

**Minutes of the Apprentice/Practice Alternatives Subcommittee to the
Alternatives to the Exam Task Force
March 5, 2021
Zoom Videoconference**

Note: This meeting was recorded by Oregon State Bar staff.

Attendees

Sub-Committee Members: Akriti Bhargava, Madeleine Cambell, Maya Crawford Peacock, Stanton Gallegos, , Ekua Hackman, and Kendra Matthews

Advisory Sub-Committee Members: Joanna Perini-Abbott, and Jason Specht

Bar Staff: Sergio Hernandez, Helen Hirschbiel, and Troy Wood

1. Call to Order

- The meeting was called to order at approximately 8 a.m.
- Sergio Hernandez took attendance. Somya Kaushik is on parental leave and, thus, is unable to participate in initial meetings.

2. Officers of the Subcommittee

- Sergio called for volunteers to serve as Chair of the subcommittee and Secretary. Maya Crawford Peacock was the only volunteer to serve as Chair; Kendra Matthews the only volunteer to serve as Secretary. Hearing no objection or any other volunteers, they were assigned those roles.

3. Review / Discussion of Apprentice/Practice Programs

- The Apprentice/Practice model has been employed in Canada for decades and more recently employed in Utah and D.C.
- The subcommittee discussed some of the key aspects of this model, focusing on what was understood about Canada's model. Some of the points noted during the discussion are outlined below. (These are not necessarily in the order made; for a full record, one should look to the recording):
 - Apprentice pathways to admission attempt to ensure that new lawyers gain practical skills in the practice of law before they are permitted to engage in unsupervised practice.
 - Canada's apprentice pathway is a mix of course work (a 10-week course with limited, directed exams, including an ethics component) and work under the supervision of a licensed lawyer.
 - Madeleine Cambell offered perspective from her articling experience. Typically, the top tier (~25%) went to larger firms; most focused on gaining experience in a firm or practice that was interest of them in the future. She

did feel it was a meaningful training experience that prepared people to practice law. Many transitioned from apprenticeship into practice with the firm or practitioner that had been their previous supervisor.

- In terms of pay, it was noted that apprentices do not, generally, earn a “regular” salary; Joanna Perini-Abbott noted she understood it to be akin to “residence” pay. Given the student-loan debt facing many graduates today, this could create a barrier in this model.
- The Task Force (and this subcommittee) will need to keep equity concerns at the forefront when trying to develop a workable plan for Oregon (whatever the model); and this subcommittee should be careful to review for equity issues as it considers the apprentice model. Two very broad types of potential equitable barriers were raised in this discussion:
 - Oregon is looking at keeping the traditional bar exam and creating an alternative pathway. There is a risk that if this is just one of the avenues available (as opposed to the only one) there could quickly develop a culture where only “big firms” would create the infrastructure necessary to accept/train apprentices. Thus, this “alternative” pathway would not (realistically) be open to most graduates seeking to practice in Oregon. Thus, attention needs to be paid to a structure that is feasible for small or medium firms and/or public interest practices to adopt to supervise and train apprentices. Related to this, the committee needs to be cognizant that graduates who are not taking a bar exam may not have access to a student loan that could cover expenses (a “bar loan”); indeed, they will, generally, need to start repaying their loans within six-months of graduation.
 - Troy Wood also has some insight into international apprentice programs beyond just Canada and notes that there are definitely equitable access issues that fall into the broad category of institutional racism. As an example, he noted the problem that employers tend to hire people who “look” like them and that the people making the hiring decisions are often white and, thus, the same opportunities are not granted to BIPOC graduates that are offered to white graduates when seeking apprentice opportunities.
- There was discussion about the traditional focus of law school on theory and substantive legal classes rather than practice. While this approach to law school curriculum is shifting, the shift is slow going; it was also noted that the law school curriculum is somewhat dictated by the existence of the bar exam itself and if alternative pathways are created, law schools will adjust to address them as well.
 - It was noted that students’ work in clinical programs during law school or their work in independently secured clerkships may be providing them with the types of skills that the apprenticeship program is

targeting. Stanton Gallegos noted the work of the MBA Fellows Program; others referenced clinic work offered by schools; Akriti Bhargava noted that many law students do gain meaningful training and experience in clerkships throughout law school but, at this juncture, do not seek school credit for the work because of the cost of doing so. The subcommittee will want to pay attention to whether criteria can be created as a part of the apprentice pathway that would allow a potential lawyer to document work done *during* law school that meets the apprentice criteria. If so, it could cutdown on the time *after* law school that would need to be spent as an apprentice before a person qualified for admission and could, potentially, greatly diminish an economic barrier to this pathway to admission.

- There was discussion of how there would need to be clear parameters for apprentice training (regardless of timing) so that the lawyers supervising such training knew what was expected and potential lawyers could maximize the chances that their work qualified under the pathway. It was noted that issues of confidentiality (as always) would have to be navigated.
- The subcommittee was reminded that in the process they should stay focused on the goals of a review before admission to the bar; in our agenda, we had noted them as the essential eligibility requirements. As the Task Force moves forward, we may find our focus on the IAALS “Twelve Building Blocks of Minimum Competence.” *See* <https://taskforces.osbar.org/files/2021/02/RelevantMaterialsforAnalysisofATETaskForce.pdf> (IAALS report on building a better bar).
- Helen Hierschbiel noted that the OSB currently has a New Member Mentorship Program, which could prove helpful in or transitioning to an apprenticeship model.
- The subcommittee needs to do more in depth study of each apprentice model to identify common characteristics, identify differences, and identify how the structures meet our goals for admission.
 - Joanna Perini-Abbott has names of people who can provide further insights on Canada’s apprentice program. In our materials is a program presented by BYU on the topic of alternative pathways to admission and, the program coordinators might be able to provide insight on Utah’s program.

4. Member Assignments and Next Meeting

- The subcommittee agreed to break into further groups to gain better understanding of each apprentice program identified.
 - Canada: Madeleine Cambell and Ekua Hackman. (It is anticipated that Somya Kaushik will work with this group when returned from leave.)

- Washington, D.C.: Maya Crawford Peacock and Akriti Bhargava
- Utah: Kendra Matthews and Stanton Gallegos
- Maya asked each group to produce a written, concise summary of the program analyzed at least two-days before the next meeting.
 - The work of the Task Force is subject to Oregon public records law. The OSB will work on providing clarity to Task Force members regarding their obligations under the public records law, but subcommittee members should be cognizant that their work is subject to the public record requirements. If e-mailing each other draft summaries, etc., they should include Sergio Hernandez so that the e-mail is more readily available if there is a public records request made that would encompass such communications.
- Our next meeting will be the first week of April. OSB Staff will send a “Doodle” to identify the best date and time for the meeting.
- The meeting was closed at approximately 9:10 a.m.

Prepared by:
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March 5, 2021