

SPAS Subcommittee Meeting  
April 22, 2021

Meeting called to order: 5:34

Roll called: Members: Anthony Rosaliz, Chase Morinaka, Brian Gallini, Rebecca Ivanoff, David Wade, Peter Sabido Guests: JB Kim, Sarah Lawson. Absent Members: Representative Stark

Minutes from last meeting approved.

Discussion regarding submitted memos:

**Anthony Report Out**

- The scalability issue will be the biggest issue, both for law schools and bar examiners, and possibly on the equity side
- Their program did not involve a consistent rubric structure in order to ensure consistency and reliability among Bar graders
  - For reasons of fairness and process, you need that in place

**Brian's Report Out**

- Friendly suggestion to reach a point of consensus tonight

**David's Report Out**

- DWS program is an elite program. Not sure there is evidence that it is readily available to nondominant culture people such that it will make a difference in the makeup of the Oregon Bar
- Anyone in any Oregon law school who wants to take a client-ready approach to their education should be entitled to do it and we should provide the examiner resources available to ensure that nondominant culture people are included in those large numbers.

**Chase's Report Out**

- If it is positioned as an honors program, not seeing a DEI piece to it if this is how we want to go.

**Rebecca's Report Out**

- Oregon Law Schools' experiential education curriculum is built for this type of model. Will require resource allocation to make it successful. A director will be needed within each school.
- Admissions process should include holistic review as opposed to strict GPA/Rank criteria. If space is limited, wouldn't want slots overly filled with pre-matriculation selections. Intention behind how it is marketed to students from backgrounds and identities historically underrepresented in the Bar. (Leverage OLIO, etc.)
- This program bridges the gap between legal education and legal practice.

- This could be a successful recruiting opportunity, one that attracts diverse candidates from around the country and provides incentive to stay and practice in Oregon.
- If we are putting forth a single program, there is opportunity to take pieces of this and a supervised practice model to imbed ethic of pro bono service while also addressing community needs

### **Sarah's Report Out**

- Representative from NW Indian Bar Association
- Like that the students would be practice ready and available to practice
- Like the clinical/apprenticeship component of program
- NWIBA is critical of two points:
  - Increased workload. Frequently students have commitments to reservation-based communities/other family commitments. They may suddenly have more folks to care for, both children and elders. Not sure if intensive workload is compatible with demographics of students
  - Self-selection
    - Students have to choose to apply for the program. Concerns that students would not self-select into a program like this

### **Peter's Report Out**

- DWS did a great job of meeting our admission requirements
- Appreciates the practical approach to education
- Scalability is a concern

### **Discussion Points**

Troy

- Not sure how Title 9 would impact the opportunity for law schools to give preference from folks from diverse backgrounds
- Must say that the task force is reviewing three different models
- There might be multiple alternatives to the bar exam that are recommended
  - Example: Curriculum-based task force is of the opinion that it would see itself being enveloped by folks who didn't get into a program like the honors program might be able to take a "Wisconsin model" curriculum coupled with an apprentice style program to admit without sitting for the bar exam
  - You would have mixed bag of ways to become members that would have a great deal of market influence/impact
    - You may have other ways to increase diversity in the bar through other alternative admissions process

Brian

- This wouldn't necessarily create more work. This would be different work.
- Supervised practice model combined with this model would cause us to lose some of the benefits. There is still a resource gap when a one-year apprenticeship year is tacked on as a requirement
  - Here, the program strength is it allows students to be sworn in immediately. They are readily employable.
- As it relates to admissions programs, a pathway program like this will favor holistic application review.

Troy

- Clarification: could see where the task force might recommend having a program where students are employable the day they graduate
- Then we might have another option that doesn't include as robust an experiential education but couples with post-grad supervised practice
- Inequitable outcomes when you exclusively have a bar exam or just an apprentice model. Diversity of options is ideal.

Tony

- Let's find the sweet spot. Need to ensure equity with entrance into the program and with how participants access employment at the end.

JB Kim

- We are coming to a convergent evolutionary state with respect to concerns and discussions among various stakeholder work groups. Folks who are looking at what law schools can do all have the same ideas. There is some vision that you have of the ideal law school experience that would substitute in part for proving competency on some high-stakes exam like the bar, that is a good thing (diploma privilege, apprenticeship, cut score conversations, etc.)
- Narrow admissions could lead to backlash
- Thinks the cons of the program re: equity and resource allocation could be more pronounced with this program

### **Questions Raised**

- Do we have consensus that the model has merit?
  - Yes.
- Do we want to take an elemental approach to a singular option or recommend this as one among many options?
  - We want to recommend this as one of many options.

## **Discussion Points**

Troy

- As a regulator with concerns about admissions to the bar, I would like to have as many options as possible for our law students and our marketplace.
- We need a lot more actors in Oregon's legal marketplace.
- Would like this to be one of many options, in addition to the bar exam.

David

- Supports the view that when we present the program we need to address the cons and how we cure the cons.

Brian

- At first blush multiple options is attractive, but someone has to advise on this
  - We are going to need to hire someone to handle this.
  - If we want it to be successful, we need to have consensus on what the resource allocation looks like, both from the school perspective and bar perspective, etc.

Tony

- He is in favor of multiple options for admission
- Need to be clear in our recommendations

## **Brainstorm for final proposal**

- Needs to be wrapped into holistic admissions process, not purely GPA driven
  - We wouldn't want it to be closed before students have had law school experience
- Be mindful of limitation of topics
  - Narrow selection of course options was a frequent critique by students.
  - We would want to design a program that focused on the cultivation of transferrable skill sets, even if it isn't in the student's first-choice practice area
    - Still, we agree that the focus shouldn't be narrowly tailored to just civil litigation and business/transactional law. Suggestions included:
      - Admin law, Immigration, Indian law, Human Rights law, Energy, etc. Should include subject matter important to diverse communities (race, gender, bias, etc.)
      - Suggestion to allow for school-based flexibility to innovate.
- Memo needs to address the fact that we are talking about curriculum shifts within law schools. It also needs to address employability concerns.
  - Incentives drive resource and curricular decisions.
  - If the Bar makes clear that enhanced experiential education provides a direct pathway to practice, that is the type of directive that drives decisions on curriculum
  - Clinics and externships are capacity-limited. Untapped opportunities exist in simulation courses. Infuse simulation into doctrinal classes historically taught

using the Socratic method and now we have opportunities to address the scale issue. Broadens pool of potential students who can access this option.

- This is a paradigm shift
  - Better practice of law, more employability, allows for flexibility that will be needed to meet the evolving needs of our community

#### Consensus

- Bar needs to set standards and schools need to be able to innovate on how they will meet those standards.
- The program should be open and inclusive of all applicants.
- Scalability issues
  - BBX will not review the materials from portfolios
  - BBX would select people to be on the board that provides review and feedback. Ensures diverse group of volunteers

#### Next Steps

- Brian, Becky, and David will make up the drafting committee
  - Troy available until April 30 for questions
  - David is in Baker May 3-10 but available
  - For public records purposes, as we get closer to a final draft that will be circulated to the subcommittee, we need to save those e-mails to send to Troy
- Schedule:
  - First draft needs to go to Vicki Hansen by May 10 for distribution to our subcommittee
  - Subcommittee members need to review that draft in advance of our final meeting and be prepared to share comments/potential edits.
  - Our final subcommittee meeting will be no later than May 17.
  - Entire committee meets to discuss proposals on May 21 at 1:30.