

Comments on: Licensed Paralegal Program Proposal

Tom Gordon
Executive Director,
Responsive Law

Submitted to the
Oregon State Bar
May 13, 2022

Responsive Law thanks the Oregon State Bar for the opportunity to present these comments. Responsive Law is a national nonprofit organization working to make the civil legal system more affordable, accessible, and accountable to its consumers. We advocate for policies that expand the range of legal services available to meet people's legal needs and that loosen protectionist restrictions on who may provide legal services so that people of all income levels can get the reliable legal help they need. **We support the proposal to license paralegals to provide legal services directly to consumers.**

The pandemic has exacerbated Oregon's existing legal needs crisis by increasing the number of legal problems people face. Housing and family law are among the many areas where Oregonians have faced a growing number of legal problems, while the economic downturn has left them even less able to afford a lawyer.

One way to alleviate this crisis is to allow people to seek the assistance of licensed independent paralegals in handling their legal problems. Consumers would benefit from having a range of expertise and price among legal service providers.

Such a range of consumer options already exists in health and medicine. People are not required to go to a doctor to get a flu shot or to get advice on drug interactions; they can go to a pharmacist. They don't need to ask a doctor to assist them in reconditioning a muscle after surgery; they can go to a physical therapist. If people were required to treat every health issue through a doctor, rather than through other professionals, help would be less available, and medical costs would be even higher than they are now. Worse yet, it would replace the specialized expertise of these other health service providers with the lesser competence of a doctor.

Just as not every medical problem requires a doctor's help, not every legal problem should require a lawyer's help. A paralegal who has worked under a lawyer for twenty years preparing forms for

uncontested divorces is far more competent to do so than 90 percent of lawyers. A legal assistant at a housing nonprofit is far more knowledgeable about housing law and landlord-tenant court procedure than any lawyer who doesn't practice in that area.

Responsive Law would have preferred to see this proposal include a greater number of subject areas in which consumers could seek paralegal help. For example, debt collection and navigating government benefits are both growing needs in the current economic environment. However, landlord-tenant and family law are also areas of great consumer need, and both are areas where competent paralegal help would be a great improvement for the vast number of people who would otherwise be forced to navigate the legal system on their own.

The Paraprofessional Licensing Implementation Committee has taken a measured approach with its proposal, using the paralegal licensing schemes of other jurisdictions as guideposts to create reasonable requirements for licensing requirements that will ensure the competence of licensed paralegals. Significantly, the Committee gleaned the correct lesson from Washington's experience with its Limited License Legal Technicians: Unnecessarily burdensome licensure requirements harm consumers by shrinking the pool of affordable legal help.

The proposal before the Bar can significantly shrink the legal services gap in the areas of landlord-tenant and family law, while maintaining consumer protection. We urge the Bar to approve the proposal on behalf of the vast majority of Oregonians who currently have no access to professional legal help.