To Whom it May Concern:

R P Joe Smith

2021-07-22 11:12:22

Jennifer Myrick

Are you kidding.  Can't pass the test - no admittance

I applaud the work of the Task Force and am generally in favor of alternative models for admission beyond the Bar Examination.

I write to enthusiastically support the report of the Task Force that proposes two alternative pathways to licensure. These well-thought-out proposals achieve the twin goals of public protection and equity, and are fully

Ethan C. Snyder

Logan Cornett

I fully support the ATE recommendation. I am very impressed by the amount of thoughtful consideration that went into these recommendations. The Bar Exam as currently designed does very little to identify the issues that

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I support the use of both new alternatives but think it essential to measure their effectiveness in achieving their goal. That will mean clearly defining the goal, creating a means to collect data and other empirical evidence of

...
Tom Harbolt

KEEP the bar exam. The exam weeds out folks who are not yet ready to become lawyers. Without an exam there could be an influx of folks who didn’t study in law school because they didn’t have to pass the bar. We do

This is a great step in the right direction. Taking the bar exam under a timed condition while memorizing law is not relevant to law practice. The law is constantly changing; students should always be encouraged to

I believe a rigorous bar exam remains necessary. There are too many law school grads who know little to no law, and too many law students who don’t bother to learn it. Having a broad knowledge of law is necessary in

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competence, I don’t understand why the Bar would take it even lower. The state’s law schools do a good job of preparing lawyers. If the pass rate is not sufficient, put the burden on the law schools to do a better job. At a

course in the first year (Con Law I) and then a 3-credit “bar course” in the second or third years (Con Law II). Is the proposal arguing for something different in the form of “constitutional interpretation,” or just hoping to

conclusion that will benefit the entire legal community and state.

Thank you for the opportunity to express my opinion on the matter.

The one modification I would recommend to the committee’s guidelines for the OEP is the addition of some sort of conflicts of law requirement to the required upper-level course list. Conflicts of law touches on important

on some key aspects of other jurisdictions’ programs, it omits important information that I would expect in a report recommending systemic changes to how we regulate admission to the OSB (i.e., what specific materials

consumer protection is the concern, rather than the maintenance of a barrier that keeps out otherwise-competent lawyers, then a properly structured SPP can surely accomplish that goal as well as the bar exam.

practice of law that simply do not have the necessary legal knowledge to recognize legal issues. Third, Bar Members will be saddled with significant monetary and time requirements that are not necessary.

I realize some students have a harder time taking tests than others. On the other hand, I strongly believe it is more important to have an anonymous testing system that is fair to all and assures that new attorneys have

or (c) read law as an undergraduate discipline, as is commonplace in other countries. This one change would permit new lawyers to start their careers without a penny of additional debt, and reduce the current cost of

licensure, when overseas licensure is regularly accomplished at a fraction of the cost. Having obtained law degrees on both sides of the pond, I can assure you there is no material difference between the goods on offer.

bar prep fees would widen access to the profession.

I therefore think the first question answers itself. Possession of a JD degree is not and never has been, on its own, enough to demonstrate suitability for admission. 3Ls rarely flunk out. Like clockwork, however, 20% of

So it is and should be with law. For 170 years, in the United States we have administered examinations as a substitute to test not for legal competence but for intelligence and grit, out of recognition that lawyers possessing

means that there is a total disconnect between law schools and the bar exam. Many hours under the supervision of an experienced attorney doing practical and everyday lawyer tasks is what will make you a competent

"there won’t be jobs for graduates if there isn’t a bar exam" or subscribe to the crazy notion that the bar exam somehow measures your competency and skill as a lawyer. Any lawyer will tell you that practical experience

not regulated by any public body and are first and foremost a business that rely on such exams for massive PROFIT. They obviously have a financial conflict of interest which very much goes against the concept of legal

wait for their exam results, and, for those with exam accommodation needs, pay for the $1,000+ in bills from medical/psychological treatment providers for gathering the exorbitant amount of information the Oregon Bar

with proven competence to practice, as opposed to lawyers who are simply able to pass an exam that does not adequately mirror what it’s actually like to be an attorney. The bar exam rewards applicants who: (1) have a

there would not have been another one! It took me another year to find my first job as an attorney.

"too many more lawyers than jobs." This is a problem that will get more acute with the growing trend toward remote work and automation. The bar exam is a way to screen out the less prepared and prevent the worst-case

"figuring out how to keep law school enrollments up" is a red herring. The real issue is figuring out how to attract potential clients to lawyers who actually possess the knowledge and skills to help them in whatever situation

"there's definitely a need to make sure there are jobs for graduates." But the bar exam already does that. It’s an effective screening mechanism for employers. The bar exam measures applicants’ knowledge and skill, which

with the best ideas in mind to increase its standing. Once you have the right people at the helm, the rest of the initiatives will fall into place. This, however, is not likely to happen easily given the current political climate.

"if we can't get the bar exam on the ballot" and pass it, we’re doomed. The bar exam is an excellent way to ensure that new attorneys possess the knowledge and skills necessary to practice law. It’s a good idea, but it’s not

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the current political climate.
I ardently support any method to examine competence that does not involve the bar exam. While the exam demonstrates your ability to memorize and analyze (as do law school exams), it provides no preparation for or evaluation of skills critical to most areas of law practice. For example, client management, client communication, litigation or negotiation strategy, and professional etiquette are not addressed at all, and these skills are not taught in law school courses either. When I was a student, I would have much preferred something like the two year experiential program being proposed; I gained far more knowledge and preparation from my clerkships and externships than I did from classes or bar prep.

Doing away with the bar exam is a dangerous idea. Every profession from restaurant worker to CPA to medical professional requires an exam to demonstrate minimum competence. Attorneys should not be any different. The public must be assured that practicing attorneys have passed a minimum competence exam. Alternatives to pathways, such as apprenticeships will vary widely in quality, and give no assurances that an attorney understands basic legal knowledge. Without a bar exam, law students will stop taking certain fundamental subjects in law school.

Dear Chief Justice Walters and Associate Justices,

I write in my personal capacity to endorse the recommendations of the Alternatives to the Bar Exam Task Force. The recommended pathways are thoroughly researched and well-considered starting points for evaluating alternatives to the antiquated and inequitable bar exam.

I have only two complaints with respect to the report.

(1) One of the two areas of consideration of the Task Force was "Consumer Protection." Indeed, this has been a major, if incomplete, driver of decision-making around Bar admissions for perhaps as long as there has been an admissions process. By relying too heavily on "consumer protection," however, the Bar and the Board of Bar Examiners have inadvertently but significantly contributed to the access to justice problem in Oregon today (see the Oregon State Bar Futures Task Force Report and Recommendations [2017] and the Oregon Law Foundation's Civil Legal Needs Study [2019]). At their core, the concepts of consumer protection and consumer accessibility are in tension with one another. For too long, however, the Bar and the BBX have focused too heavily on protection without considering how policies that increase protection also serve to decrease accessibility.

Going forward, I urge the Court, the Bar, and the BBX to include consideration of access to legal services for Oregonians alongside, and as equally important to, consideration of consumer protection.

(2) I was disappointed to see that there was no discussion in the report of continuing 2020-style diploma privilege as one of the alternative pathways to Bar membership. Indeed, given the considerations of the report around equity and fairness, coupled with the lack of any clear showing (other than the feelings and opinions of certain lawyers) that the Bar Exam contributes in any meaningful way to improve the quality of legal services in Oregon, diploma privilege would appear to be the quickest and least burdensome pathway for achieving the goals of the Task Force. Even so, the recommendations of the Task Force are sound and I encourage the Court to adopt them and move forward with implementation committees for each suggested pathway.

Sincerely,

John E. Grant