Agenda for Meeting of the Apprentice/Practice Alternatives Subcommittee
To the Alternatives to the Exam Task Force
A Task Force of the Oregon State Board of Bar Examiners
May 17, 2021
Microsoft Teams Meeting – Invites are sent via Outlook Calendar

Monday, May 17, 2021, 12:30 p.m.

1. **Call to Order**

   A. Roll of Attendees

2. **Consent Agenda**

   A. Approve minutes from May 12, 2021 meeting

3. **Final Report**

   A. Approve final document and submit to OSB staff for inclusion in Task Force Agenda

4. **Adjourn**

Apprentice/Practice Alternative to the Bar Exam

Draft 5/17/2021

Institute for the Advancement of the American Legal System - Minimum Competence Components

- The ability to act professionally and in accordance with the rules of professional conduct
- An understanding of the legal process and sources of law
- An understanding of the threshold concepts in many subjects
- The ability to interpret legal materials
- The ability to interact effectively with clients
- The ability to identify legal issues
- The ability to conduct research
- The ability to communicate as a lawyer
- The ability to see the "big picture" of client matters
- The ability to manage a law-related workload responsibly
- The ability to cope with the stresses of legal practice
- The ability to pursue self-directed learning

The Apprentice/Practice Alternatives Subcommittee (APAS) met several times over the course of three months. The APAS researched and evaluated apprentice and practice models (APMs) currently in place in Canada, Utah, and Washington, D.C. Summaries of these programs are attached as a supplemental document. The APAS discussed the pros and cons of these models and envisioned ways in which an APM could be initiated in OR.

The APAS recommends that Oregon adopt an Apprentice Practice Model. The purpose of adopting an APM is to create an *alternative* to the bar exam for admission to the Oregon bar. The bar exam will remain as an option for licensure. An APM would allow Oregon to create an avenue for licensure that meets the Institute for the Advancement of the American Legal System (IAALS) minimum competence components while also ensuring consumer protection. The benefit of creating an APM will allow Oregon to reduce the barriers faced by some in taking the bar exam. An APM will allow Oregon to further its goals toward increasing access to justice.

The following draft APM proposal represents the work of the APAS. It will indicate where there was consensus, and areas where there are multiple things to consider in making a final decision. An implementation taskforce would need to further evaluate these issues.

1. Who is Eligible?

    a. Consensus point: This is an alternative admission to sitting for and passing the bar exam. People who are eligible to pursue APM for admission should mirror (but not expand or contract) the people who are able to sit for the bar exam. This can be accomplished by applying Rule of Admission 3.05.

    b. Consensus point: graduation from an ABA accredited law school. This is also covered by Rule of Admission 3.05.

c. Consensus point: no limitation on who can apply in a particular year. Recognition that there may be resource issues to consider depending on how supervisors are selected and other aspects of the APM.

d. Consensus point: no time limitation on when an applicant received their JD and when they apply for admission via the APM. If an applicant would be eligible to sit for the bar, then they would be eligible to participate in the APM. There may be a need to be a time limit on when supervision hours are attained in reference to application for APM. (see below).

    i. Alternative viewpoint: from a consumer protection perspective the passage of time may be considered meaningful and the implementation taskforce should consider whether there should be different requirements for people who have significant distance between seeking admission and attending law school. A potentially meaningful time frame would be five years because if one is inactive for five years, there is a requirement that one retake the bar. Thus, if one has been not admitted for five years after completing law school, an applicant can take the bar or participate in the APM with an increased term of supervised practice.
        1. This alternative viewpoint might make more sense if the APM is paired with another model (for instance one that included a requirement that applicants take certain classes in law school to be eligible to pursue an alternative admission).

e. Consensus point: the ability to pursue APM should not be tied to their law school's bar exam passage rate.

f. Consensus point: prior failure of a bar exam should not prohibit pursuing the APM.

    i. For both e. and f., the feeling is that tying the ability to pursue the APM to one's ability to pass a bar exam is counter to the APM. The APM recognizes a different way to establish minimum competency and should not be tied to an ability to pass the bar exam.

g. Consensus point: All other admission requirements still required (i.e. MPRE, character and fitness review, etc.); this approach is only a substitute for sitting and passing the bar exam.

2. <u>What are the requirements?</u>

The APAS discussed requirements for an APM at length. The APAS did not come to consensus on all requirements, but did come to consensus on many elements that should be included. Points of consensus are that all requirements should be designed using an equity lens and be designed to protect the consumer.

Supervised Practice leading to licensure

a. How long? Additional consideration of how long the period of supervision should be, is needed and should be considered by the implementation taskforce.

   i. The Canadian provinces, with the exception of Ontario, require a period of apprenticeship ("articling") after law school of between 9 and 12 months. In addition, they all have some type of exam(s), most of which are spaced, practice oriented and very passable. There is no uniform bar exam like the multistate exam. Some provinces have also designed practical training programs that are required in conjunction with the articling term to prepare lawyers to be competent practitioners. In recognition of a shortage of longer articling positions, Ontario has an additional program ("LPP") for licensure that allows students who have graduated from law school to attend a 4-month program that simulates the kind of training and experience they would receive as an articled student, followed by a 4-month period of articling with a qualified lawyer.

   ii. The Utah program is temporary. It allows for Diploma Privilege after 360 hours of supervised practice.

   iii. The Washington D.C. program is temporary and allows for licensure after three years of supervised practice.
      1. Additional information on these three models can be found in the supplemental materials.

The APAS agreed that the period should be in months, not years, and that the time period should be expressed in hours to avoid ambiguity. The amount of time that had the most consensus was 1000 to 1500 hours, which would need to be accomplished in a set-period of time. Notably, the majority agreed that the supervised work could take place during law school or after graduating with an APM supervisor. However, if the work takes place in law school, there were three points that the APAS thought were worth considering further. First, there should be a cap on how many hours can be earned while in law school. Second, the work must qualify in all other respects for the parameters of practice hours in the program. Third, there should be a cap on how long those hours can be used. For example, one option could be that they can only be used if the person enters the APM program within five years of graduation.

An alternative model could be a well-designed practical training program to accompany a period of supervised practice with a practicing Oregon lawyer. The total period of practical training plus apprenticeship should be no less than 8 months' post law school graduation. This is similar to the Ontario model, described above. Given equity concerns with the traditional articling process (see section iv.1 below), Ontario implemented its LPP program. above. In Ontario this program is coordinated by the bar association and paid for with fees paid to the bar. This type of instructional/skill development curriculum could be an alternative to supervised practice, or could be created in addition to a supervised practice model. (The British Columbia Bar also provides a

standardized practical training program that is required in addition to its longer 9-month post-graduation articling period.)

b. What type of work? The majority agreed that the supervised work could take place during law school or after graduating with an APM supervisor. There are several issues to consider where there was not consensus.
    i. The supervised work allowed would need to be consistent whether done in law school or after graduation. It could include time spent in any activity related to developing legal competence (whether paid, unpaid, pro bono, or low bono) including, but not limited to, all activities related to the representation of clients, assistance and counsel to judges, advising businesses and their employees, developing or implementing policies and practices for nonprofit organizations or government agencies, meeting with the supervising attorney or attorneys, CLE courses and other professional trainings or workshops as would be typical of an attorney in that area of practice (up to 10% of total hours).

    ii. Timing of supervision: it was generally agreed that the supervised practice needs to be relatively close in time to when the person is seeking admission. For example, a person who graduated from law school 10 years ago would not be able to use hours of supervised practice that occurred in law school towards their minimum requirements for the APM. This doesn't mean they cannot participate in the APM, just that they would need to complete all requisite hours close in time to when they initiated participation in the APM for admission.

    iii. Where supervision takes place: more consideration is needed on how to evaluate supervision that takes place outside of Oregon (either before or after graduating from law school.) An implementation taskforce would need to consider whether any supervision outside of Oregon should be counted.

    iv. Consensus point: work can be paid (and should be paid).

    v. Legal aid issue – if people can qualify for supervision through pro bono work, we need to have mechanisms in place to support legal aid and other pro bono service providers. They do not have the resources to supervise an unlimited number of people to the extent that could be needed.

c. Who can supervise?
    i. The supervisor must be a licensed Oregon lawyer with a minimum of 5 years of experience, with two of those years being in Oregon, and no record of public discipline. Discussion included allowing federal court judges not licensed in Oregon to supervise, but no consensus was reached on this point.

    ii. Guidelines will need to be set for how supervisors are chosen/approved/evaluated.

1. There was general agreement that supervising attorneys would be given guidance focusing on both their tasks/obligations as supervisors as well as educating them on the eligibility requirements for admission to practice in OR. The group did not discuss training details, but the models reviewed provide multiple training options to consider.

d. <u>How can the APM program ensure that there are sufficient supervisors?</u>
    i. One issue that some of the Canadian articling programs have experienced is that not all participants have equal access to qualified and willing supervisors. The Canadian program that have been in place for decades are now being evaluated and criticized for equity barriers. It can be easier for dominant culture applicants to get supervisors than non-dominant culture applicants if the APM allows participants and supervisors to self-select. The APM could be just like a job where an applicant is hired and the employer is the supervisor and helps the applicant become licensed. Although articling is the only option for licensure in Canada, which creates supply/demand issues, the group expressed concern that barriers to finding supervisors might still exist if the APM were simply an alternative path to admission, particularly for individuals from non-dominant cultures. The group discussed the Ontario LPP alternative as one way to address this issue. Also, some noted that law schools are highly motivated to provide assistance with identifying and securing supervisors for those graduates who are interested in admission through this pathway.

    ii. Other considerations include: Who is regulating this to make sure everyone has a fair shot? Something the implementation taskforce would need to consider is what role the oversight group (Oregon State Bar (OSB), or wherever the program lands) has in connecting applicants to supervisors.

e. <u>How is the supervised work evaluated?</u> The APAS discussed this issue and came up with two different models for licensure evaluation. They may or may not be mutually exclusive.
    i. Utah model: briefly, in Utah there are a set-number of supervised practice hours that meet the requirements created by their bar. They include a preapproved supervisor; detailed timesheets; detailed scope of work rules. At the end of the apprentice time the supervisor signs off on the apprentice and they are licensed. Utah also an additional gatekeeping criteria, which is the applicant's law school has to meet a certain first time bar exam passage rate. The APAS committee has rejected the idea of tying the APM to bar exam passage rates. This model would need to be further evaluated to address concerns of malpractice claims against supervisors if their supervisees later commit malpractice (after the APM has ended).

    ii. Portfolio model: another idea the APAS discussed was rather than (or in addition to) having a supervisor sign off on an applicant's work, the APM

applicant could create a portfolio. Additional consideration would need to go into what would make up the portfolio, but it would be akin to a body of relevant writing samples that could be produced throughout the applicant's supervised practice period. The portfolio could be submitted along with the timesheets signed by the supervisor to the Oregon State Bar Board of Bar Examiners (BBX) for evaluation. Portfolio criteria would need to be thoughtfully planned out. Not all law practice is the same (litigation, transactional, subject matter, etc.). A once size fits all approach will not work. Another idea discussed was that OSB Sections could be asked to create extended nuts and bolts educational presentations to take some of the training onus off supervising attorneys.

3. Program logistics

Program logistics will need to be carefully developed and vetted. The APAS was not in a position to do this, but an implementation taskforce will be. The APAS did talk about some things that will need to be considered. They include:

   a. Who will run the program or programs? The OSB (via the BBX)? Another board or designated group?

   b. Who will create curriculum and criteria? How often will the curriculum and criteria be evaluated? What avenues will exist for feedback and input?

   c. Who will oversee applicants? What avenue for redress will there be if an applicant is rejected?

   d. Who will oversee supervisors? Who will recruit supervisors? What responsibility will the oversight group have if there are an insufficient number of supervisors?

   e. Who will evaluate program completion? What avenue will be available for redress if an applicant is denied licensure for failing to complete the program?

   f. Where will resources come from for creating and running APM's?

Canada

Canadian Articling Programs

The Canadian provinces and territories call their Bars "Law Societies." Canada's Law Societies require that students complete some kind of legal internship program as a prerequisite to admission to practice. Generally, this referred to as "articling" and the lawyer assigned to mentor the articled student is called the "Principal."

The specific requirements for articling vary among jurisdictions. Generally, however, the provinces and territories require that the student article with a Principal who has some minimum level of experience and a good record of professional conduct. There are also requirements regarding completion of an educational plan and a certification by the Principal that the student has completed the process.

There may be no other experience more helpful to the development of a lawyer than working closely with an experienced, ethical and accomplished lawyer. While articling with a good Principal is invaluable, there have been problems in parts of Canada with the varying quality and availability of articling positions. It is generally up to the students to find a position. Although most students find positions, some do not.

In Canada, the average pay for articled students is about $50,000 (Canadian). However, pay varies between $30,000 and $100,000. Because completion of the articling program is a requirement of admission to practice, some students feel forced to take unpaid articling positions. Further, the increasing demand for articling positions has apparently led to some marginal placements where students do not receive proper training or instruction.

The inability of some law graduates to find articling positions, their debt burdens after graduation and their consequent vulnerability to potential abuse has led to conversations about reform or elimination of the articling requirement. Some believe it would be better to reform law school curriculums so that the schools do a much better job of connecting the theoretical side of law with its practical applications.

Recently, a significant percentage of articled students in Canada have also reported discrimination and harassment in their workplaces. This has led to efforts on the part of some Law Societies to begin investigating reforms to the articling system, to address both lawyer competence and diversity, equity and inclusion issues.

However, a large part of the problem with the articling system in Canada is demand and supply. This has been particularly true in the province of Ontario where there has been too much competition for too few positions. Apparently, there is also a lack of willingness by students to seek articling positions outside the major urban areas. To address this issue, policy makers have suggested extending loan forgiveness to students willing to article in more rural underserved areas.

Ontario is the only province that has created an alternative to its traditional articling system, the Law Practice Program (LPP). The LPP is open to all students after graduation. The cost of the program is spread across all licensing lawyers and all licensed lawyers. The program begins with an instructional and skill development program and the second portion is a four month placement with a law firm. The LPP assists students in finding placements. Like the articled students, candidates in this program must also pass the Ontario licensing exams.

In anticipation of encountering problems similar to those of Ontario, in 2020, the Law Society of British Columbia formed a Lawyer Development Task Force to explore the development of alternatives to articling.

Obviously, the implementation of an articling type requirement in Oregon would require an analysis of whether there would be sufficient opportunity for graduating students to obtain good quality mentoring. This would depend on the number of graduates being released into the state each year compared to the number of qualified lawyers willing and able to mentor and pay students for any period of internship that would be required.

The Law Society of British Columbia

Exploring the development of alternatives to articling: Recommendations

Lawyer Development Task Force

Steve McKoen, QC (Chair)
Brook Greenberg (Vice-Chair)
Jasmin Ahmad, QC (until September 9)
Sasha Hobbs
Julie Lamb, QC
Thomas Spraggs
Katie Sykes

September 16, 2020

Prepared for: The Benchers

Prepared by: Policy and Planning Department

DM2802088
DM2802088

Introduction

1. The Lawyer Development Task Force (the "Task Force") was established in January 2020 and provided with a broad mandate that includes evaluating what is necessary to ensure the future development and maintenance of a well-educated and qualified bar.

2. In accordance with its terms of reference, the Task Force has begun to examine BC's pre-call educational requirements, particularly in light of developments in other Canadian jurisdictions. The Task Force's early work has explored a range of issues, including the regulatory objectives of, and inter-relationship between, the components of the "lifecycle" of pre-licensing lawyer development in BC. These discussions, which have been informed by the work of a number of legal commentators, as well as a review of the licensing approaches of other regulators, have led the Task Force to develop the first in what it anticipates will be a series of proposals for the Benchers regarding changes to BC's lawyer licensing process.

3. For the reasons discussed in this memo, the Task Force recommends that the Law Society engage in a process of exploring the potential development of new pathways to licensing, in addition to articling, that will satisfy the Law Society's pre-call experiential training requirements.

4. The development of options for alternatives to articling must be guided by two key principles. The first is that the primary focus of the licensing process is to ensure the competence of those that are admitted to practice law in BC. When evaluating the merits of prospective alternatives to articling, the Law Society's competency mandate must remain paramount. At the same time, however, consideration must be given to regulatory fairness and ensuring that the licensing system does not create barriers to entry into the profession for otherwise competent, qualified candidates.

Background

The current model for lawyer licensing and opportunities for change

5. BC's current educational model for lawyer licensing requires a period of study at university culminating in obtaining a JD, a term of articling under the guidance of a principal and the completion of the Law Society's Professional Legal Training Course ("PLTC"). This model has been in place since 1983 and, aside from PLTC replacing the previous tutorials, has undergone minimal changes since 1945. Those that obtain their law degree outside of Canada are required to undergo certification through the National Committee on Accreditation ("NCA") following an assessment of their legal credentials and the

completion of required exams before they can enroll in the Law Society's Admission Program (articling and PLTC).[1]

6. Over this same time period, the landscape of the legal profession has undergone significant changes. The numbers of law schools admitting students has increased and the number of candidates seeking entry into the profession has grown substantially. The profession has also seen a rise in the number of students obtaining their legal education outside of Canada. The impact of this trend in BC is apparent when reviewing student enrolment in PLTC, where the average number of foreign-trained graduates increased by 81% between 2010 and 2016. Currently, approximately 20% of those enrolled in the Law Society's Admission Program hold a Certificate of Qualification from the NCA rather than a Canadian law degree. In recent years, the percentage of candidates from equality-seeking groups entering the profession has also increased.[2]

7. Practice structures and locations have also shifted, with an increase in lawyers working in larger firms in urban centres and a decline in sole practitioners, particularly in smaller communities. Technological developments have had a profound influence on all aspects of the profession, and will continue to do so. The long-term impacts of the COVID-19 pandemic on firm culture and organization, and the legal marketplace, remain uncertain as does the likelihood of the occurrence of similar disruptive forces in the future.

8. Given the scope and scale of these social, economic and technological changes, the relatively static nature of legal education over this same time period raises a critical question: is a method for training lawyers that was created 70 years ago appropriate for 2020 and beyond? Recognizing that the fundamentals of pre-call legal education have not been discussed by the Law Society in detail in some time, the Task Force has examined, in broad terms, the current method for training entry-level lawyers in BC and considered whether it remains the optimal approach to licensing.

9. The variation in licensing programs across other common law jurisdictions demonstrates that BC's licensing scheme, which typically requires the completion of a four year undergraduate degree and a three year law degree, followed by a nine month articling

[1] The Law Society assesses whether those with an NCA Certificate of Qualification must complete the entire PLTC and articling program based on their previous practice and educational experiences.

[2] See the Law Society of BC, "Demographics of the legal profession", which documents the growth in the percentage of lawyers identifying as racialized, a visible minority or a person of colour.

period[3] and a ten week bar admission course,[4] is not the only method for developing competent entry-level lawyers. Pre-call training requirements across Canada, Australia, the UK and the United States can take anywhere between five to seven years to complete. Although some foreign jurisdictions require a first degree prior to commencing law school, others permit students to proceed directly to an undergraduate law degree. Several regulators permit students to pursue a graduate law degree without completing an undergraduate law degree. In the UK, a student can bypass a law degree entirely by completing a lengthy apprenticeship.[5] Most regulators require licensing candidates to complete a practical training course following law school, ranging from several months to a year in length, and a period of experiential training in the form of articling, work contracts or work placements that are also months to years in duration. Other regulators have no such requirements.[6]

10. Notwithstanding these variations, each jurisdiction is presumably confident that their licensing scheme consistently produces competent entry-level lawyers. This is certainly the case in BC, where the Law Society has been satisfied that requiring prospective licensees to complete law school, articling and PLTC fulfills its statutory duty to ensure that newly admitted lawyers are competent to serve the public.

11. Having a functional system for pre-call lawyer education does not, however, preclude an examination of whether the system that is currently in place is the *optimal* approach to lawyer licensing. Could the current system be improved and, if so, in what ways? How might these changes benefit the public, applicants and the profession more broadly? What challenges and opportunities might modifications to the existing licensing scheme present? As discussed below, the Task Force recommends that the Law Society undertake a detailed examination of these issues.

---

[3] These requirements vary. For example, those that complete a clerkship, article in another jurisdiction or have practice experience outside of Canada may have their articling term reduced by up to five months.

[4] Some individuals may be exempt from PLTC if they have completed a bar admission course in another Canadian jurisdiction or have engaged in the practice of law in another common law jurisdiction for at least five full years.

[5] In the United States, applicants must complete four years of undergraduate work followed by a three year law degree. In the UK, prospective lawyers need not complete undergraduate work before commencing a two to five year law degree. Following graduation, solicitors are required to complete a one year legal practice course and a two year apprenticeship/training contract. Barristers must complete a one year training course and complete a year of training in barristers chambers. Solicitors can also become qualified through the completion of a six year legal apprenticeship rather than attending law school. In Australia, law can be a three to five year undergraduate degree or a two or three year graduate degree followed by a three to six month practice legal training course, which includes a work placement.

[6] There is no requirement to complete a bar course prior to licensing in the United States or Ontario.

Articling as the sole pathway to lawyer licensing

12. Currently in BC, candidates for licensing must complete a period of articling in order to be eligible for call to the bar.[7] As there are no alternatives means of obtaining pre-call experiential training, the inability to secure an articling position creates a barrier to licensing.

13. Whether articles should serve as the gateway to the profession has been the subject of discussion and debate for some time. Criticisms of articling include the variability across experiences and the challenges of effectively assessing consistency; the increasingly restricted location, size and substantive practice areas of firms that hire students; and the pressure on the articling system generated by the growing number of internationally trained students and, to a lesser degree, Canadian law school graduates.

14. The Task Force will be examining the extent to which these and other issues arise in the context of BC's articling program.[8] A core element of this work will involve the analysis of the results of a voluntary, online survey of lawyers in their first three years of call.[9] The results of the survey are expected to provide the Law Society with additional insight into the experience of those candidates that were successful in obtaining articles and may shape future recommendations with respect to the existing articling program.

15. Concerns have also been raised about the "regulatory fairness" of a system in which the market dictates access to an essential component of the licensing regime. Critics have highlighted that unfair barriers may be created for some candidates if entry into the profession is dependent on the availability of positions rather than an individual's qualifications and competence. Where there is a limited number of articling positions available, for example, students who are otherwise competent may not be able to secure a placement and thereby are unable to gain admission to the profession. Obtaining statistical data about the composition and experience of this group is difficult given that these

---

[7] Some students are eligible to be called and admitted without articling on the basis of transfer from another jurisdiction under Law Society Rules 2-81 and 2-79.

[8] The Law Society's 2018-2020 Strategic Plan included a review of the Admission Program. This work commenced under the Lawyer Education Advisory Committee in mid-2018, and will be completed by the newly established Lawyer Development Task Force.

[9] The survey explores the availability of articling positions, remuneration, quality of articling experiences and competencies associated with entry-level practice, as well as issues surrounding wellness, harassment, discrimination and bullying within the articling experience.

individuals have not enrolled in the Law Society's Admission Program[10] and therefore are not represented in surveys or consultations involving articling students and lawyers.

16. Notwithstanding these concerns, the articling system has been the traditional form of transitional training for generations of lawyers, creating opportunities for students to acquire real-world practical experience prior to being called to the bar and fostering the development of professional networks.

17. Canadian legal regulators have consistently rejected the abolition of articles.[11] Within BC, for at least the past two decades, each time the subject of Admission Program reform has been raised, an early preference has been stated for a period of post-graduation experiential learning to bridge the gap between academics and practice.[12] In Ontario, however, concerns that a shortage of articling positions was creating barriers to entry into the profession led to a comprehensive review of the Law Society of Ontario's ("LSO") pre-call lawyer education requirements, commencing in 2011. Over the course of the following seven years, a series of consultations, studies and reports resulted in significant changes to Ontario's lawyer licensing process. This included the introduction of two new training programs that provided candidates with an alternative to articling: the Law Practice Program ("LPP") and the Integrated Practice Program ("IPP"), which both satisfy the LSO's pre-call experiential training requirements. These programs are discussed in more detail in the latter portion of this memorandum.

18. Although the available data suggests that BC is not currently experiencing an articling shortage akin to that in Ontario, the increasing number of Canadian law school graduates and internationally trained applicants have fuelled a growing demand for positions. Anecdotally, there are reports of a highly competitive articling market in which NCA students, in particular, are facing challenges finding placements. Looking forward, a variety of factors have the potential to further reduce the number of available positions, including changes in the demand for, and delivery of, legal services, the continued growth in the

---

[10] Only those individuals that have secured an articling position are eligible to enroll in the Law Society's Admission Program.

[11] The Law Society of Ontario has directly addressed the issue of whether articling should be abolished twice in the last decade, in 2011 and 2018, and has rejected the elimination of articles on both occasions.

[12] In 2002, the Articling Task Force's comprehensive review of the Law Society's Admission Program expressed, at the outset, support for articling remaining a prerequisite to admission to the bar and did not fundamentally question the role of articling in the licensing process. Similarly, no detailed consideration was given to the issue of eliminating articles as part of the Lawyer Education Advisory Committee's 2015 review of the Admission Program, which included a recommendation to maintain the articling requirement with minor changes.

number of internationally trained applicants and the uncertain impacts of large-scale social and economic disruptions, such as the COVID-19 pandemic. In the event that these, or other conditions contribute to a decline in the number of articling positions, market forces, rather than the competence of applicants, have the potential to determine who becomes a lawyer in BC and who does not.

Discussion

19. The Task Force is of the view that, as a modern and proactive regulatory body, the Law Society ought not wait for a "placement crisis" to emerge before considering whether a system in which articling is the only means for licensing candidates to satisfy the Law Society's experiential training requirement remains the optimal approach. Accordingly, the Task Force recommends that the Law Society establish a process for examining the merits of, and options for, creating alternative pathways to licensing in addition to articling.

20. This work falls squarely within the Law Society's statutory duty to establish standards and programs for the education, professional responsibility and competence of lawyers and applicants for call and admission. In discharging this duty, section 21(1)(b) of the *Legal Profession Act* gives the Benchers the authority to make rules to establish requirements and procedures for call to the bar and s. 28 gives them the authority to take steps to promote and improve the standard of practice by lawyers, including by establishing, maintaining or otherwise supporting a system of legal education. The Law Society therefore has some significant latitude to modify its existing licensing processes and programs.

21. In accordance with this mandate, the Law Society's primary concern is to ensure that the licensing program significantly contributes to the development of competent entry-level lawyers. At the same time, however, the scheme should ensure fairness to all candidates. Such an approach does not imply that the licensing process must guarantee every candidate entry into the profession, regardless of competence. However, it does demand that the Law Society ensure that the licensing program does not create or perpetuate barriers to entry into the profession for otherwise competent candidates. As discussed in more detail below, the development of alternatives to articling provides the Law Society with an opportunity to create innovative forms of experiential training that advance this and other goals.

Alternatives to articling

22. In developing this recommendation, the Task Force undertook a detailed review of the two alternatives to articling recently adopted by the LSO. These approaches are presented not as models for adoption, but rather, as examples of the types of licensing pathways that may

warrant further study going forward. Importantly, the LSO has demonstrated that the shifting professional landscape may require novel and innovative forms of pre-call legal education, and that the regulator need not be constrained by traditional approaches when re-envisaging the future of lawyer licensing. Ontario's experience is valuable as it illustrates how articling can be retained as a licensing option, while developing parallel experiential training streams that address issues of regulatory fairness and realize a number of additional benefits.

Law Practice Program (LPP)

23. The LPP is a program developed by the LSO as an alternative to articling, arising from its analysis of a perceived growing gap between the supply of, and demand for, articles in Ontario. In 2012, the program was initially approved as a three year pilot project at Ryerson University (in English) and at the University of Ottawa (in French). Each comprised four months of skills training followed by a four month work placement that would operate alongside the articling program.[13]

24. The first cohort of the LPP commenced in 2014. Over the course of pilot, the program was continually reviewed and assessed, and was the subject of additional consultation with the profession. After considerable discussion and debate, Convocation approved the LPP as a permanent pathway to lawyer licensing in Ontario in 2018.

25. The LPP is open to all students in the LSO licensing process that have completed either a JD from a recognized Canadian law school or have obtained an equivalent degree as evidenced by the receipt of a Certificate of Qualification from the NCA. The costs of administering the program are spread across all licensing candidates and licensed lawyers, and there are no additional fees associated with participation.[14] There are no limits on the number of registrants, and annual enrollment in the LPP has averaged 220 students in the English program and 15 candidates in the French program.

---

[13] Articling Task Force Final Report, "Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario" (October 2012). At the same time, the articling program would be enhanced, with a recommendation to introduce a uniform final assessment to ensure that each candidate, whether they articled or took the LPP, had successfully completed a set of practice skills covering core competencies.

[14] Each year the LSO's lawyer members contribute one million dollars ($25-$27 per licensee) to offset the costs of the LPP. Licensing fees for all candidates (not just those enrolled in the LPP) increased approximately $1900 to offset the costs associated with the program at the commencement of the pilot project.

26. The composition of the LPP is more diverse than the articling program. Approximately half of LPP students are Canadian law schools graduates. Twenty-five percent of the other half typically start their undergrad in Canada, but complete a law degree in the U.K., Australia or the United States before returning to Ontario for licensing. The LPP also has a larger percentage of candidates from equality-seeking groups than the articling program.[15]

27. The LPP begins with a 17-week instructional and skill development component that replicates the experience of legal practice by organizing students into small virtual law firms. Using interactive, web-based modules and digital tools, students develop a range of lawyering competencies by completing tasks and acquiring practical skills as they work through simulated files.[16] Using online technologies to meet with practising lawyers that serve as the virtual law firm's "supervising lawyer," students discuss matters raised by the files, including practice and client management, professionalism and ethics. A three week in-person session also provides students with additional training and networking opportunities. The second portion of the LPP is a four month work placement during which candidates further develop lawyering competencies in the context of a practical legal workplace experience. Work placement teams assist students in locating positions, which may be paid or unpaid.[17] Most of the positions are in small firms and, for at least the first several years of the LPP, the majority were located outside of Toronto.

28. Upon successfully completing both components of the LPP, candidates must only pass the licensing exams and fulfill the LSO's good character requirement to be called to the bar. Graduates of the LPP are generally succeeding in obtaining employment, with over 85% working in law or law related positions at the one year call mark.

Integrated Practice Program (IPP)

29. At the time that the LPP was initially proposed, the LSO also suggested creating an additional pathway to licensing by integrating a training program into the law school curriculum. In 2012, Convocation supported, in principle, the accreditation of an integrated

---

[15] For example, in the 2016/17 and 2017/18 cohorts, the percentage of self-identifying racialized candidates in the articling pathway was 17% and 22% respectively, while the percentage of self-identifying racialized candidates in the LPP were 22% and 36% respectively.

[16] The LPP covers seven key practice areas: wills and estates, real estate, business law, administrative law, family law, criminal law and civil litigation.

[17] During the pilot project, approximately 30% of LPP work placements were unpaid as compared to 3% of articling placements (Professional Development and Competence Committee Report to Convocation, May 2018). Although work placements are not guaranteed, to date every student that has completed the first four months of the LPP has obtained a position.

practice program ("IPP") embedded within the law school curriculum that fused formal legal education with skill development across a three year course of study and included a mandatory work placement.

30. The approval of an IPP requires the law school to demonstrate that its curriculum satisfies the requirements for skills and task exposure and assessment identified in the LSO's competency achievement list.[18] Within this broader framework, however, law schools have considerable flexibility as to how they develop and deliver their curriculum.

31. In 2013, the LSO approved the first IPP at Lakehead University. In 2018, a second program was approved at Ryerson University. Although the Lakehead and Ryerson programs operate independently, they share a number of common features. During the three year law degree, students must complete numerous mandatory courses that integrate a theoretical foundation of legal knowledge with the development of practical skills.[19] For example, students write factums and make oral submissions in constitutional law, complete bail review hearings in criminal law, draft opinion letters in tort law, and participate in client interview role playing assignments in ethics and professionalism courses. Academic faculty typically have experience working in firms and many courses are taught by practising lawyers. In their third year of study, IPP students must complete a three month unpaid work placement, which is coordinated through the student services office. Practice experiences are monitored by the law school and evaluations are conducted by placement supervisors at the firm.

32. Graduates of an approved IPP must only pass the LSO's licensing exams and fulfill the good character requirement to be called to the bar. As such, students benefit from focusing on the early integration of legal skills and knowledge and avoid the potential challenges of securing an articling position, as well as the additional time and costs associated with completing the LPP or articles.

Rationales for exploring innovative approaches to lawyer licensing

33. In the course of examining BC's current lawyer licensing scheme, the Task Force has identified several rationales for exploring alternatives to articling. A key impetus for this

[18] These competencies are based on both the entry-level practice competencies set out in the Federation's National Competency Profile and additional competencies set by the LSO.

[19] Ryerson's IPP includes 26 mandatory courses. Lakehead's IPP has more than 18 mandatory courses.

work is to proactively address concerns with the regulatory fairness of an approach in which the market dictates access to an essential component of licensing. These concerns have become increasingly relevant in an environment that is experiencing unprecedented changes, including the significant and continuous growth in the number of internationally trained applicants seeking entry to the BC bar and the uncertainties surrounding the magnitude and duration of the COVID-19 pandemic's impact on all facets of economy and society, including the legal profession.

34. Retaining a scheme in which articling is the sole pathway to licensing may result in factors other than the competence of candidates impacting whether otherwise qualified and competent individuals are able to complete the experiential training required to be called to the bar. The fact that many competent, qualified candidates do not face difficulties finding articling positions does not mean that those that are unable to secure articles lack the knowledge, skills or attributes to become competent lawyers. Rather, other factors, unrelated to competence, may be influencing the ability for some students to compete for scarce positions in a competitive articling market.

35. The LSO's licensing review, for example, suggested that equality-seeking groups may be disproportionality affected by challenges in obtaining articles in circumstances where the demand for positions outstrips the supply. Although a variety of factors made it difficult for the LSO to develop a robust statistical analysis of how placement issues affected specific demographics,[20] qualitative data resulting from consultations with the profession emphasized that those from equality-seeking groups — almost all of whom were supportive of developing alternatives to articling — may be less likely to secure articles, are underrepresented in articling positions in large firms, have fewer networks to assist with job finding opportunities and are more likely to have significant law school debt.

36. These issues were the subject of further study during successive evaluations of the LPP, which revealed that certain categories of candidates are more heavily represented in the LPP population, as compared to the articling stream, including internationally educated, racialized and older (40 years+) students. In approving the LLP as a permanent pathway to

[20] The LSO's 2011 consultation report indicated that licensing candidates that identified as being from an equality-seeking group were less successful in securing an articling placement. The LSO noted, however, that a minority of members of equality-seeking groups self-identify, and that the experience of different groups within this cohort were not consistent, resulting in incomplete information respecting placement issues. The LSO also observed that the increased number of unplaced racialized candidates also correlated with an increase in NCA students and suggested that internationally trained candidates, whether originally Canadian or not, with more limited connections to Canadian legal practice, have more difficulty obtaining placements.

licensing, the LSO highlighted that the program supported fairness by ensuring access to the profession for all candidates, including those that had previously faced barriers to securing articling placements for reasons unrelated to competence.[21]

37. In BC, the Law Society has limited information about who does not obtain articles because these individuals are not enrolled in the Admission Program, and relies on self-reporting to obtain demographic information about those that do secure placements. This results in incomplete data sets. However, anecdotal reports suggest that NCA students and out-of-province candidates miss out on critical opportunities which lead to articling positions, including networking events hosted by law schools, firm interviews and recruitment information provided by BC law school career offices. The difference between the format of NCA students' transcripts and those of Canadian law school graduates, as well firms' unfamiliarity with out-of-province and out-of-country law schools is another factor that may influence hiring decisions. In some circumstances, bias within the articling interview process—whether conscious or unconscious— may also play a role in qualified candidates being unable to secure a position.

38. Developing alternatives to articling may therefore provide the Law Society with an opportunity to improve access to the experiential training portion of the licensing process for those that have historically faced barriers. In addition to the benefiting those individuals seeking call to the bar, the public interest is also greatly served by improving the diversity of the profession.

39. The Task Force also observes that a number of additional benefits may accrue from developing alternatives to articling. These include the opportunity to establish a form of experiential training that improves access to justice; for example, by providing work placement or training requirements that include areas of practice or practice settings that are dedicated to providing legal services to underserviced or disadvantaged groups, and expanding the opportunities for experiential training in environments that fall outside of the traditional law firm or government articling experience. The development of alternative pathways also presents an opportunity to improve the consistency of students' experiential training and to reduce the extent to which the time and costs associated with articling create a barrier to entry into the profession for some students.

---

[21] Law Society of Ontario, Professional Development and Competence Committee Options for Lawyer Licensing: A Consultation Paper (May 2018).

Recommendations and next steps

40. On the basis of the rationales identified above, the Task Force recommends that the Law Society commence a process of exploring and developing options for the creation of additional pathways to licensing that provide candidates with an alternate means of obtaining the necessary pre-call experiential training. Possible approaches may include a program that follows the completion of law school, or that is integrated into a law school curriculum, or both. These options should be developed with the view to recommending a program that operates in addition to, rather than as a replacement for, articling.

41. The Task Force recommends that the review of the licensing program includes, but is not limited to, further examination of the LPP and IPP and whether the introduction of a similarly structured program in BC may benefit candidates, the profession and the public, both by improving opportunities for licensing and integrating with other initiatives, such as increasing the diversity within the profession and addressing access to justice issues. Additionally, in an effort to build a licensing program that is resilient and agile in the face of disruptors such as the current pandemic, consideration should also be given to enhancing the role of technology in experiential training, including increased opportunities for remote learning and mentorship.

42. With respect to timing, the Task Force believes that the Benchers' decision to approve, in principle, a recommendation to explore the development of new pathways to licensing need not wait for the analysis of the Law Society's current articling program to be completed. Although that analysis may inform future proposals regarding modifications to the existing articling program, the survey's focus on newly called lawyers, all of whom articled, will limit the extent to which the results will advance the Law Society's understanding of the policy issues raised in this memorandum.

43. Once options are developed by the appropriate Law Society body, potential reforms to the licensing process will be returned to the Benchers for further discussion.

Canada – Post Law School Graduation Admission to Practice Requirements[1]

Alberta, Saskatchewan, Manitoba, Nova Scotia, Northwest Territories and Nunavut

For admission to practice in these provinces and territories, law school graduates must complete a course prepared by the nonprofit Centre for Professional Legal Education (CPLED), as well as completing a clerkship/articling period. Articling means working in a law firm or legal workplace under the supervision of a lawyer ("Principal").

The CPLED program is based on skills and competencies needed by new lawyers and is described as "Practice Readiness Education." Further information regarding this program is located at www.cdpled.ca. The program trains lawyers and evaluates them on the following competencies:

- Lawyering skills
- Practice management skills
- Ethics and professionalism
- Legal knowledge

The cost of the CPLED program to students is $2,600 (Canadian). The Law Societies (Bars) subsidize the program. The training takes place over a period of 9 months and takes about 300 hours to complete. Generally, the student completes this program during the articling period. Under normal circumstances, part of the program is virtual and part is in person.

Alberta, Saskatchewan, Northwest Territories, and Nunavut require Articling Programs usually consisting of a 12-month work period during which the student works with a Principal. The articling period in Manitoba is 52 weeks.

British Columbia

Admission to practice in B.C. requires:

- Completion of nine months of articling in a law firm or other legal workplace.
- Completion of a 10-week Professional Legal Training Course (PLTC). This course covers legal practice and procedure, legal skills, ethics, and practice management. The cost of admission to practice includes the cost of PLTC, ($3,018.75 CDN). (This is subsidized.) Classes are held at the Law Society in Vancouver and at a community college in Victoria.
- Passing two relatively easy practice oriented examinations, (with a 90% pass rate), covering the following areas:
    - Civil litigation
    - Criminal procedure
    - Family law

[1] I have not included Quebec and Yukon, both of which are somewhat unusual.

- Commercial law
- Company law
- Estates
- Practice Management
- Professional responsibility
- Real estate
- Wills
- Ethics

Ontario

Admission to practice in Ontario requires:

- Completion of the Barrister Licensing Examination
- Completion of the Solicitor Licensing Examination.

  Both practice-oriented exams are self-study and open book. The pass rate is about 90%.

  The Barrister Examination tests knowledge of Practice Management Issues; Litigation Process; Alternative Dispute Resolution; Problem/Issue Identification, Analysis and Assessment; Establishing and Maintaining the Barrister-Client Relationship; Ethical and Professional Responsibilities; and Knowledge of Ontario law, Federal legislation and Case Law.

  The Solicitor Examination tests knowledge of Ontario, Federal and Case law, along with all policies, procedures and forms; Ethical and Professional Responsibility; Establishing and Maintaining the Solicitor-Client Relationship; Practice Management; and Fulfilling the Retainer. Each exam takes seven hours to complete and can be done online.

- Experiential Training.

  This may be through the traditional Articling Program or through Ontario's Law Practice Program (LPP). The Articling Program involves a 10-month placement with a Principal (licensed lawyer) who must approve of the student's work. The LPP involves a training course, given by one of the universities, followed by a four-month work placement. LPP assists students in finding placements for which they may or may not be paid.

  The LPP allows students who do not want or have articling positions an alternative route to admission to practice. The LPP is funded through the licensing fee charged to all lawyers applying for admission.

New Brunswick

Admission to practice requires:

- A 48-week Articling period.
- Completing four weeks of full-time class attendance at a Bar Admission Course on legal competencies and skills.
- Passing a Bar exam that includes:
    - Examination on the Rules of Court of New Brunswick
    - Examination on New Brunswick Statutes

Prince Edward Island

Admission to practice in PEI requires:

- Completion of certain required core courses in law school.
- An Articling period of 12 months.
- Mandatory participation in a Bar Course that concentrates on PEI law and practice, and testing on these subjects with a required pass score of 60%.

Newfoundland and Labrador

Admission in Newfoundland and Labrador requires:

- Completion of certain required core courses in law school.
- An Articling period of 12 months.
- A 7 week Bar Admission Course (included in the 12 month articling period) focusing on Civil Procedure, Criminal Law, Family Law, Administrative Law, Corporate Law, Commercial Law, Real Estate & Wills, with testing on these subjects.

Utah

Preliminary summary of
Utah's temporary (2020)
Diploma Privilege
***Following* 360 Hours Supervised Practice**

- This summary is intended as a preliminary outline to prompt further discussion and is not complete.
- In addition to the rule (and miscellaneous Internet reading), this summary heavily relies on https://utahdiplomaprivilege.org/ a website created by the Utah State Bar.

I. Who was eligible? ("Qualified Candidates" / "QCs")

A. Law school graduates who:

- Graduated by June 30, 2020 from an ABA-accredited law school with a 2019 Bar passage rate of 86% or greater.
  - NOTE: Believe this was BYU's passage rate.
- Applied for Utah Bar Exam by April 1, 2020;
- Had not (as of the date of the April 2020 Order) sat for any Bar Exam;
- Not scheduled to take *any* Bar Exam in *July 2020.*
  - NOTE: Qualified candidates were permitted to take Utah's September Bar Exam while contemporaneously seeking admittance through the diploma privilege. Failure on the September exam did not impact qualifying through diploma privilege if the person otherwise qualified.
  - NOTE: QCs/new admittees through this process who applied within 2-years for the Bar Exam could submit a "reapplication" (updated application) rather than starting anew. Fees separate.

B. Qualified Out-of-State Attorney Applicants (Not summarized or further referenced in this memo)

II. How are Qualified Candidates Licensed Under Utah DP?

A. Submit proof of graduation by *June 30, 2020*;
B. Complete 360 hours of supervised practice by December 31, 2020;
C. Pass the MPRE;
D. Be approved for Admissions by the Character and Fitness Committee;
E. Provide a completed criminal background check by no later than December 31, 2020; and

F. Pay the Utah State Bar Annual Licensing fees and take the Oath of Admission.

NOTE: Licensees admitted rolling basis as they met qualifications.

III. Program Does NOT replace the New Lawyer Training Program.

IV. What types of work count as supervised practice?

A. Diploma Privilege applicants must follow the restrictions in the Law School Student rule (Rule 14-807).

B. All time spent in any activity related to developing legal competence (whether paid, unpaid, pro bono, or low bono) including, but not limited to,

1. all activities related to the representation of clients,
2. assistance and counsel to judges,
3. advising businesses and their employees,
4. developing or implementing policies and practices for nonprofit organizations or government agencies,
5. meeting with the Supervising Attorney or attorneys,
6. CLE courses and other professional trainings or workshops as would be typical of an attorney in that area of practice (up to 10% of total hours)

C. Need consent from client/supervising attorney for applicant to:
1. Negotiate for the client (subject to supervisor approval) and give legal advice to the client if the applicant gets the supervising attorney's approval of the advice/plan and performs activity under their general supervision.
2. Appear for client in depositions if the applicant has passed a course on evidence and is under the direct supervision of the attorney (who must also be present at the deposition).
3. Appear in court, subject to various requirements and restrictions based on the type of proceeding.
    - Detailed breakdown for civil matters, varying severity and prosecution/defense for criminal matters, appellate, and indigent defense.
4. Perform other appropriate legal services.

D. Work for pro bono programs pre-approved by Utah Bar) by the Utah State Bar's Access to Justice Commission. Organizations included (Utah Legal Aid Services, Utah Immigration Collaborative, BYU Law School, Utah State Bar, Timpanogos Legal Center (family law))
   - Primary SA does not have to expressly delegate work to pre-approved pro bono programs. (SA from pro bono organization presumably supervises; signs timesheets, etc.)

V. Supervising Attorneys ("SAs")

A. Who qualifies?
   - Active Utah License;
   - 5 years of experience as a licensed attorney with 2 of those being in Utah;
   - No record of public discipline
     OR
   - Be a state or federal court judge.

B. How many SAs can a QC have?
   - No limit.

C. How much supervision?
   - Does not need to assign work or directly supervise. Supervisor is responsible to do the following:
     - Ensure that your work complies with the Supreme Court's Order.
     - Demonstrate professionalism and impart principles of ethics, civility, and service.
     - Communicate regularly and substantively with other attorneys to whom the Supervising Attorney delegates authority.
       - Such attorneys can include those who don't meet 5 yr/2yr requirements.
       - SAs do not have to "work in the same office or even be in the same state as the attorney providing the direct supervision."

E. How to find a Supervising Attorney?
   - Qualified candidates find their own.
   - If problems, reach out to New Lawyer Program or Access to Justice offices.
   - Pre-Approved pro bono options

VI. Documentation / Insurance / Billing

A. Before beginning supervised practice, the applicant must:
   1. Get consent of the supervising attorney to act in that capacity
   2. Provide the name of that attorney to the bar
   3. Give the bar admissions office a signed letter from that attorney confirming that they are qualified, willing to serve, and have read the rules.

B. Supervised Hours Tracking Sheet (6-minute increments; both QC and SA sign timesheets).

C. The SA can bill for QC's time. (Or count it towards pro bono goals.)

D. The QC does not have malpractice insurance; per FAQ of Utah Diploma Privilege website:

> "As a non-licensed attorney, you cannot apply for legal malpractice insurance because you must have a bar number to apply for insurance (which you will not be assigned until after you become fully licensed). Your work will likely be covered by the attorney directly supervising you as his or her name will be on the final documents that are submitted to a client, to the court, etc. and he or she should be reviewing all of your work. However, discuss this with your direct supervisor to make sure that you are covered for insurance purposes."

VII. Potential Sources for more information:

- United for Diploma Privilege
- Deborah Jones Merritt, Ohio State Univ., Working Paper on diploma privilege (she is part of IAALS study)
- Utah Working Group (appointed by the Utah Supreme Court to look at future options)
- Gordan Smith, Dean of BYU

VIII. Misc. Thoughts for our group as looking at this program

- Who would be eligible to apply if this were pursued in Oregon?
    - Distance from graduation before ineligibility;
    - No prior admission anywhere else? (Other Bar admission provisions cover how such folks get admitted to OR.)
    - Any prior bar exams?
    - How does it interact with our Bar Exam (could someone pursue diploma privilege and sitting for bar contemporaneously or must it be somewhat sequentially)?
    - If there were an ABA accredited/Bar Passage Rate requirement, how is that determined? What factors should be considered?
- Is 360 hours sufficient? Too much?
- What types of partnerships could be developed with pro bono programs?
- Could program be matched with some law school curriculum requirements?
- How to measure/incorporate the various types of work that law students can do in law school? (Not just for credit; not just as part of a temporary practice rule.)
- Should some sort of portfolio be created for review by various Bar Committees or some greater obligation on supervising attorney to ensure broad range of skills covered? (Maybe Bar sections could take on obligation to create portfolio review committees.)

Washington, D.C.

Apprentice/Practice Alternatives Subcommittee

To the Alternatives to the Exam Task Force

Review of Washington, D.C. Model

By: Akriti Bhargava and Maya Crawford Peacock

- Washington D.C. cancelled their July 2020 bar exam and held an online examination in October 2020. They created two alternative models.
    - The first was a one-year temporary status that permits law school graduates to practice law while under supervision of a licensed DC attorney. This status expires after one year – after the application deadline for the next in-person bar exam in D.C.
    - The second is a permanent admission to the DC bar. This status has been granted on a **one-time basis**, so may or may not be available going forward. These notes will focus on the permanent admission status.

Admission to Bar Based on COVID-19 Emergency Examination Waiver (D.C. App. R. 46-A)

- Eligibility requirements:
    - Received a JD in 2019 or 2020 from an ABA approved law school;
    - Had a timely completed application to the July 2020 DC Bar exam;
    - Not admitted to a bar in a different jurisdiction, and has not failed a bar exam in any jurisdiction;
    - Passed the Multistate Prof. Responsibility Exam;
    - Good moral character.
- Applications are reviewed and approved by a Committee on Admissions. There is a fee
- Additional requirements:
    - Must complete a mandatory course on DC RPC's;
    - Must be **supervised for three (3) years** by an attorney licensed and in good standing with the DC bar. The supervisor must be the applicant's employer or a nonprofit that provides legal services for low-income people;
    - For those 3 years the person must give notice in all documents that their practice is supervised and must note that they were admitted under the examination waiver.

If Adopted in Oregon

Pros

- Still has a character & fitness review; still need the ethics exam and course.
- Applications being reviewed by a Committee on Admissions is feasible in the State of Oregon, given our manageably small incoming attorneys class every year, so as to avoid inequities that crop up when trying to streamline a process like this but on a larger scale.

Cons

- How would we deal with people who don't have an employer willing to supervise them? This needs more discussion and thought. I also have questions about saying a legal aid provider can supervise them. If this is not in an employment setting (i.e. pro bono), legal aid and other nonprofits don't have the resources to supervise an unlimited number of people to the extent needed.
- Equity lens needs to be used in considering the supervision piece. How do we ensure that all people have equal access to high quality supervisions if it is dependent on employment?

Changes

- Not a one-year program but ongoing
- No need to apply to take a bar exam
- Not failed a bar exam: I think we need to think about this. I don't think failing a bar exam should disqualify people from the alternative licensing.
    - Perhaps a subcommittee of the Bar could be formed to review these cases on a case-by-case basis, since it might not end up being more than a handful of people every year who fail the bar exam but would like to practice in a particular field they are skilled in, under the supervision of another attorney.
    - Alternatively, there could be an added insurance coverage for the supervising attorney (which would need to be balanced with some benefit they will receive) by supervising someone who failed the bar
- Consider how we can use the existing OSB Mentor Program as an avenue for supervision.
- Who should review applications? BBX? Another group?
    - Group should people from the Oregon law schools