

OREGON STATE BAR
Alternative Pathways to Becoming a Lawyer Committee
June 5, 2018, Meeting Minutes

On June 5, 2018, the Alternative Pathways to Becoming a Lawyer Committee of the Oregon State Bar met; the following people were present in person or on the phone:

Vanessa Nordyke, Oregon State Bar President
Mark Johnson Roberts, Oregon State Bar Liaison
Troy Wood, Oregon State Bar Liaison
Danny Lang, Co-Chair
Judy Parker, Co-Chair
Laurie Cantelon
Ron Cheng
Elizabeth Davis
Dallas DeLuca
John Gear
Roy Koegen
Diane Thompson
Nathaniel Aggrey
Angela Lucero
Patricia Nation
Kasia Rutledge
Hon. Duane Stark
Nicole Commission

- I. Minutes from the April and May meetings were approved.
- II. Introduction to the new members, the Honorable Duane Stark and Nicole Commission, the University of Oregon Assistant Dean for Student Affairs.
- III. Follow-up on outstanding issues from previous meeting
 - a. **Current standards for becoming a lawyer in Oregon.** Wood: Oregon does allow people to take the bar exam 120 days prior to completion. Nearly half of the jurisdictions in other states offer similar programs. They mainly differ on alternate methods of admissions, reading for the bar, and the waiver rule. Effective 8/1/18 Oregon will accept reciprocity without having to retest, as long as the licensee went to an ABA approved law school. Note, the ABA requires an undergraduate degree before attending law school.
 - b. **WSBA standards for tutors, metrics for current lawyers admitted through the APR 6 law clerk program.** Parker: The direct expense in WA is \$5000 for each

applicant. The state has \$112,000 indirect expense for the overall program, not per student. Costs are recouped through the program. Parker will provide via email the direct and indirect expense definition and the cost breakdown to the committee via email. The Regulation packet is 12 pages, including tutor details and the course of study. There is no written explanation about the tests, but the caliber of what is expected is explained in person to the tutor. Current trend is if the applicant makes it through the 2nd year, they have a good chance of passing the bar. Rate of completion is 32% passage rate – 1/3 get through the program and nearly 75 to 80% of those pass the bar. There are 80 students at any given point in time in the program, so 20 per year is the number of students who enter and the ultimate percentage of those who take the bar.

- c. **Talking points.** Aggrey: provided a handout of 12 questions about what lawyers think of the program, and then broke down the loan debt affects to specific charges the committee has been tasked with. Concerned about assuring competence and a better rate of service to the public. The cost a lawyer will charge is a talking point to clarify aspirational goals. The Talking Points – will be distributed through a survey.

Parker: Discussion re interest in the bar membership to be a mentor to take candidates under their wings. The Washington program thrives on the relationship of the mentee/mentor relationship.

Lucero: Part of the idea behind presenting the alternatives is to make it accessible to members of the community and she was concerned that many may not know lawyers and not be able to find a mentor.

The CAL not for profit model has a 4-year ESQ apprentice program. They have a website – historically the pass rate is very low.

Stark: Expressed concern that someone can go to CA, attend a non-ABA bar school, come to Oregon and take the bar, but in Oregon you cannot go to a non-ABA school and take the bar in Oregon.

Gear: In Wisconsin there is no bar exam if you went to a state school.

- d. **Status of draft report.** Parker has been working on it and it is nearly ready for review by the committee.

IV. **Charge one: minimum standards for mentor applicants.**

Discussion re criteria:

Gear: Minimum criteria should be competency based and not arbitrarily based. 7 years minimum, or as low as 3 for competency factors. Proposed Mentor should submit an application and 3 letters of recommendation.

Chang and Nordyke: In favor of a 10-year a minimum. Better to be safe than sorry regarding competence. Suggested borrowing requirements from the OSB mentor program.

Rutledge: The application process for the mentor should include some sort of documentation that mentor has previously mentored persons.

DeLuca: Suggests publishing the names for 45 days in the bar journal. A good lawyer does not necessarily make a good mentor.

Wood: If an objection was registered the bar staff would investigate if there is merit – it would be presented, to the bar examiners who would interview the person and make a determination. The Board of Bar Examiners records are confidential and he assumed that same confidentiality would apply to these types of investigations.

The majority of the Committee agreed:

1. Mentor must be licensed in Oregon and be an active or a member in good standing (both if retired status so they are engaged).
2. Certain minimum standards of good moral character comparable to OSB Mentor program.
3. 10-years minimum experience in the practice of law, with at least 2-years in Oregon.

Concern was expressed about the relationship between the Mentor and the Mentee and avoiding nepotism. Cantelon will research and provide information at the next meeting.

The remaining charges will be discussed at the next meeting:

1. Vote on minimum standards for law clerk applicants
2. How third year law school waiver would be considered

V. The next meeting was scheduled for Monday, July 9th

The meeting adjourned at 4:56 pm