4 Qualifications of Supervising Attorneys. An individual may participate in the Program as a Supervising Attorney if that individual meets the following requirements:

- (A) Is an active member of the Oregon State Bar;
- (B) Has been an active member of the Oregon State Bar for two or more years preceding the application to serve as a Supervising Attorney;
- (C) Has been an active member of the bar in at least one jurisdiction for at least three of the five years preceding the application;
- (D) Has no record of public discipline in any jurisdiction to which they are or have been members or satisfies the requirements of Rule 2.6;
- (E) Is employed by the same organization as the Provisional Licensee;
- (F) Is not an immediate family member of the Provisional Licensee they will supervise; and
- (G) Signs the “Declaration of Supervising Attorney” and files that document with the Admissions Department.

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

2.5 Federal Judges as Supervising Attorneys. A federal judge, magistrate, or bankruptcy judge whose primary chambers are in Oregon may serve as a Supervising Attorney without meeting subsections (A) – (C) of Rule 2.4.

2.6 Rehabilitation from Public Discipline. The general rule is that an individual who has a record of public discipline in any jurisdiction may not serve as a Supervising Attorney. This rule may be waived by the Board if the following criteria are met:

- (A) The latest disciplinary decision was entered more than 5 years before the individual’s application to serve as a Supervising Attorney;
- (B) No other disciplinary proceedings or investigations have been instituted against the individual since that time;

- (C) The individual submits a petition to the Board seeking waiver from the general rule stated in 2.4;
- (D) The petition explains their rehabilitation and fitness to serve as a Supervising Attorney; and
- (E) Following review of the petition, the Board waives the general rule.
 - (1) The Board or a subset thereof may, but need not, interview the individual to determine their fitness to serve as a Supervising Attorney.
 - (2) The Board's decision on the individual's fitness will be final, without any right of appeal.

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 on its website.

- (A) The application form for applicants will parallel the Board's Bar Exam Application. In addition to seeking information about the applicant's identity and eligibility for the SPPE 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). That information will be used to determine whether the applicant qualifies for the Certificate of Eligibility described in Rule 3.4.
- (B) Applicants and Provisional Licensees 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.
- (C) The application form for Employers will establish the Employer's identity and seek evidence establishing that the Employer meets the qualifications listed in Rule 2.2 – 2.3.
- (D) The application form for Supervising Attorneys will establish the Supervising Attorney's identity (including their OSB Member Number) and seek evidence establishing that the Supervising Attorney meets the qualifications listed in Rules 2.4 – 2.6.

3.2 Filing Application, Timing. All relevant forms must be filed with the Admissions Department, following instructions and timelines on the Department's website. The applicant is responsible for assuring that all forms (including those from the Employer and Supervising Attorney) are complete and have been properly filed.

3.3 Processing by Admissions Department. The Admissions Department will verify that the applicant has submitted all required forms under Rule 3.1, and that they were submitted in compliance with Rule 3.2. Program Administrators will notify applicants if any information is missing or if the applicant, proposed Employer, or proposed Supervising Attorney do not meet the Program requirements. If an application is deficient, Regulatory Counsel 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 resubmission fee, demonstrates that the deficiency has been cured, and demonstrates that all other Program requirements are met. When Regulatory Counsel is satisfied that the applicant has met the requirements of Rules 3.1 and 3.2, Regulatory Counsel will present applicant to the Board to consider whether applicant has the good moral character and fitness to practice law.

3.4 Certificate of Eligibility. The Admissions Department will use the information submitted with the applicant's SPPE application to initiate the character and fitness process described in RFA 6.05 and 6.15.

- (A) If the Board determines that the applicant has the good moral character and fitness to practice law prescribed by ORS 9.220(2), the Board will issue the applicant a Certificate of Eligibility. That certificate will allow the applicant to obtain a Provisional License and participate fully in the Supervised Practice Portfolio Examination Program.
- (B) Alternatively, the Board may choose to issue a Certificate of Eligibility conditioned on specific probationary terms.
- (C) If the Board denies the applicant a Certificate of Eligibility, it will provide the written notice specified by RFA 6.05(5). The applicant may contest the Board's denial by requesting an evidentiary hearing pursuant to RFA 9.01. Any evidentiary hearing shall be conducted pursuant to the process identified in RFA 9.05 – 9.60.
- (D) While awaiting the Board's decision on whether to issue a Certificate of Eligibility, an otherwise qualified applicant may begin working and accumulating hours within the Supervised Practice Portfolio Examination Program. Until Regulatory Counsel issues a Provisional License to the Applicant under Rule 3.6, the applicant may not undertake any activities that require a license to practice law, unless currently licensed under a Student Practice License (RFA 13.05 – 13.30). Hours worked during this period that meet the requirements of Rule 6.12, however, count towards the hours requirement in that rule.

3.5 Admission to Program. When an applicant has established that the requirements of Rules 2.1 – 2.6 have been met, Regulatory Counsel will notify the applicant, Employer, and Supervising Attorney that the applicant has been accepted into the Supervised Practice Portfolio Examination Program and may begin working and accumulating hours under the Program.

3.6 Issuance of Provisional License. When the Board issues a Certificate of Eligibility for an applicant, Regulatory Counsel will:

- (A) Issue the applicant a document evidencing their Provisional License; and
- (B) Notify the Employer and Supervising Attorney that the applicant has received a Provisional License and may undertake activities permitted by that license.

Section 4 Professional Liability Insurance

4.1 Mandatory Insurance. Employers must arrange professional liability insurance for Provisional Licensees through the Oregon State Bar Professional Liability Fund (PLF), arrange that insurance through an alternative carrier approved by the PLF, or obtain an exemption pursuant to Rule 4.2. Employers must pay premiums and other expenses for this insurance to the same extent that they pay those expenses for any other new lawyer they employ.

4.2 Exemptions from Insurance Requirement. An Employer need not obtain professional liability insurance for a Provisional Licensee if:

- (A) The Provisional Licensee practices law exclusively as in-house counsel for one Oregon client;
- (B) The Provisional Licensee only practices law in Oregon through their employment by a government agency, an instrumentality of a government agency, or a public defense agency;
- (C) The Provisional Licensee only practices law in Oregon through their employment with a legal aid service serving Oregon residents, or a law firm that provides public defense services to Oregon residents through a consortium under an OPDS or other government contract; or
- (D) The Employer obtains a waiver/exemption on any basis approved by the PLF.

4.3 Proof of Compliance. The Provisional Licensee must file with the PLF proof of compliance with Rule 4.1 or 4.2.

4.4 Maintenance of Insurance. Unless exempt under Rule 4.2, an Employer must maintain insurance for any Provisional Licensee while the Provisional Licensee is employed by that Employer.

4.5 Temporary Suspension for Lack of Insurance. If a Provisional Licensee loses insurance coverage, that Provisional Licensee's license will be immediately and automatically suspended under Section 16. The Employer and Provisional Licensee may reinstate the license as provided in that Section.

Section 5 Roles and Duties of Program Participants

5.1 Role and Duties of Provisional Licensees. Provisional Licensees will work diligently and ethically to serve clients and complete any assignments made by their Supervising Attorney(s). At the same time, they will work diligently and ethically towards completing all required components of the Program. In carrying out these dual roles, all of the following apply:

- (A) The needs of clients must take precedence over completing the requirements of the Program.
- (B) Work assigned by the Supervising Attorney should also take precedence over completing the requirements of the Program, although Supervising Attorneys and Employers will make every effort to accommodate completion of Program requirements (see Rules 5.2 and 5.3 below).
- (C) Provisional Licensees must adhere to the constraints specified in the Temporary Supervised Practice Rules, RFA 13.10 to 13.20, as they apply to law students qualified under RFA 13.20(1).
 - (1) Provisional Licensees do not have to satisfy the qualifications for eligibility in RFA 13.20, nor need they follow the certification procedure outlined in RFA 13.25. The qualifications and application procedures specified in these rules govern the Supervised Practice Portfolio Examination Program.
 - (2) A Provisional Licensee who has never taken a course in evidence, however, must follow the limits of RFA 13.20(2)(d) unless the Supervising Attorney represents to the court under RFA 13.10(6) that the Provisional Licensee has obtained similar knowledge of evidence through MCLE programs or other means.
- (D) To be eligible for admission to the Oregon State Bar through this Program, Provisional Licensees must complete all of the Program components specified in Rules 6.1 – 6.14; submit at least one Interim Portfolio as specified in Rule 7.1; and submit their Final Portfolio as specified by Rules 8.1 – 8.2.

5.2 Role and Duties of Employers. Employers participating in the Program must:

- (A) Maintain any Professional Liability Insurance required by Section 4 of these rules;
- (B) Unless subject to Rule 2.3, provide Provisional Licensees at least the minimum salary and benefits specified by Rule 2.2(D);
- (C) Provide Provisional Licensees appropriate work space, tools, and technology to accomplish the tasks assigned by the Supervising Attorney;
- (D) Include Provisional Licensees in any training programs or other educational activities provided to other new lawyers working for the Employer;
- (E) Unless subject to Rule 2.3, compensate the Provisional Licensee for time spent in training programs or other educational activities to the same extent that other new lawyers are compensated for that time; and
- (F) Arrange the Provisional Licensee’s schedule and workload to give the Provisional Licensee sufficient time to complete portions of the Program that do not benefit the Employer directly. The Employer need not compensate the Provisional Licensee for that time, except as provided in subsection (D) above.

5.3 Role and Duties of Supervising Attorneys. Supervising Attorneys participating in the Program must:

- (A) Watch or attend the training sessions described in Section 14 of these rules;
- (B) Supervise the Provisional Licensee’s schedule and workload to give the Provisional Licensee sufficient time to complete all Program components;
- (C) Accommodate the Provisional Licensee’s reasonable requests for work that will help them complete the Program or otherwise develop their professional skills;
- (D) Supervise the work of the Provisional Licensee, and assume personal professional responsibility for that supervision, in the manner required by RFA 13.30;
- (E) Complete the Program rubrics for client interviews, counseling sessions, and/or negotiations to satisfy the Program requirements;
- (F) Discuss those completed rubrics with the Provisional Licensee; and
- (G) Provide other regular feedback that will help the Provisional Licensee develop their skills and better serve Employer clients.

5.4 Delegation of Supervising Attorney’s Duties. Supervising Attorneys may delegate the duties outlined in Rule 5.3(D) – (G), as well as the responsibility specified in RFA 13.30, to another Employee working for the Employer if that Employee:

- (A) Is an active member of the Oregon State Bar; and
- (B) Has the knowledge and skills to supervise the Provisional Licensee effectively.

The Supervising Attorney, however, retains professional responsibility for the work of the Provisional Licensee and the supervisory competence of the lawyer to whom they delegate any supervisory duties.

5.5 Dual Supervising Attorneys.

- (A) A Provisional Licensee may work for two Supervising Attorneys concurrently if each Supervising Attorney meets the qualifications specified in Rules 2.4-2.6 and the following conditions are satisfied:
 - (1) The Supervising Attorneys must coordinate their supervision to ensure that the Provisional Licensee is able to meet Program requirements; and
 - (2) If the Supervising Attorneys work for different Employers, each Employer must meet the qualifications specified in Rules 2.2 – 2.3, and those Employers must follow the conflict of interest and screening requirements that apply when one lawyer (the Provisional Licensee) works for two different organizations. RPC 1.7-1.13, 1.18.
- (B) If a Provisional Licensee works for two Supervising Attorneys concurrently, the Provisional Licensee may include in their Portfolio work product and rubrics from either or both Supervising Attorneys.

- (C) A Provisional Licensee may not work for more than two Supervising Attorneys concurrently although, as provided in Section 15, a Provisional Licensee may have multiple Supervising Attorneys over time.

Section 6 Program Requirements

6.1 Overview of Program Requirements. The Program has ten substantive requirements and an hours requirement, each described in more detail in the rules below. Provisional Licensees must also comply with the timing requirement of Rule 6.14. In brief, the program requirements are:

- (A) Completion of a Learning Plan for accomplishing the below activities;
- (B) Diligent, competent, and professional work on all Legal Work assigned to the Provisional Licensee by their Supervising Attorney;
- (C) Production of at least 8 pieces of written work product;
- (D) Leadership of at least 2 initial client interviews or client counseling sessions;
- (E) Leadership of at least 2 negotiations;
- (F) Completion of the Professional Liability Fund’s “Learning the Ropes” MCLE program;
- (G) Evidence of competence in professional responsibility as described in Rule 6.7;
- (H) Completion of at least 10 hours of activities exploring diversity, equity, inclusion, or access to justice issues;
- (I) Completion of regular timesheets recording all time devoted to the Program;
- (J) A Portfolio organizing the above Program components;
- (K) Completion of 675 hours of work as defined by Rule 6.12; and
- (L) Compliance with the timing requirement of Rule 6.14.

In addition to these required components, Provisional Licensees may choose to participate in the New Lawyer Mentoring Program as described in Rule 6.15.

6.2 Learning Plan. The Learning Plan will help Provisional Licensees track their Program progress and plan to complete each Program component. The Board will provide a template for this Learning Plan. Provisional Licensees must submit an up-to-date Learning Plan with the Halfway Portfolio described in Rule 7.1 below. Additional use of the Learning Plan is optional

6.3 Legal Work. Provisional Licensees will perform Legal Work assigned to them or approved by their Supervising Attorney.

- (A) Rule 1.2(J) defines “Legal Work” for the purpose of this Program.
- (B) Provisional Licensees must perform this work diligently, competently, and professionally.

- (C) A Provisional Licensee should not attempt work for which they feel unprepared or incompetent to perform. Instead, the Provisional Licensee should discuss their reservations with the Supervising Attorney and seek appropriate assistance.

6.4 Written Work Product.

(A) Each Provisional Licensee must prepare and submit at least 8 pieces of written work product. At least 3 of the 8 pieces of work product must be at least 1500 words long, not including headers or signature blocks. Footnotes do count towards the word totals.

~~(A) Written work product may take any form that lawyers use in their practices including, but not limited to, memos, letters, emails, white papers, complaints, motions, briefs, contracts, legal or statutory analysis blog entries, issues briefs, and wills.~~ All submitted work product, ~~however,~~ 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) At least 2 of the pieces of work product must be at least 1500 words long, and each of the other pieces must be at least 300 words long, not including headers or signature blocks. Footnotes do count towards the word totals.~~

~~(3)~~(2) Each piece of work product must constitute a separate piece of work. Provisional Licensees 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) Each piece of work product must be accompanied by a cover sheet completed by the Provisional Licensee. 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 or form provided a foundation for the work product; the extent to which the Licensee received input from other lawyers; the extent to which the Licensee relied upon artificial intelligence programs; and the document's word count (as defined by subsections (A)(2) and (D)(4)). The Licensee must attest that the information provided on the cover sheet is correct.

(C) Each piece of work product must also be accompanied by a statement from the Supervising Attorney. The Board will provide a template for this statement, which will require the Supervising Attorney to:

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

- (2) Attest that the legal analysis is accurate; and
 - (3) Indicate if and how the Employer used the work product.
- (D) If the Provisional Licensee used a template, form, or artificial intelligence composition as the foundation for the work product, these provisions apply:
- (1) The Provisional Licensee must submit a copy of the original template, form, or artificial intelligence text used as a foundation;
 - (2) The Provisional Licensee must highlight the portions of the work product that represent the Provisional Licensee’s additions, edits, or other customization;
 - (3) The Provisional Licensee may not rely upon the same template, form, or artificial intelligence text for more than one work product submitted to the Examiners; and
 - (4) Only the additions, edits, or other customization will count towards the word-count requirements in subsection (A)(2).
- (E) Provisional Licensees must redact the work product to remove information that would identify them, their Supervising Attorney, their Employer, and the names and affiliations of any other counsel associated with the matter.
- (F) If the work product relates to a client matter:
- (1) The work product must be redacted to protect the client’s interests; and
 - (2) The client must consent to inclusion of the work product in the Portfolio.
- (G) If the Provisional Licensee is unable to gather sufficient work product from client-related work, the Supervising Attorney may assign a mock exercise or exercises to the Provisional Licensee, which can be submitted to fulfill this requirement. The Board will also maintain an “issue bank” of materials that can be used by Provisional Licensees to fulfill the writing requirements of the program. All mock work product must comply with subsections (A) through (E) above.

6.5 Client Interviews or Counseling Sessions. Each Provisional Licensee must lead two client interviews or counseling sessions that are assessed by their Supervising Attorney. Client interviews and counseling sessions may be conducted orally (in person, by phone, or by video) or in writing (by exchange of letters, emails, or other electronic messages).

- (A) If an interview or counseling session is conducted orally, the Supervising Attorney will observe the interaction. Before beginning the interview or counseling session, the Provisional Licensee and Supervising Attorney will explain their roles and obtain the client’s oral consent.
- (B) If an interview or counseling session is conducted in writing, the Supervising Attorney may assess the interaction as it unfolds or after it has been completed. Client consent is not required for this type of assessment. Interviewing or counseling performed in writing must include sufficient exchange between the client and Provisional Licensee, so that the Supervising Attorney can assess the Provisional Licensee’s ability to identify legal issues, convey information, and respond to client questions and specific needs.

- (C) For each of the two interviews or counseling sessions, the Supervising Attorney will complete a rubric provided by the Board, share the completed rubric with the Provisional Licensee, and offer any additional feedback that would assist the Provisional Licensee's development. The rubric will include an attestation that the Provisional Licensee led the interview or counseling session, with little or no assistance from the Supervising Attorney.
- (D) After completing the interview or counseling session and receiving feedback from the Supervising Attorney, the Provisional Licensee will complete a cover sheet about the interview or counseling session using a template provided by the Board.
- (E) "Client" should be interpreted in the context of the Provisional Licensee's practice position. A Provisional Licensee working in a government agency, for example, may have other government employees as clients; a Provisional Licensee working inhouse at a business or other organization, may have other members of that organization as clients. A Provisional Licensee working as a prosecutor may use interviews or discussions with complainants to satisfy this component of the Program.
- (F) Provisional Licensees must ensure that neither their cover sheet nor the Supervising Attorney's completed rubric identifies the Provisional Licensee, the Supervising Attorney, their Employer, the parties involved in the matter, or any counsel to those parties.
- (G) For Provisional Licensees who cannot satisfy this Program component as part of their supervised practice, the Admissions Department will maintain a list of approved opportunities (including simulations) for meeting this component. Subsections (A) – (F) will apply to those opportunities, except that client consent is not necessary for simulations.

6.6 Negotiations. Each Provisional Licensee must conduct two negotiations that are assessed by the Supervising Attorney. A negotiation includes 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).

- (A) If a negotiation is conducted orally, the Supervising Attorney will observe the negotiation. Before beginning the negotiation, the Provisional Licensee and Supervising Attorney will explain their roles and obtain oral consent from other attorneys participating in the negotiation. If the Provisional Licensee/Supervising Attorney's client is present, the client must also provide oral consent.
- (B) If a negotiation is conducted in writing, the Supervising Attorney may assess the negotiation as it unfolds or after it has been completed. Consent from opposing counsel or clients is not required for this type of assessment

- (C) Negotiations need not be complex or lengthy, but they must offer an opportunity for the Supervising Attorney to assess both the Provisional Licensee's ability to express their position and their responsiveness to opposing counsel.
- (D) For each of the negotiations, the Supervising Attorney will complete a rubric provided by the Board, share the completed rubric with the Provisional Licensee, and offer any additional feedback that would assist the Provisional Licensee's development. The rubric will include an attestation that the Provisional Licensee led the negotiation, with little or no assistance from the Supervising Attorney.
- (E) After completing the negotiation and receiving feedback from the Supervising Attorney, the Provisional Licensee will complete a cover sheet about the negotiation using a template provided by the Board.
- (F) Provisional Licensees must ensure that neither their cover sheet nor the Supervising Attorney's completed rubric identifies the Provisional Licensee, the Supervising Attorney, their Employer, the parties involved in the matter, or any counsel to those parties.
- (G) For Provisional Licensees who cannot satisfy this Program component as part of their supervised practice, the Board will maintain a list of approved opportunities (including simulations) for meeting this component. Subsections (A) – (F) will apply to those opportunities, except that consent from other counsel or clients is not necessary for simulations.

6.7 Evidence of Competence in Professional Responsibility.

- (A) Provisional Licensees 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 Provisional Licensees 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) Provisional Licensees 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).

6.8 Activities Related to Diversity, Equity, Inclusion, or Access to Justice. Provisional Licensees 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 affinity bar associations, and self-study. The Admissions Department will maintain a list of approved self-study activities, and Provisional Licensees may propose additions to that list to be approved by the Program Manager. Provisional Licensees will log these activities on a template provided by the Admissions Department.

6.9 Learning the Ropes. The Provisional Licensee must attend or watch all 15 hours of the most recent “Learning the Ropes” program offered by the Oregon State Bar Professional Liability Fund. When the Provisional Licensee has satisfied this requirement, they must include their certificate of completion in their Portfolio.

6.10 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.

6.11 Portfolio. The Provisional Licensee must create and maintain a Portfolio collecting all of the above materials. The Board will provide a template for organizing the Portfolio. 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. When the Provisional Licensee has completed the Program requirements, they will prepare and submit a Final Portfolio to the Board as provided in Rules 8.1 – 8.2.

6.12 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:

- (A) Up to 40 hours per week of Legal Work assigned by the Supervising Attorney, even if the time is not billed to a client;
- (B) All time devoted to working on the Program components outlined in Rules 6.2 – 6.11;
and
- (C) All time spent in any training or educational activities required by their Employer that are not included in the Program components.

6.13 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:

- (A) The work was assigned and supervised by an attorney who met the requirements of Rules 2.4 through 2.6;
- (B) That attorney signed the Declaration of a Supervising Attorney (Rule 2.4(G)) before the work was performed;
- (C) The Provisional Licensee was certified under Oregon’s Law Student Appearance Program (RFA 13.05 through 13.30) when the work was performed;
- (D) The work satisfies the definition of Legal Work in Rule 1.2(J); and
- (E) The Provisional Licensee maintained contemporary timesheets documenting that work, and those timesheets were signed by the Supervising Attorney.

6.14 Timing. ~~At least three quarters~~ All of the work product described in Rules 6.4, 6.5, and 6.6 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).

6.15 New Lawyer Mentoring Program (NLMP). Participation in the NLMP is waived for Provisional Licensees, although Provisional Licensees who work for solo practitioners, small law firms, or other small organizations are encouraged to consider participation in the NLMP.

Section 7 Interim Portfolios

7.1 Required Interim Portfolio. Provisional Licensees must submit an Interim Portfolio to the Board after completing 350 hours of Program work. This “Halfway Portfolio” must contain:

- (A) An up-to-date Learning Plan (as described in Rule 6.2);
- (B) Any Timesheets (as described in Rule 6.10) not yet submitted to the Board;
- (C) Any completed Evidence of Competence in Professional Responsibility (as described in Rule 6.7);
- (D) Any completed log of Activities Related to Diversity, Equity, Inclusion, or Access to Justice (as described in Rule 6.8);
- (E) At least three pieces of Written Work Product (Rule 6.4), documentation of Client Interviews or Counseling Sessions (Rule 6.5), and/or documentation of Negotiations (Rule 6.6) that have not yet been reviewed by the Board.

If a Provisional Licensee has completed other Program components, they may also include those components in the Halfway Portfolio.

7.2 Optional Interim Portfolios. Provisional Licensees may submit additional Interim Portfolios before or after submission of the Halfway Portfolio if the Interim Portfolio contains at least three pieces of written work product, client interviews or counseling sessions, and/or negotiations that have not been previously submitted to the Board. Provisional Licensees should submit any unsubmitted Timesheets with each Interim Portfolio submission.

7.3 Timing of Submission and Review. The Board will create and publish rules for submission and review of Portfolios that ensure frequent and regular opportunities for Provisional Licensees to submit interim Portfolios and receive timely results and feedback.

7.4 Review and Scoring of Interim Portfolios. The contents of each Interim Portfolio will be scored using the standards outlined in Rule 9.3.

- (A) Portfolio components that receive a “qualified” score will count towards the Final Portfolio score. Provisional Licensees need not resubmit those components; nor will any additional Examiners review them. The Board will maintain a record of all components that achieve a qualified score during Interim Portfolio reviews.
- (B) If a Portfolio component receives a score of “not qualified,” the Provisional Licensee may submit a replacement component with a subsequent Interim or Final Portfolio. The replacement component must be a new piece of work, not a revised version of the original submission. If a Licensee submits a replacement component, the original component and its score will be removed from the Provisional Licensee’s record. The Admissions Department, however, will maintain anonymized records of replaced documents (as provided in Rule 20.1) to inform its Program Review.

7.5 Feedback on Interim Portfolios. After components of an Interim Portfolio have been scored, the Provisional Licensee will receive a copy of the Examiner’s completed rubric for each component, as well as a summary of the Program components that have been scored “qualified” through that date.

Section 8 Final Portfolios

8.1 Submission of Final Portfolio. When the Provisional Licensee has completed all Program requirements, they will submit a Final Portfolio to the Board. Provisional Licensees must mark their submission as a Final Portfolio. The Final Portfolio will contain:

- (A) Any Timesheets (as described in Rule 6.10) not yet submitted to the Board; and
- (B) All remaining Portfolio components that have not already been marked “qualified.”

8.2 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 Provisional Licensees to submit Portfolios and receive timely results and feedback.

8.3 Final Portfolio Review. The contents of each Final Portfolio will be reviewed and scored as provided in Section 9.

- (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 Provisional Licensee appears to have demonstrated their minimum competence to practice law by passing all Program requirements. The

Examiner will forward copies of this notice and the completed rubrics to the Provisional Licensee for their information.

- (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 8.1 and 8.2. There is no limit on the number of Final Portfolios that a Provisional Licensee may submit.

Section 9 Portfolio Review, Scoring, and Challenges

9.1 Examiner Review. The Board will create and publish rules for review and grading of Portfolios that follow best practices, account for bias, and address conflicts (Section 13). Those rules will ensure that multiple Examiners participate over time in grading components of each Provisional Licensee’s Portfolio. If practicable, at least two Examiners will grade each piece of written work product (Rule 6.4) included in a Portfolio.

9.2 Anonymous Grading. All Portfolios will be graded anonymously.

9.3 Scoring Rules. Each Portfolio component will be scored as follows:

- (A) The Learning Plan submitted with the Halfway Portfolio will be scored “qualified” if it documents how the Provisional Licensee plans to fulfill all Program requirements.
- (B) The “Learning the Ropes” CLE program will be scored “qualified” when the Provisional Licensee submits their certificate of completion.
- (C) The Professional Responsibility requirement will be scored “qualified” when the Provisional Licensee (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 Provisional Licensee 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 Supervising Attorney’s attestation, and the Provisional Licensee’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 Supervising Attorney’s completed rubric and the Provisional Licensee’s reflection.
- (G) The Timesheet will be scored “qualified” when it documents completion of 675 hours of Program work (including any credit towards that total from work completed as a JD student).

Section 10 Admission Decision

10.1 Admission of Provisional Licensees. When an Examiner notifies the Admissions Department that a Provisional Licensee appears to have successfully completed all Program requirements, the Admissions Department will check the Final Portfolio, together with records from Interim Portfolios, to confirm that that the Provisional Licensee 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 Provisional Licensee has successfully completed all Program requirements, Regulatory Counsel will inform the Provisional Licensee of that fact.
- (B) The Admissions Department will review the Licensee’s updated application (Rule 3.1) to determine if any updates raise new questions about the Licensee’s good moral character and fitness to practice law. If the Department identifies any new questions, Regulatory Counsel will refer the Licensee’s application to the Board for consideration. The Board will consider whether, considering this new information, the Licensee 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 Provisional Licensee has satisfied other requirements of admission under the RFA, and will process the Provisional Licensee’s application for admission as if the Provisional Licensee had passed the Uniform Bar Exam and Multistate Professional Responsibility Exam.
- (D) The Provisional Licensee’s Provisional License will remain in effect until they are sworn into the Bar or, after considering any updates to the Licensee’s application, the Board enters a final determination that the Licensee lacks the good moral character and fitness to practice law.

Section 11 Accommodations

11.1 Accommodations for Workplace Conditions. If a Provisional Licensee seeks accommodations for any workplace conditions or assignments, they must address that request to their Supervising Attorney or another appropriate person in the Employer’s organization.

11.2 Accommodations for Program Requirements. If a Provisional Licensee 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 SPPE website and will make available a form for requesting those or

other accommodations. Provisional Licensees can also reach out to the Ombudsperson for assistance with accessing accommodations.

Section 12 Transparency

12.1 Transparency Required. The Board will maintain an SPPE website that will include:

- (A) All Program rubrics, templates, and other forms needed by Provisional Licensees, Supervising Attorneys, and Employers;
- (B) Any scoring rubrics used by Examiners;
- (C) Examples of accommodations that may be provided under Rule 11.2;
- (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 17;
- (G) Proposed amendments to these rules; and
- (H) A current version of these rules with any amendments highlighted.

Section 13 Conflicts

13.1 Examiner/Provisional Licensee Conflicts. Examiners will review Provisional Licensees' 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 Examinees and Provisional Licensees that might suggest bias or an appearance of favoritism. Examiners will not review Portfolios submitted by Provisional Licensees with whom they have that type of relationship.

13.2 Client Conflicts. Portfolios elements described in Rules 6.4 – 6.6 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 14 Training of Program Participants and Examiners

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

14.2 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.

(A) 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.

(B) Supervising Attorneys may claim MCLE credit for attending or viewing these sessions.

14.3 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.

14.4 Training of Provisional Licensees. The Board will create up to 4 hours of introductory training to orient Provisional Licensees to the Program. Among other elements, this training will introduce the Provisional Licensees to the Ombudspersons described in Section 17. Provisional Licensees must attend this training in person or view it online. They will be able to claim MCLE credit for these training hours.

Section 15 Changes in Status

15.1 Change in Supervising Attorney. If the Supervising Attorney will no longer be able or willing to supervise the Provisional Licensee, the Provisional Licensee must immediately notify Regulatory Counsel of that fact.

(A) If another attorney working for the Employer is able and willing to serve as a Supervising Attorney, that individual should complete the “Declaration of Supervising Attorney” described in Rule 2.4(G) and file it with the Admissions Department.

(B) If the Admissions Department agrees that the individual described in subsection (A) is qualified to serve as a Supervising Attorney, the Admissions Department will notify the Provisional Licensee, Supervising Attorney, and Employer of that fact.

(C) If no other attorney working for the Employer is willing to serve as the Provisional Licensee’s Supervising Attorney, the Provisional Licensee may seek a new Supervising Attorney and Employer as provided in Rules 2.2 – 2.6.

15.2 Change in Employer. If the Employer is no longer willing or able to employ the Provisional Licensee, the Provisional Licensee must immediately notify Regulatory Counsel of that fact.

15.3 Temporary Suspension of License. During any period for which the Provisional Licensee lacks a Supervising Attorney approved by Regulatory Counsel, the Provisional Licensee’s license shall be immediately and automatically suspended under Section 16.

Section 16 Temporary Suspension of License

16.1 Effect of Suspension. If a Provisional License is suspended under any provision of these rules, the Provisional Licensee must:

- (A) Immediately notify their Supervising Attorney and Employer;
- (B) Decline any new work or representation that would require a law license;
- (C) Within 10 business days, notify all clients represented in pending matters, as well as any opposing counsel or co-counsel, that the Provisional Licensee's authority to practice has been suspended; and
- (D) Take all other necessary steps to protect the interests of clients served by the Provisional Licensee.

16.2 Reinstatement of License. A Provisional Licensee whose license has been suspended may reinstate that license by:

- (A) Filing new applications from a Supervising Attorney and Employer under Rule 3.1; and
- (B) Filing new proof of compliance under Rule 4.3 if the suspension resulted from lack of insurance.

The Provisional Licensee may not perform any work that requires a law license until the Provisional Licensee has been notified that their Provisional License has been reinstated.

16.3 Continuation of Program Participation. Once a Provisional License has been reinstated, they may continue pursuing the Program where they left off. The suspension does not increase the number of required hours or any other requirement of the Program. The time limit applied to Portfolio elements described in Rule 6.14, however, remains in effect.

Section 17 Ombudspersons

17.1 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.

17.2 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.

17.3 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.

17.4 Restrictions on Ombudspersons. The Ombudspersons may not:

- (A) Assist Program participants with legal issues related to client matters;
- (B) Offer advice on whether the Examiners will find Portfolio components qualified; or
- (C) Offer evidence or otherwise participate in license termination proceedings under Rule 19.2.

Section 18

Client Assistance Office Complaints

18.1 Notification of Complaint. If a complaint is filed against the Provisional Licensee with the Client Assistance Office of the Oregon State Bar, the Provisional Licensee must immediately notify Regulatory Counsel, the Provisional Licensee's Employer, and the Provisional Licensee's Supervising Attorney.

- (A) The Provisional Licensee must include with those notices the actual complaint materials filed by the complaining party.
- (B) Regulatory Counsel shall forward the complaint to the Client Assistance Office and name the Supervising Attorney as an additional attorney against whom the complaint is filed.
- (C) The Provisional Licensee's license will remain in effect pending investigation by the Client Assistance Office, but the Supervising Attorney and/or Employer may restrict the Provisional Licensee's work if they believe that is necessary to protect clients.

18.2 Dismissal of Complaint. If the Client Assistance Office dismisses the complaint, the Provisional Licensee's license shall remain in effect.

18.3 Referral to Disciplinary Counsel's Office. If the Client Assistance Office refers the complaint to Disciplinary Counsel's Office, that referral will immediately suspend the Provisional Licensee's license and the Provisional Licensee must take the steps outlined in Rule 16.1.

- (A) If Disciplinary Counsel's Office dismisses the grievance, the Provisional Licensee may reinstate their Provisional License as provided by Rule 16.2. The provision of Rule 16.3 (Continuation of Program Participation) shall apply to this reinstatement.
- (B) If Disciplinary Counsel files a formal complaint, the Provisional Licensee's license shall immediately terminate under Rule 19.1(E).

Section 19

Termination of Provisional License

19.1 Automatic Termination. A Provisional Licensee's Provisional License shall immediately and automatically terminate if:

- (A) The Provisional Licensee is admitted to the practice of law in Oregon;
- (B) The Provisional Licensee receives notice under RFA 6.05(5) that the Board is not satisfied that the Provisional Licensee has demonstrated that they have the good moral character and fitness to practice law;
- (C) The Provisional Licensee is disbarred or suspended due to discipline from the practice of law in any other jurisdiction;
- (D) The Provisional Licensee resigns from the practice of law in another jurisdiction while a disciplinary action is pending in that jurisdiction;
- (E) A formal complaint is filed against the Provisional Licensee by the Disciplinary Counsel's Office of the Oregon State Bar;
- (F) An indictment is filed against the Provisional Licensee; or
- (G) The Provisional Licensee receives a Notice of Termination of Provisional License, to which the Provisional Licensee does not offer an objection as described in Rule 19.2(C) below.

19.2 Termination for Cause. If Regulatory Counsel receives evidence that continued practice by the Provisional Licensee poses a significant threat to clients or the public, then Regulatory Counsel may provide a Notice of Termination of Provisional License to the Provisional Licensee by email marked "high priority," stating the grounds for concern and copying the Provisional Licensee's Supervising Attorney and Employer, as well as the Board Chair. The Notice shall state that pursuant to Rules 19.1(G) and 19.2(C), the Provisional Licensee must file an objection within 10 business days, or the Provisional Licensee's license shall automatically terminate.

- (A) A rebuttable presumption that the Provisional Licensee is a significant threat to clients or the public is created by the following:
 - (1) The filing of 3 or more complaints with the Client Assistance Office;
 - (2) The filing of 2 or more PLF claims against the Provisional Licensee; or
 - (3) Evidence gathered by, or presented to, Regulatory Counsel demonstrating that the Provisional Licensee:

- (a) Regularly violates Oregon's Rules of Professional Conduct;
 - (b) Has engaged in the practice of law for a client, or through a process, that is not permitted under this Program;
 - (c) Has intentionally evaded the supervision of the Provisional Licensee's Supervising Attorney on any Legal Work performed; or
 - (d) Has knowingly submitted a false or misleading statement in an Interim or Final Portfolio, or has knowingly submitted work product in a Portfolio that unreasonably takes credit for work product that was completed by others.
- (B) Any presumption created by this rule may be overcome only through clear and convincing evidence that:
- (1) The facts underlying the presumption are not true, or
 - (2) Despite the truth of the facts underlying a presumption, the Provisional Licensee is not a significant threat to clients or the public.
- (C) The Provisional Licensee will have 10 business days after the email is sent to file an objection by reply email to Regulatory Counsel, copied to the Board Chair, the Supervising Attorney, and the Employer. An objection shall include any evidence supporting the Provisional Licensee's position. If the Provisional Licensee does not submit an objection within 10 business days, the Provisional Licensee's Provisional License will automatically terminate pursuant to Rule 19.1(G).
- (D) The Provisional Licensee's Supervising Attorney and/or Employer may also respond to the Notice of Termination, but they are not required to do so.
- (E) After considering the objection and supporting evidence, Regulatory Counsel may choose to withdraw the Notice of Termination and notify the Board Chair, the Provisional Licensee, Supervising Attorney, and Employer that the Notice has been withdrawn.
- (F) If Regulatory Counsel chooses to pursue termination of the Provisional Licensee's license, Regulatory Counsel must submit a new Show Cause Hearing notice to the Provisional Licensee, Supervising Attorney, Employer, and Board Chair. The notice shall be sent via email, marked "high priority," and shall identify the basis for the Show Cause Hearing, which must be one of the following:
- (1) That Regulatory Counsel reasonably believes that the evidence attached to the Provisional Licensee's objection does not overcome the rebuttable presumptions created by Rule 19.2(A)(1) – (3), because it does not meet the standard set forth in Rule 19.2(B);
 - (2) That Regulatory Counsel reasonably believes that evidence in its possession contradicts or calls into question the evidence included in the Provisional Licensee's objection; or

- (3) That Regulatory Counsel reasonably believes the totality of evidence against the Provisional Licensee establishes that the Provisional Licensee is a significant threat to clients or the public.
- (G) If the basis of the Show Cause Hearing is Rule 19.2(F)(2) or (3), then Regulatory Counsel must include all evidence it considered in reaching the reasonable beliefs identified in those subsections about the Provisional Licensee's evidence or threat level.
- (H) The Board must hold a Show Cause Hearing on the Notice of Termination, set at least 15 business days after issuance of the Show Cause Hearing notice in subsection (F) but not more than 45 business days after issuance of that Show Cause Hearing notice. When scheduling the Show Cause Hearing, all reasonable efforts will be made to schedule the hearing on a date that will permit all witnesses to be present.
- (I) The Board shall have a Show Cause Hearing before a panel of 3 members. Within 5 business days following the Show Cause Hearing notice from Regulatory Counsel, the Board Chair shall issue a Show Cause Order identifying the date of the Show Cause Hearing and outlining the procedural rules by which the hearing will be conducted. The Show Cause Order shall allow at least 10 business days for discovery and the issuing of subpoenas before the Show Cause Hearing is held.
- (J) At the hearing, the panel will receive documentary and oral evidence from Regulatory Counsel, the Provisional Licensee, and any other interested parties who choose to participate in the hearing. Once all evidence is received, panelists may ask questions of any party who presented evidence during the Hearing. Once Members have had their questions answered, Regulatory Counsel shall provide a closing statement, followed by the closing statement of the Provisional Licensee, and the hearing shall be closed.
- (K) The Board must render a decision on whether the Provisional Licensee's Provisional License should be terminated for cause within 14 business days of the Show Cause Hearing. The decision shall state whether the Regulatory Counsel established a rebuttable presumption that the Provisional Licensee is a significant threat to clients or the public; whether the Provisional Licensee overcame that rebuttable presumption through clear and convincing evidence to the contrary; and whether, in looking at the totality of the evidence, the Board believes that the Provisional Licensee presents a significant threat to clients or the public. The Board's decision on that matter is final.
- (L) Any error in procedure, in admitting or excluding evidence, or in ruling on evidentiary or discovery questions shall not invalidate a finding or conclusion, or require that a new or supplemental Show Cause Hearing be conducted, unless the error resulted in the denial of a fair hearing.
- (M) A finding that the Provisional Licensee presents a significant threat to clients or the public shall terminate the Provisional Licensee's Provisional license. The former Licensee may reapply to the SPPE Program or pursue other pathways for admission to the Bar, but the Board will consider the facts underlying termination of the Provisional License when assessing the former Licensee's good moral character and fitness to practice law.

19.3 Mandatory Steps Upon Termination. Upon termination of the Provisional License, the Provisional Licensee may not undertake any new representation that would require a law license and must, within 10 business days:

- (A) Notify all clients represented in pending matters, as well as any opposing counsel or co-counsel, that the Provisional Licensee’s authority to practice has been terminated; and
- (B) Take all other necessary steps to protect the interests of clients served by the Provisional Licensee.

Section 20 Program Review

20.1 Audits of Component Scoring. The Admissions Department will maintain a file of anonymous work product that was 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.

20.2 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—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.

20.3 Review of Other Program Elements. At least once a year, the Board will gather input from Employers, Supervising Attorneys, and Provisional Licensees 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.

20.4 Data Collection. At least once every other year, the Board will gather data about the work applicants pursuing the SPPE are doing, including but not limited to: area of law of practice, nature of employer (public, private, nonprofit, etc); nature of clients; and salary. The Board will also gather data on malpractice claims and bar complaints against individuals licensed through the program.

20.4 Annual Report and Periodic Re-Authorization. The Board will submit an annual report to the Oregon Supreme Court, noting the number of applicants in the Program, the number of Provisional Licenses granted, and the number of Provisional Licensees admitted to the Bar. The annual report will also note any insights gathered from the reviews described in Rules 20.1-20.3 (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 20.4. Every fourth year, the Court will vote whether to re-authorize the Program. If the

Program is not reauthorized, any currently enrolled Provisional Licensee will be permitted to remain in the Program but no new applicants can begin the Program. ~~The Board will submit an annual report to the Oregon Supreme Court, noting the number of applicants to the Program, the number of Provisional Licenses granted, and the number of Provisional Licensees admitted to the Bar. The report will also note any insights gathered from the reviews described in Rules 20.1—20.3; and any proposals for improving the Program.~~

Section 21 Amendments to These Rules

21.1 Amendments. The SPPE 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, Regulatory Counsel, or an Ombudsperson.
- (B) The Board will notify Provisional Licensees, Supervising Attorneys, and Employers by email if it is considering an amendment and will give those Program participants 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 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 Provisional Licensees, Supervising Attorneys, or Employers, 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 Provisional Licensees to qualify for Bar admission will not affect Provisional Licensees 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 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.