Comments-Export-2021-Jul-06-232114

Parent Post title		-	-	-	Comments-Export-2021-Jul-06-232114
Comments (ATE)	Author Amy Miller	Author Email amy.m@youthrightsjustice.org	Author URL <u>http://youthrightsjustice.org</u>	2021-06-28 18:02:05	Content Thank you for your work to identify alternative pathways to OSB membership. I am hopeful that these alternative options will create more equity in the process of obtaining a license and ultimately lead to a more diverse bar. There is significant value in experiential learning as a component of bar membership. As an employer, I am excited about increasing the pool of practice-ready law school graduates.
Comments (ATE) Comments (ATE)	Susan Carter M. Mandell	myrtlepointlaw@gmail.com		2021-06-28 18:08:43 2021-06-28 18:55:22	Sorta brilliant. I just left a comment regarding the UBE, and its relevance to everyday practice for most Oregon lawyers. Giving law students, and young graduates, practical experience before setting them loose is a wonderful idea. I realize it will take some fleshing out, but kudos. The standards set for admission to the Bar should be uniform for all attorneys. Changing the standards to accomodate applicants is different from encouraging diversity. The law school role is to educate and this is whe efforts should be made to reach diverse groups. There is a paucity of good lawyers who really understand the law or their role in society and lowering the standards to admit diverse applicants does nothing to protect the standards to accomote the standards to accomote the standards to accomote the standards to accomote the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does nothing to protect the standards to admit diverse applicants does not he standards to admit diterse applicants doe
Comments (ATE)	Chris Walters	cwalters@balljanik.com		2021-06-28 19:04:04	public. The alternate program uses subjective standards and not objective, uniform standards. I disagree with offering alteratives. The Bar exam is the minimum competency test to allow attorneys to practice. We neer minimum competency barometer. Hello the proposals are complex but I have concern that paralegals will be admitted to the bar without proper training or knowledge of the law. Paralegals can do thousands of hours of good work without knowing the law.
Comments (ATE)	Jan E. Friedman	jfriedman@droregon.org		2021-06-28 19:51:05	underlying their work. Once admitted there is no check on service to clients. Perhaps there could be a specialty consumer license that shows this knowledge as to consumer matters, and licenses work only as to the matters covered. Thanks I prefer the Oregon Experiential Pathway program (OEP). Developed with Oregon's three law schools, because this will allow potentially additional practicum/ practical experience prior to graduation from law school. Additionally, then the Law School Graduate will be armed with this information and experience.
omments (ATE)	James K Walsh	jameskwalsh@hotmail.com			I do not like the mentorship as well because a graduate may not be able to find a mentor or a dependable mentor and this could thwart their effort to begin practicing law. It seems that there needs to be time for this sol quality mentorship to develop prior to making it a requirement. I am totally against this or any alternative to the traditional bar exam. This is a step in the wrong direction.
omments (ATE) omments (ATE)	Ryan Corbridge David Shirk	ryan@corbridgelaw.com dshirk@mortgagebanking.law		2021-06-28 22:16:39	I passed the bar exam and so should you. An excellent report on possible alternatives to the uniform bar exam. Both the OEP and SPP recommendations seem viable. I did not understand whether the scope of a candidate's exam alternative portfolio might be restricted by the program to designated subject areas or unlimited,
					allowing any legal issue within the candidate's supervised work experiences. The latter allows more opportunities to qualify but may pose a greater burden on BBX evaluation resources. Additionally, some of the candidates' best work could be privileged, rendering it ineligible for submission. No mention was given to materials that might breach the duty of confidentiality to a client, which could be a large barrier than privilege to eligible submissions. I also noticed that no discussion in the report was given to the portability of admission through future admission by motion to other states. I fear that this could be a trap for students that are promised an alternative that
omments (ATE)	Stephanie Schilling	schilling.jd@gmail.com			ends up restricting future practice options. Given that these proposals purport to be examinations, a determination of whether other states' admission offices view the alternatives as sufficient examinations to grant admission by motion seems to be a worthwhile endeavor. A clear and conspicuous disclaimer should accompany any alternative that may limit the student's future if any other states' admission by motion rules require passage of a traditional bar examination.
omments (ATE)	James Duncan	jduncan@johntuthill.com		2021-06-29 08:35:50	Allowing new lawyers to enter the profession under what is essentially an apprenticeship program is a fantastic idea, especially when the prospective lawyer knows the pathway they want to forward with. This gives real world experience to new lawyers, rather than an artificial test of blackletter law, the majority of which tests areas of law the new lawyer may never practice in.
omments (ATE)	John Andon	john@andonlawfirm.com			I am not in favor of changes to the current bar exam/ admissions process. There are a couple of problems with the proposed "apprenticeship" idea: 1) It would provide an apprenticeship in one or two areas of law, while providing new attorneys with a ticket to practice all areas of law. 2) Standardization. There will be a lot of variance in the training that the new attorneys receive. 3) The current bar exam provides that new attorneys have a base level of knowledge over multiple areas of law.
omments (ATE)	AMS	arynseiler@gmail.com		2021-06-29 08:40:07	 3) The current bar exam provides that new attorneys have a base level of knowledge over multiple areas of law. An apprenticeship does not fulfill this. 4) Generations of attorneys, including myself, have gone through the arduous process of passing the bar exam. It shows a basic competence and level of knowledge. The bar exam was a nightmare that screwed up my life and I still suffer from sleep issues and anxiety seven years later. I have taken and passed three bar exams, one from Oregon. On the one hand, the bar exam is a racket designed to make a lot of money and adds to the student loan existence unto death.
omments (ATE)	Dan Schanz	dan@schanzlawler.com			On the other hand, it is boot camp to ensure that a future attorney will be able to stand the rigors of being an attorney: the stress, the anxiety, the misery associated with this profession. It only seems right to give law greater of the opportunity to truly experience a taste of what is to come so that they can make intelligent decisions about the future. The Bar exam has been a sufficient indicator of basic competency and entrance to the bar for tens of thousands of diverse Oregon lawyers. The new proposal will likely create different categories of lawyers rather than
omments (ATE)	John Christopher Minor	cminor@newportlaw.com	http://newportlaw.com	2021-06-29 09:06:14	unified bar. It will likely impact Oregon's reciprocity with other states. Adoption of the proposals will likely undermine public confidence in the bar. The report does not justify such a radical departure from what has served Oregonians well for so long. The system is working - we don't need to fix what is not broken. Although I will concede that little of the theory and history of law taught in school has had much direct application to my practice, the concepts and principles have been invaluable in understanding the issues I have deal
omments (ATE)	Linda Gouge	lgougeattorney@gmail.com		2021-06-29 09:13:23	with. Learning the practical details of producing a work product is an important skill, learned after graduation, is a different matter. But, if my learning had been restricted to producing "product," without understanding legal theory, the product would have suffered greatly. I believe the proposals are a total mistake. The proposals will not maintain consumer protection nor is this a means to assure equity in the admissions process. It is the process of lowering standard required for being admitted to the practice of law which will put the consumer at risk of incompetent representation. Additionally, it is assuming that the "non-traditional" applicant is lacking in intelligence and therefore cannot meet the
omments (ATE)	Bob Butler	bob@butlerlooney.com			present standards for admission to the practice of law. This is an insult to the "non-traditional" applicant. Besides, what exactly is a "non-traditional" applicant? I have been of the impression that law-school applicant by their very nature, were "non-traditional." It is also an insult to those who have already endured the torture of taking the bar exam.
comments (ATE)	Miles D. Monson	miles@monsonlawoffice.com	http://www.monsonlawoffice.com	2021-06-29 09:50:23	enough to justify this action? If changes are needed to the traditional bar exam, then those changes should be made to the exam versus developing alternative pathways for admission. I have practiced law for 29 years and taken 3 bar exams in 3 different states. Each exam was challenging, and the discipline required to prepare for each exam and to pass each exam built a foundation that continues to provide benefits today. The traditional exam could benefit fro
Comments (ATE)	K.C. Huffman	kchuffman@thorp-purdy.com		2021-06-29 10:27:22	an overhaul, including more practical applications. Alternative pathways provide for a less rigorous process, which I fear will not serve the public well and not serve the attorneys well. I support the concept of alternatives to the bar exam. I would like to know (and I apologize if this information is in the document - which I have not read in its entirety and for some reason cannot search for key words) what experience other jurisdictions have had with malpractice claims after a similar process was adopted. Are rates likely to increase, decrease, or stay the same for everyone?
omments (ATE)	William Randolph Turnbow 80391	randy@steelheadlawyer.com		2021-06-29 10:40:43	Also, will there be a prohibition on attorneys marketing themselves as qualified via one pathway over another? I think allowing a tiered system of "how I became certified" would be a negative. Thank you. I see far too many marginally competent lawyers and oppose all proposals to weaken admission standards. I also think the limited practice model will not make a lawyer competent in substantive law and practice in oth
omments (ATE)	SHANNON TISSOT	shannon@toolecarter.com		2021-06-29 10:45:33	kinds of practice and situations that do not arise in the limited internship. Samples of work product, based on one firm's or supervising attorneys' forms or styles will demonstrate little. The hardest part of being a new attorney is not having hands-on learning and a mentor. I graduated in May 2004, and passed the Washington State bar in November 2004. Nothing prepared me for family law litigation, dealing with difficult clients, managing the stress of being a new attorney. I think experiential learning is an excellent idea!
comments (ATE)	Michael Sullivan John Vehrs	judgesullivan@bendbroadband.com jsvehrs@willamette.edu		2021-06-29 11:12:59	This proposal, received yesterday, is a significant change in how the State deems applicants competent to practice law. The time frame for input from members of the Bar and the public is June 28 to July 6, 2021. In the middle of this comment period is a three day weekend for the 4th of July. There should be additional time for careful thought and comment before any action is taken on this proposal. Please implement the alternatives to the bar exam. The exam as it is currently implemented is a scam that takes advantage of students and has no bearing on the competency of the student to practice law. For example, we are required to learn a significant amount of criminal law, both common law and model penal code. Neither of these areas of law are useful for a new lawyer because almost all of criminal law is now
					statutory. Furthermore, in order to type the written portion of the exam, students must purchase a \$150 program that is so poorly developed its shocking. Clearly someone higher up in the bar made a deal with the company to for all of the students in Oregon purchase their crap program so they can make a buck off a vulnerable population with no other reasonable alternatives. The bar is an outdated and predatory exam that has no bearing on the competency of a new lawyer. If it did, then why wouldn't we require all lawyers to take the exam every few years to ensure they are competent, simi
omments (ATE)	David Landrum	david.landrum@multco.us		2021-06-29 11:14:47	to how commercial pilots must undergo regular examination to maintain their license. The bar exam is a pretty good measure of whether the law school curriculum penetrated the student's mind. Dumping it in favor of just admitting everybody who graduates from law school will likely increase, rather than decrease, the bar complaints related to taking on cases the new attorney isn't equipped to handle, and then failing to maintain contact with the client, let alone adequately explain the law that applies to the case in order
omments (ATE)	Tim Guill	DurangoLegal@gmail.com		2021-06-29 11:48:24	the client to make an informed decision. Thinking and problem solving on your feet is a necessary skill - crumbling under pressure is a problem. I object to the proposed alternatives. Rather than eliminate the Bar exam, or create "alternative pathways" for students to avoid taking the exam, I propose that the exam and the minimum score requirement should rem as they are.
					The only change I would make is that I think the examination should be broken down into different parts, similar to the CPA examination. Once a prospective member passes 4 out of 7 parts (just an example here), he/sl should only be required to take the remaining parts of the exam next time around. That would give applicants the opportunity to focus more on their problem areas the next time they sit for the exam. We all know (I hope) that "supervising attorneys" sometimes don't supervise. That leaves a dangerous situation in the hands of a prospective candidate who isn't equipped to do the right thing. What could possibly go wrong? And reducing the minimum score is an inferior alternative to an applicant's earning a solid score through focusing on one subject at a time in the examination. Please don't open the gates to applicants who are neither
omments (ATE)	Terry R. Hansen	lawyerhansen@frontier.com		2021-06-29 12:12:19	Frankly, the proposals are pathetic. We live in a complex world and reducing our profession to the requirements of the 19th century bar is dumbfounding. Support of these proposals are asking for a glut of "attorneys" i the legal field that have no business calling themselves "attorneys". We have enough attorneys that are currently coming out of law school and passing the bar. These are competent people that can pass the rigors of the
					system, as we all have. The point of the bar exam is to protect the public and to make sure that new attorneys have the MINIMUM amount of legal knowledge. I personally learned substantial amounts of information studying for the bar exam, I would not trade that experience for an easier one. Unfortunately, we live in a society where people don't want to put in the work but what the reward. That ethos is what these proposals embrace and is not sustainable in a just society. If the proponents think this is the way to serve under served communities, they are poorly mistaken. The vast majority of people, no matter how easy we make it to be a lawyer will still seek to make the prevailing hourly rates. However, what will happen is the profession will be incredibly tarnished, will no longer be seen as a preeminent profession like medicine, the job market will be
omments (ATE)	Heidi Evans	evanspdx@gmail.com		2021-06-29 12:31:59	saturated driving down income for those of us that "paid our dues", legal malpractice cases will rise, PLF fees will go way up, and the low income will still not have an attorney. The fact that these proposals could even make it out of a bar committee is deeply troubling. I would be supportive of an alternative path to bar acceptance so long as successful graduation from an accredited law school was a requirement, or, if practicing law will be allowed based solely on experience, then
omments (ATE)	Rebecca Cassady	rebecca.cassady@bullivant.com		2021-06-29 12:56:18	carving out limited practices for those bar members such as legal tasks that are routine, do not involve complex matters and are often managed currently by paraprofessionals. This creates alternative paths while also protecting the public. As a recent law graduate and new member of the Oregon bar, I feel strongly that an alternative to the bar exam is necessary and warranted for future law students seeking to gain admission to the legal profession. I am a relatively strong test taker and passed the bar exam on my first try, but the process of studying for the exam was one of the worst experiences of my life and one which I would not wish on anyone.
					For context, I want to start by acknowledging that I was extraordinarily privileged in that I was able to afford a bar prep program, purchase additional study aids, and was able to study full-time without having to work. I v also lucky enough to have sufficient savings leftover from my time spent working before law school (in the range of about \$10K) to pay for food and rent, all of which was depleted by the time I received my bar exam rest Since the bar exam is only offered twice a year, I had to start studying the day after my last law school exam, and continued to study every single day for the next 2.5 months, with a couple unplanned-but-necessary me health days. Admittedly, there were some topics that I enjoyed learning for the first time: family law, for instance, was a class I never took in law school (this topic did not appear on the exam and I am not currently practic
					family law, nor do I plan to). Secured transactions was also new to me (again, not something I plan on practicing). I also got to refresh my memory on a lot of fundamental law topics, like contracts and torts. I'm sure ther was some benefit to all of this comprehensive review. That said, aside from the initial stage of review, the vast majority of my time was spent on memorizing an immense amount of information in a very condensed period of time. For me, this meant studying from the time I
					woke up in the morning to the time I went to bed at night. I averaged 10-12 hour days, every day, for nearly three months. I spent my entire Christmas day studying. I ceased all contact with friends and family. There was simply no time. I am convinced the only reason I stayed sane during this time period was because I had a small study group of classmates with whom I was able to commiserate on a daily basis. Knowing that my classmates were also on the verge of suffering a mental breakdown made me feel better, knowing that this was "normal." Am I a better lawyer due to how hard I studied for the bar exam? Possibly. But I have no doubt in my mind that there are better and more holistic ways to verify competency than by subjecting applicants to a month-long process that strains their mental and emotional health to the point where a breakdown feels imminent. I fear for my classmates who suffer mental health afflictions (and who will undoubtedly make excellent lawyers
					someday). Our profession has evolved since the days that the bar exam was adapted. We are better than this. In a world with unlimited resources, the bar exam might make sense. If I had more money, more time, I would have been able to lessen my daily workload to the point where it was manageable (I estimate that six months would have been an ideal amount of time). However, even as someone with a decent amount of savings, I didn't have the time or money to spend half a year not working. With the stakes being so high, failure was not are option for me - or at least, it didn't feel like it. With the amount of student loan debt that I incurred during law school, I was well aware of the necessity of passing the bar exam in order to enter the profession which I had
					option for me - or at least, it didn't feel like it. With the amount of student loan debt that incurred during law school, I was well aware of the necessity of passing the bar exam in order to enter the profession which I had invested so much time and money into already. I have heard from mentors and colleagues throughout the years that the Oregon law community is unique in that we strive to uphold a friendly, positive, and welcoming profession cannot evolve and come up with a thoughtful, effective alternative to the painfully archaic bar exam. We have some incredible minds here in our community, and together, I am confident that Oregon can become a leader in helping the profession become more inclusive, healthy, and equitable.
mments (ATE)	Laura M Lindley-Gutierrez	l.gutierrez@cnpls.net			I think the alternatives are a wonderful idea. I got my best experiences by volunteering, doing externships and internships during law school. Other than teaching me how to read case law, law school itself was not that helpful to the actual practice of law. I learned how to write a great memo during a judicial clerkship, I learned how to be a compassionate listener while working with unhoused folks being denied food and medical benef fully support the alternative models, and commend you all for making them an option. Every applicant for the practice of law should also spend one semester volunteering at a legal aid office.
omments (ATE)	Inge Wells	inge.d.wells@doj.state.or.us			Greetings: I am a 33-year member of the Oregon State Bar, and a former member of the BBX. I am writing in support of the ATE. When I was on the BBX, the exam was different than it is now. It used the multiple-choice multistat exam, but it also used essay questions written and graded by BBX members. While every effort was made to ensure uniformity and consistency in grading, there was always a subjective element, and test-taking is a sk some are better at than others.
	Creater Chairman				The cost to attend law school these days is astronomical. Does concern about what would happen if an applicant fails the bar exam act as a disincentive for some students to even consider attendance? I suspect it mi And I can speak from experience when I say that passing the bar exam doesn't necessarily make a good lawyer. What matters more is a solid education, a sense of professional responsibility, and supportive mentoring training upon graduation. I fully support exploring these alternative pathways to membership in the Oregon State Bar.
Jinnents (ALE)	Gregory Chaimov	gregorychaimov@dwt.com			Both proposals for experiential-based licensing should be good for students and good for the profession. Although it's been 40 years since I attended law school, my view of the last two years of law school was they did not optimize a person for success in the law. The first year in a classroom is essential. You need to learn how the law works and how to think like a lawyer. The last two years, however, did not focus enough on the skill needed to make a good lawyer. The last two years tended to focus on gaining knowledge in specific subject areas, but gaining knowledge in a subject area is an activity one can complete successfully outside of school with the skills in how to be lawyer (research, writing, counseling, advocating) one better learns in school.
omments (ATE)	Peter Yaghmaie	peter.yaghmaie@eoplaw.com			This is a great initiative and will help to increase access to the Bar in Oregon and develop law school students and grads in a practical way to become new attorneys with legal experience. I would urge the BBX to help connect law school grads who would like to participate in the Supervised Practice Pathway program with attorneys/firms by creating a placement process or offering incentives for attorneys firms/governmental departments to participate in the SPP, such as CLE credit, etc. Whatever can be done to increase the available slots for this program and eliminate competition between students in the OEP program and law school grads in the SPP program regarding finding attorneys to supervise
omments (ATE)	Anonymous	susie.l.norby@ojd.state.or.us	http://N/A	2021-06-30 12:10:51	them would help ensure the success of these programs. Thank you for launching this initiative and considering feedback from bar members and the public. This report is well done, and the ideas and conclusions are meritorious. I am curious about when an aspiring attorney would have to choose their alternative option. Could a person pursue one option, like the Bar Exam to pass, then choose another option? Vice versa? Would the failure of any chosen option prohibit an effort to use an alternative option? Right away? Or after a proscribed period? Are these options only open at the out
					of a career? Or would they also be available after a person let their Bar License lapse or had it removed by the Bar? Would reciprocity still apply in other states no matter what option is successfully used or would Oregon have no ability to influence the answer only the other states? I suppose these are questions for consideration during the creation of implementing rules, but I am curious never-the-less. Congratulations to the committee for this important work.
mments (ATE)	Courtney Caimona	ccaimona@luvaascobb.com			I am in favor of adopting both the Oregon Experiential Pathway (OEP) and the Supervised Practice Pathway (SPP). Both of these models will ease the barriers that currently exist to becoming a member of the Oregon Sta Bar, while ensuring that new lawyers will maintain the minimum competence necessary to practice law. I graduated from the University of Oregon School of Law in 2020. During my academic career, I focused on taking coursework during my 2L and 3L years that would prepare me for the bar exam (evidence, secured transactions, real estate transactions, trusts and estates, etc.) and experiential learning courses (i.e. trial practice). Havi successfully passed these courses, I felt competent enough to begin practicing law without taking the bar exam when diploma privilege was offered. Furthermore, each new lawyer is already required to participate in the
					New Lawyer Mentoring Program. I can attest to the benefits of this program. My assigned mentor was another attorney at my firm, and as I began practicing he was right there to provide me with the guidance necessary ensure the clients' needs were met while also teaching me how to practice independently. The OEP and SPP would essentially provide a more structured version of the opportunities that Oregon's law schools and the Oregon State Bar already providenamely, coursework that will provide a necessary foundation for the practice of law and guidance from more experienced members of the bar. Having benefitted from these opportunities myself, I am in favor of adopting the OEP and the SPP.
mments (ATE) mments (ATE)	Thea Sara S. Mulroy	donovanthea@gmail.com smulroy@mpdlaw.com			The bar is antiquated, racist/sexist/classist, and it doesn't measure a person's ability to practice law. The options presented in the report are more equitable and more appropriate measures of skill. I wholeheartedly support the adoption of these new policies and would encourage them to be adopted immediately for the 2021 bar exam. As part of my responsibilities as the Chief Attorney of MPD's Multhomah County Misdemeanor Unit, I supervise and train many law students. In my experience, attorneys who have had this kind of experiential training a
omments (ATE)	William C. Jones James Harbolt	junieb102@gmail.com jim.b.harbolt@gmail.com		2021-07-01 10:03:50	more confident, stronger, and effective advocates than those without this experience. I wholeheartedly support the option(s) for licensure by way of experience. I am opposed to removing the bar exam for entrance into the practice of law in Oregon. There has been little public comment and many lawyers say this was sprung on them with very little or no comment on their part. I'm concerned about eliminating the bar exam at the option of some. I don't oppose what I'll call the clerking or modified school approach to learning, but culminate with passing a the bar exam. I don't think the
omments (ATE)		katewilkinson2007@yahoo.com		2021-07-02 11:29:27	universities need the Bar to keep up their sort of captive approach to getting a JD and becoming a lawyer, but the bar exam needs to stay part of the equation and show a minimum amount of competency. I think the tw new paths being considered will back fire, to the public's detriment. A rigid standard, at an appropriate level, like the Bar exam is needed. I appreciate all of the work that has gone into this process. I am a former member of the BBX and a long-time practicing attorney.
					After reviewing the proposals for two additional routes to licensing, I would like to share my thoughts and observations. As to the law school curriculum approach - I am concerned that this may force first year law students into choosing a curriculum that will limit their chances for employment. If a student opts for this route, will they still the basic law school classes? How will the law schools determine what makes a competent practicing lawyer? For a student who opts for this route, will their employment options be limited to Oregon (in practical terms)? If the law schools have the clinical faculty and resources to put together a two-year curriculum that will ensure students are ready to practice?
					In my experience, there is already a serious disconnect between legal education and the legal profession and this option gives the education institutions sole control to determine what makes a competent practicing law This route also depends greatly on the BBX members. What measures of competency are in place for those members? BBX is a political appointment, not done through a merit selection process. Are those individuals competent to judge what makes a student ready to practice? BBX is already a substantial volunteer commitment and reviewing student materials will further add to this workload. With regard to the second route (practicing attorney/mentorship program), I have serious concerns about the level of volunteer time needed for this program to be a meaningful success. I have had two new lawyer ment
					through the Bar's programs and did not receive support from OSB during the program. It was a substantial amount of time on my part and there was no quality assurance provided by the OSB. In theory, I could have signed off at the end without any actual mentoring provided. How will BBX and OSB ensure fair and equal access to mentors? I would hate this to be another situation where privilege/connections ensures some students have mentors and others don't. How will the mentoring provided be assessed, measured and monitored? How will uniform standards for that mentoring be applied?
					I think this is a great idea, particularly in situations where an attorney is looking to hand over/sell a solo or small practice and has the time to meaningfully mentor a new attorney. In my experience, most practicing attorn do not have that sort of time. While this appears to be a positive for law students, how will employers react to and assess a lawyer who obtains their law license through one of these routes? Will the bar exam still be seen as preferable? If that happe those who can afford a bar exam prep course will continue to be advantaged.
					Overall, what will these alternative routes do to all of our PLF rates? PLF is already expensive and since it is mandatory, all of us who currently pay those expenses will be subsidizing any increases due to these alternati routes for licensing. If we think the three Oregon law schools are producing graduates ready to practice law, then why not simply institute a diploma privilege?
omments (ATE)	Jesse Lohrke	Jesse@lohrkelaw.com			Dear Oregon Supreme Court; Thank you for taking my comments in regard to the recommendation to allow a path to practice law in Oregon that does not require passing the bar exam. I am not in support. I would sooner get rid of the law school requirement than the bar exam requirement. It concerns me that law school deans and others have had the opportunity to surprise the bar with this radical proposal. Access to Justice:
					One argument for doing away with the exam is to provide access to justice. This argument depends on the understanding that many more lawyers will be admitted if they do not have to pass the test. The reality is that the current bar is solving the access to justice problem. Easing of ethical rules regarding unbundled services combined with aggressive use of technology by entrepreneurial lawyers is leading to a change in the way legal services are delivered. Law firms are finding ways to use technology to help larger numbers of clients at better rates than previously could be done. Unbundled family law services are on the verge of breaking through as primary way pro se litigants seek legal advice. Flooding the market with new lawyers who were not vetted through the rigor of the bar exam, working out of coffee shops and living rooms will not solve the problem and will not protect legal consumers.
					Quality of Bar Admittees: There is no doubt that law school does not prepare a lawyer for the day to day practice of law. However, the deep understanding of the development of the law and its complexity that I learned in law school I use in ever brief and argument I submit to a court. That said, California and some other states have successfully allowed experienced paralegals to sit for the bar for some time. This is a profession that is trusted by the public. People entrust us to properly care for their freedom, finances, property, and loved ones. The current bar is highly professional, though we all know there are a lot of attorned
					who are not as careful and professional as the public trust deserves. But they are a minority. There is an argument that the bar exam is not a good indicator of attorney quality. I disagree. The bar exam serves an important purpose. It mimics the practice of law. One must dedicate substantial time to preparation. One must concentrate for hours on the legal questions before them. And one must write a coherent response to a legal question. The purpose of the exam is to weed out those who are less likely to deserve the high public trust that comes with the license to practice law. It might seem unfair to those who can concentrate long enough to pass, those who did not study hard enough, and those who are just not able. But, if we hold our profession in high regard, similar to the practice of medicine, and if we hold the public trust as
					sacred to our ability to do our jobs, there must be a high barrier to entry. When a lawyer tells a client what is in his or her best interest, it is the knowledge that the lawyer mounted great obstacles to be giving that advice allows the legal consumer to trust the advice. This is a Radical Proposal that has not been vetted with the Bar: The consensus among lawyers I spoke with is that they are open to a discussion about bar entry but until they are convinced that the current system should be replaced, they prefer to stick with it. Some lawyers have
					mentioned the possibility of having different levels of lawyers, similar to a solicitor system, as a discussion point. Other lawyers discussed how some states allow experienced paralegals to sit for the bar as a way to redubarriers to admission and crushing debt. This is a sudden proposal. Law school deans do not represent the practice of law. Law school would become something more like any other graduate program, journalism for instance, under this proposal. Law school admission would soar and the schools' revenue would grow. Law school debt among these new lawyers would grow.
					Look to practicing lawyers for advice on what it takes to practice law. The theory as opposed to the practice and business of law are a lot different. It is unfair and disrespectful to the bar to have this proposal pushed forward as some sort of vetted recommendation. Blind Testing: The law schools currently control admission and largely decide who gets to take the bar exam. That might not be the best system, as I discussed above. However, any issues with equality in opportunity fall on the law
					schools, not the exam. The exam is as blind as any can be. Again, the board of bar examiners and task force as a group are not qualified to vet this issue. The law schools have a different interest than the profession. If there needs to be further discussion, it needs to be an open discussion that involves the bar. I do not believe there has been even a single feature article on this subject in the Bar Bulletin. Conclusion: I am of the opinion that it has been a mistake to lower the passing score for the bar in recent years. The profession and the public are best served by a rigorous system of entry. The current bar is solving the access to be involved by a rigorous system of entry.
					justice issue, using technology to serve more people than they ever could before. The ethical rules are now allowing lawyers to give advice and help with legal forms without taking on responsibility for an entire case. The is a problem, but it is being solved. A whole-sale change to the system — a one of a kind change at that — is not called for at this time. Jesse Lohrke OSB#114423
omments (ATE) omments (ATE)	Craig Russell Lindsay Wostmann	Cwrussell17@gmail.com lindsay@oregonatty.com		2021-07-02 12:35:10	Respectfully, removal of a bar exam requirement will substantially diminish the legitimacy and credibility of Oregon lawyers. I have already seen this with bar "covid waiver" lawyers. Simply, this is a mistake. I am against getting rid of the bar exam at this time. This seems like it would be a benefit primarily to law schools, which would no longer have to demonstrate that they are producing graduates that are minimally competent as opposed to any other school.
omments (ATE) omments (ATE)	Jennifer Myrick Bill Brendgard	jennifer@myricklegal.com wbrendgard@gmail.com		2021-07-02 16:02:43	It would likely also have the consequence of affecting any future possible reciprocity between states that still use a bar exam and Oregon. We need the bar exam. It is a public good. A shocking lowering of standards. A dark day for professional competence. I am surprised this idea ever got traction. Are you nuts?
omments (ATE)	Anna Sammons	anna@sammons-criminal-law.com	https://sammons-criminal-law.com/	2021-07-02 17:18:24	- Signed, a former lawyer of 23 years and former Oregon law student. I have been an attorney for about 15 years and have represented countless indigent people. This hypocritical plan will accomplish the opposite of what it promises to do. By effectively guaranteeing a law license for everyone who graduates, this policy will boost admissions and create more JDs but those graduates will have a harder time finding jobs and will still need to pay off their loans (a cost that will be passed on to any clients they may end up representing). What we DO need is the exact opposite opportunities for sharp, motivated people to sit for the bar and prove themselves WITHOUT having to go to law school at all, and without having
mments (ATE)	Rafat Ghodrati	rafat.ghodrati15@hotmail.com			go into crazy debt. How many capable students from historically excluded backgrounds would be thrilled to enter our profession if they did not need to take 3 years off of their lives (and take out hundreds of thousands dollars of loans)? This looks a lot more like a give-away to wealthy bureaucrats and academics than a true access to justice initiative. We strongly recommend that the administrators of the SPP provide a list of trained and participating lawyers at least in the Portland area so that previous Oregon law school graduates could be placed with them in order
,					have access to the program. Otherwise, this program will not benefit the majority of graduates that have previously completed their law school programs and obtained the law degree, as most of these students may not have the resources or connections to find an attorney willing to supervise them for 1,000-1,500 hours and be trained as a supervisor under this program. In addit it should not be forgotten that most of these graduates were not given a fair chance last year because they were part of a very small group (about a dozen graduates in total) who were discriminated against by being excluded from the diploma privilege that was granted to other Oregon law school graduates who were in the same circumstances regarding ability to pass the bar exam, just because they graduated before 2020. This is
nments (ATE)	Robert C Wise	rocawi1956@yahoo.com		2021-07-02 23:18:12	good chance to rectify this injustice. This might give them a chance to actually make use of the expensive degree that they worked hard to obtain by being permitted to work as an attorney. They have worked hard for y to hope to achieve this goal and still haven't given up despite such adversity. The idea that a person can practice law without passing a bar exam is insanity.
mments (ATE)	Jeremy Carlson	jeremycarlson0@gmail.com			In any event of removing standards from professions, there will undoubtedly be more individuals being accepted into those professions; however, this also drastically reduces the quality of service those individuals will be able to provide. This means lower quality of representation for the citizens, which results in a possible violation of their right to due process within the citizenry of Oregon. This should not and cannot stand, unless the get is to create a larger inmate population in Oregon prisons.
omments (ATE) omments (ATE)	Brian Johnson Laura Graser	johnson-brian@verizon.net graser@lauragraser.com		2021-07-03 13:05:06	Merit > Diversity. History and common sense tell us this every day. I believe that getting rid of the bar exam will make Oregon lawyers seem second-rate at a national level. That is the motion important point. It will make being admitted to other states more difficult, too. It makes no sense to say that "it's too expensive" law school is too expensive, this is another 2 months. The law schools, with falling admissions, have a direct conflict of interest on this issue; removing the Bar Exam will make Oregon law schools much more attractive to prospective students who areeven before they states
mments (ATE)	Robert S. Jones and Roberto A. Gutierrez	rgutierrez@lclark.edu		2021-07-03 16:11:48	worried that they can't pass the bar. We don't want Oregon law schools spilling these people out on the Oregon public. Commentary on Alternative Pathways by: Robert S. Jones and Roberto A. Gutierrez
					Introduction On June 18, the Oregon State Board of Bar Examiners requested immediate adoption of two alternatives to the bar exam: the Oregon Experiential Pathway (OEP) and the Supervised Practice Pathway (SPP). The OEP is curriculum-based model with a focus on experiential coursework during law school, culminating in a capstone portfolio submitted to the Board. The SSP is a post-graduation model where applicants work directly under licensed attorney for up to 1500 hours of practice and submit a portfolio of work samples to the Board. The Board identified two primary considerations in evaluating alternative pathways to licensure. First, any alternative pathway must provide adequate consumer protection by ensuring applicants to the practice of law
					demonstrate the minimum competence prior to licensure. There is no question that ensuring minimum competence prior to licensure is an absolute necessity. In both alternative pathways, as with the bar exam, the Bo continues to act as the ultimate gatekeeper to determine whether applicants possess the minimum level of competence necessary to practice law in the state of Oregon. The Board's review of the OEP capstone portfol and the SSP portfolio of work samples will ensure that the high level of consumer protection expected in Oregon is maintained. The second primary consideration identified by the Board is increasing accessibility to and equity in the profession by removing unnecessary barriers to entry. The Board's task force expressed a desire to remove such
					barriers without further perpetuating or exacerbating already existing disparities in the profession, and to avoid introducing new sources of disparities. Although the Board did not expound on the nature of such disparit in their report, it is useful to examine the disproportionate and discriminatory impact of the current exam-based path to licensure. Racial Bias in the Bar Exam The wide disparity in bar passage rates between racial groups has been well documented for at least two decades. A 1997 report published by the National Conference of Bar Examiners found that on average, the pas
					rate for White first-time test takers was up to 30 percentage points higher than the rate for people of color. The 1997 report found that, "[o]n the average, members of racial/ethnic minority groups do less well on the bar exam than their classmates. This finding has held up in every jurisdiction that has examined the passing rates of different groups." New data released on June 21, 2021 by the American Bar Association reveals deep racial disparities in bar passage rates. In 2020, the bar passage rate for White first-time test takers was 88% compared with 66% and 76% for Black and Hispanic test takers, respectively. Similar trends are observed in all years (2017-2020) included in the ABA report:
					The data released by the ABA shows that the same racial biases identified by the National Conference of Bar Examiners over two decades ago are perpetuated in the current exam-based licensure model. This persiste evidence of inequality over the course of years and decades demonstrates a need for alternative pathways to licensure. Economic Bias in the Bar Exam In addition to perpetuating racial bias, the current exam-based licensing model disproportionately favors economically advantaged law school graduates. Students who come from the lowest income brackets are less li
					to pursue graduate or professional degrees like a J.D. Those who do pursue such degrees account for a disproportionate degree of overall student loan debt. The increased debt load of students from lower income brackets further exacerbates the financial strain created by exam prep and inability to work. While this strain is felt by all students from lower income households, the financial burden is distributed disproportionately bas on race. Students from underrepresented racial minority groups in law schools account for the largest expected law school debt loads. A disproportionate amount of underrepresented racial minority students hold more than \$100,000 in student loan debt upon graduating from law school. Of the students holding more than \$200,000 in law school debt following graduation, 53% identify with a racial group other than white.
					\$100,000 in student loan debt upon graduating from law school. Of the students holding more than \$200,000 in law school debt following graduation, 53% identify with a racial group other than white. It is a fact of life for most law students that preparing for the bar exam is costly. Prep courses, widely accepted as a necessity, carry price tags upwards of \$1,000 even for low-end packages. Software required for the
					exam can cost up to \$200. Registration for the bar exam in Oregon carries a price tag of \$750. These monetary expenses come in addition to the costly time required for preparation. A typical bar exam study schedule runs for ten weeks beginning after graduation from law school. Students spend 8-10 hours per day, 6-7 days per week, studying 14 substantive law subjects while attending dozens of lectures, memorizing countless rul completing thousands of practice multiple choice questions and dozens of essay questions. For most students, this represents more work than a full time job. As a result, students adhering to most recommended study plans will be unable to hold a full time job. And because they have not yet passed the bar exam, they cannot perform legal work. The cost associated with bar preparation is substantial. The average starting salary for new attorneys in Oregon is \$72,049 per year. In ten weeks of bar prep, recent law school graduates on average lose out on \$13,855 in compensation they could have received had they been eligible for employment immediately after receiving their J.D. The impact of this lost income is compounded by the impending stress associated with the disproportionate student debt load carried by recent graduates from lower economic brackets.
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					programs demonstrate that the process of assessing and ensuring minimum competence in the legal profession need not be bound by tradition. The OEP and SSP alternatives address the two primary concerns identified by the Board: consumer protection and increased accessibility to and equity in the profession. Following tradition for tradition's sake does nothing to advance either of those concerns, and research over the years shows that the biases inherent in our traditional rite of passage in fact have a negative impact on accessibility and equity. Both the OEP and SSP sidestep the issue of racial bias in the bar exam inasmuch as an exam would no longer be required in either alternative pathway. The OEP and SSP pathways also avoid the economic biases inherent in the current exam-based pathway to licensing. The bulk of the OEP program proposed by the Board takes place during law school, culminating in a capstone portfolio that would presumably be reviewed for minimum competency prior to or shortly after graduation. The cost associated with the OEP program would be no more than the cost of tuition, and would allow new graduates to seek employment in the legal profession immediately upon graduation. The SSP pathway proposed by the Board allows recent law graduates to begin work immediately under the supervision of a licensed attorney. Like the OEP, this alleviates the financial concerns and constraints associated with the bar exam. This pathway presents some barriers to entry that are not present in the OEP. The Board recognizes that it may be difficult for an applicant to find an attorney who is willing to provide supervision for the entire period of 1000-1500 hours. The Board also recognizes that any sort of apprenticeship-type model, regardless of the profession, creates the potential for exploitation arising from the potential setbacks faced by the apprentice in leaving an otherwise untenable situation. The impact of these drawbacks is minor compared to the benefits associated with minimizing the racia
Comments (ATE)	Deborah Jones Merritt	merritt.52@osu.edu	https://moritzlaw.osu.edu/faculty/de	<u>k</u> 2021-07-04 09:21:06	the competence of new lawyers entering the profession. The Court should defer to their expertise and follow their recommendation for immediate adoption of both the OEP and SSP models as alternatives to the bar exam. This is an extraordinarily thoughtful and well reasoned proposal. I have studied licensing for many years and coauthored the "Building a Better Bar" study that the report cites. The licensing literature recognizes that the best tests of professional competence occur when candidates are assessed performing the actual work for which they will be licensed. This is the "gold standard" to which most licensing aspires. Reliance on written exams is a compromise that professional organizations adopt when they are unable to assess practice directly. This report proposes realistic, evidence-based pathways for achieving that gold standard in Oregon. The proposed pathways will protect the public as well or better than traditional exams, and will increase accessibility and equity in the profession. Some members of the Bar may worry that the proposed licensing avenues will be too costly. But advances in cognitive science (which make it possible to create reliable rubrics and train supervisors to provide more efficient assessments), changes in legal education, and the presence of technology make it possible to implement the proposed avenues in a reliable, cost-effective way. Written exams are the norm so we tend to forget their costs. Writing, pilot testing, administering, securing, and grading those exams, however, is quite expensive. The costs to candidates are particularly high given the type of preparation required. If Oregon adopts the proposed pathways, I think the state will quickly find that licensing through these pathways is as reliable and cost-effective as written testing. Most important, these pathways to licensure will significantly improve legal services to the people of Oregon. New lawyers want to serve their clients effectively. They are frustrated by the current exam process, not only
Comments (ATE)	Claudia Angelos, NYU Law	<u>claudia.angelos@nyu.edu</u>			I am a law professor at New York University School of Law, where I have taught in the clinical law program for more than thirty years. I am grateful for the opportunity to write in support of the recommendations of Oregon's Alternatives to the Bar Exam Task Force. Studying for and passing the traditional bar exam seems to me to be poor preparation for the practice of law. It is my experience as a teacher, lawyer, and supervisor that to depend on memory when analyzing a legal problem leads nowhere good. A closed-book approach to identifying and analyzing legal problems is quite the opposite of my own practice habits and the habits I demand of my students. It is also my experience that legal issues do not present themselves in life in the form of timed multiple-choice or packaged essay questions; asking aspiring lawyers to adopt this approach is inconsistent reinforcing the critical habits of inquiry, research, and reflection that lawyers should have. The students I teach have a knack for standardized tests. I suspect that merely by taking a bar prep course many of them could pass a written bar exam without going to law school at all. They are good at memorizing and at paper testing. What they need is to develop, in addition to the capacity to find and apply law and procedure, is judgment, lawyering skill, professionalism, and an awareness of the client, the context, and the options that a matter involves. We should not license lawyers who have not demonstrated minimum competence in these abilities. I hope that the Court will adopt both Task Force proposals but believe that adoption of the Oregon Experiential Pathway would be especially innovative. The development of an intentional curriculum in law and its practice in Standards require law graduates to take only six out of a minimum of 83 credits in the actual practice of law, amounting to a mere seven per cent of the curriculum. All other professions require that no fewer than one-third of a student's credits be in assessed actual professional practice prior to
Comments (ATE)		ekaufman@tourolaw.edu		2021-07-04 13:29:50	evaluated as competent and who join our profession fully prepared with its knowledge, skills, and values. 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 supported by the groundbreaking study – Building a Better Bar – that comprehensively assesses the competencies needed for practice. Although I am not an Oregon lawyer, my interest in the Task Force report reflects the fact that I have been researching and writing about lawyer licensing for several decades and participated in the Building a Better Bar project. I write to stress another advantage of the proposed alternatives: both will aid organizations and lawyers who serve under-represented individuals and communities. Many recent graduates are eager to join those organizations but must defer their work while they prepare for the bar exam. The proposed pathways will allow new lawyers to serve needy clients immediately, using their experiential education and/or supervised practice pathway is similar to a concept I have proposed for a Lawyers Justice Corps. https://urldefense.com/v3/ http://srsm.com/abstract=3852313 :!!!HoV-yHU! 4DAa6C8L9QAKZDnZC1vsaAk4q_UPUDATICizVqkPI-yizpaDoq4Dq6XFIMDoQpmIQ\$ I hope the Bar Examiners and any implementation committee will consider the ideas in that proposal, especially for expanding service to under-represented individuals or communities. If it would be helpful, I would be
Comments (ATE)	Ethan C. Snyder	<u>esnyder@lclark.edu</u>			I full support the alternative admissions pathways to the bar being proposed to the Oregon Supreme Court. The bar exam has long been an outdated and outmoded measure of competence for the practice of law. For those that currently are not sure where they stand on this issue, I invite you to watch 2L and 3L law students serving as Certified Law Students as Public Defenders and representing the State as prosecutors. These students have not passed the bar. Most have a first year curriculum in addition to Evidence and Professional Responsibility courses, while serving the vital needs of our communities under the supervision of practiced attorneys. Certified Law Students represent the state or defendants at the misdemeanor level in arraignments, pleas, bench trials, and jury trials. The bar did not prepare them. Experiential opportunities with clinics, externships, and moot court/mock trial prepared them. Supervision by legal mentors prepared them. And directed introductory courses prepared them. As a collective, we all need to take a hard look at what the bar exam is achieving, and, more importantly, what it is not achieving. Through the years, we have denied qualified candidates admission to the bar based on an exam that tests areas of law that a bar taker may practice one to two of in their career. We are not helping students that more and more are struggling balancing work while studying for the bar because they cannot afford to be unemployed for two months; are parents that cannot study for 6+ hours a day for two months while balancing their family obligations; and those with learning disabilities that otherwise would be fantastic lawyers. Just because this is how we have admitted law graduates to the bar for generations does not mean that we must continue to do so. Let's bring bar admissions into the 21st century. Let's promote equity and diversity in the Best, Ethan C. Snyder, J.D., M.P.P. Director, Academic Resources & Diversity Lewis & Clark Law School
Comments (ATE)	Alexandra	x assur@hotmail.com			In regards to Oregon literally lowering the bar for the bar exam, I think it is a ridiculous idea based on the ridiculous notion of so called equity. Lowering the exam requirement that has been part of history and tradition across the state for over 100 years because people of color do not seem to preform as well as white people is asinine. Everyone has an equal opportunity in this country to pursue their dream and the bar is administered equally to people of all races. It is on you if you don't do as well. I think we should leave well enough alone. Thank you.
Comments (ATE) Comments (ATE)	Logan Andrea A Curcio	loganmartinez93@yahoo.com	https://law.gsu.edu/profile/andrea-c	2021-07-05 14:04:45	Attorneys SHOULD NOT be admitted to the profession on the merits of coursework and practical experience. The Bar is what separates those who have the capacities to practice law from those who do not. The lack of any bar exam will ensure a noticeable decline in the quality of lawyers, as well as an increase in shoddy law practices. More minority lawyers will be disbarred due to their ineptitude if they are allowed in on their "merits." I write to strongly support the Alternative to the Exam Task Force recommendations of adding an experiential pathway and supervised practice pathway in Oregon. Both pathways protect the public at least as well, and probably much better, then the UBE pathway. Lawyers need to know how to research, investigate, and analyze client problems in a universe of ever-changing and developing facts and real-world ethical problems. Both the Experiential and Supervised Practice provide opportunities for the development and assessment of these skills. Both pathways have appropriate checks and balances to ensure adequate supervision and that the Board of Bar Examiners, through assessment of a portfolio, is the final arbiter of whether an applicant possesses the skills necessary to be deemed minimally competent. The Task Force's recommendation is a forward-thinking plan that not only protects the public, but also addresses some of the troubling equity issues that exist with the current paper and pencil exam. To put this comment in context, I was a top-of-my-class law graduate who had no idea how to represent clients after passing the bar exam. I worked as a small firm litigator for six years and would have been a much better lawyer, much sooner, if I had had the opportunity to be licensed under either of these pathways. I also am a law professor who has spent over twenty years researching and writing about legal pedagogy, assessment and law licensure. The Task Force report is an outstanding example of taking the latest scholarship and on-the-ground-work being done elsewhere and creating a model th
Comments (ATE) Comments (ATE)	Robert B. Rocklin D. Rockey Goodell	rrocklin@uoregon.edu RGoodell3@gmail.com		2021-07-05 15:33:22	As a former vice-chair of the BBX and a former instructor of for-credit law school courses for bar preparation, I support the recommendations of the ATE Task Force. The recommended paths to practice appropriately address the twin goals of equity and consumer protection. The two recommended paths will improve access to practice, especially by underrepresented groups, without sacrificing the need to ensure that those who are admitted to practice in Oregon are competent providers of legal services. I commend the members of the ATE Task Force for their hard work. To Whom it May Concern:
Comments (ATE)	Nancy Campbell, Senior Judge	nm3567@msn.com		2021-07-06 07:26:47	On June 23, 2021, The Oregon Board of Bar Learnings ("EKX) to waited these propasals to the Court which are expected to be placed on the Court built mediancy and the Court built mediancy including and the court built of th
Comments (ATE)	Carol I. Chomsky	choms001@umn.edu	https://www.law.umn.edu/profiles/ca		toll on my family (I was a single parent of 3 young children) both emotionally and financially, and for what? To show I had the ability to pass a test. I know several people who did not pass the test the first time who turned out to be outstanding lawyers. As a Circuit Court Judge for many years I had the opportunity to observe the competence of the lawyers who appeared before me; most were at least minimally competent, and I know that it took several of them two or three attempts to pass the bar exam. Oregon has three excellent law schools. Students who graduate from these schools have already passed two hurdles: being accepted for admission to an Oregon law school, and getting through three or four years of rigorous study. These two hurdles are far better determinants of competence than the bar exam. An additional consideration that should be considered is that students of color have a lower passage rate than white students. I strongly doubt that these students are less competent. Providing alternatives to passing an exam to show competence is a huge step to providing equitable admission to the Oregon State Bar.
					opportunity to write in support of these recommendations. The Alternatives to the Bar Exam report offers an evidence-based and realistic proposal to add two robust pathways for applicants to demonstrate minimum competence. It maintains the opportunity for applicants to obtain a transportable license by taking the UBE while creating alternatives that are likely to assess minimum competence more effectively than the traditional bar exam. Both alternative pathways – supervised practice and following a portfolio-based experiential curriculum – will assess applicants actually doing the work of attorneys rather than assessing only the ability of applicants to memorize a host of black letter legal rules and apply them to manufactured hypothetical situations in unrealistically time-compressed circumstances. The Task Force set its goals as supporting both consumer protection and equity, and the proposal it recommends respects both. The public will be better protected by licensing those who have demonstrated competence in a full range of lawyering skills and the ability to apply knowledge to the real problems of clients. And adding experiential-based licensing will begin to respond to the disparate impact of the current bar exam, recently documented by an Access/Lex report on bar examination outcomes. The Task Force report offers an exceptionally well considered and detailed plan, and I encourage the Court to adopt both pathways it recommends. This is an opportunity for the Court to play an important leadership role to develop attorney licensing to reflect the needs of the public and the realities of the legal profession. It would also bring our profession into better alignment with the licensing practices of other professions, which demand substantially more demonstration of practice experience and ability than assessed by the traditional bar examination.
	Elizabeth Fithian-Barrett	lisa.fithianbarrett@gmail.com			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 lead to performance problems that often damage the interests of clients and the public. One need only review the Discipline section in the Bar Bulletin to see evidence of this. Both alternative models proposed by the ATE recommendations require the applicant for admission to demonstrate not just knowledge of the law but the ability to actually practice law in competent manner. These alternatives will also facilitate admission to a broader and more diverse group of lawyers which, in my view, will greatly enhance the quality of our Bar.
Comments (ATE)	Daniel B. Rodriguez	<u>daniel.rodriguez@law.northwesterr</u>	<u>n.edu</u>		To Justices of the Oregon Supreme Court and to whom it may concern: Thank you for the Oregon Supreme Court and to whom it may concern: Thank you for the Oregon Supreme Court and to whom it may concern: Thank you for the Oregon Supreme Court and to whom it may concern: Thank you for the Oregon Supreme Court and to whom it may concern: Thank you for the oregon Supreme Court and to whom it may concern: Thank you for the oregon Supreme Court and to whom it may concern: Thank you for the oregon Supreme Court and the OSB Task Force Report. By way of context, I am an experienced law teacher, currently the Harold Washington Professor at the Northwestern University Pritzker School of Law. I served as dean at Northwestern There 2012: 18, and before that I held faculty poles, I have served as president of the Ass'n of American Law Schools, the chair of the ABA Center for Innovation, and a council member of the American Law Institute. I have long been involved deeply and broadly in professional activities, including those related to licensure and legal services reform. I very much commend the Task Force and all of those whose engagement in this important matter has brought this report and set of recommendations before the Court. These proposals represent meaningful and constructive responses to the difficulties faced by law students in the 21st century and, to use the vernacular of the report, these pathways represent real progress. Nonetheless, I write to expression can about the recommendations that limit explicitly one key pathway to Students of Oregon haw schools. There report is a addid in expressing its view that one key benefit of the OEP is as a "durable recruiting strategy" for Oregon law schools. With respect, this should not be agoal Oregon bar, or the supreme court. To be sure, Wisconsin has a longstanding diploma privilege which accords special benefits to the volaw schools in the state. However, there are many (myself included) who view this scheme as of diviluous constitutional validity. The do

					Therefore, while I strongly endorse the direction of the Task Force's recommendations and applaud the good work for all who have been deeply involved in this process, I respectfully urge the Court to reconsider the restrictions of the OEP pathway to graduates of Oregon law schools. The rationale for such a restriction is unjustified, is possibly unconstitutional, and is not good optics for this Court, for the Oregon bar, and for those Oregon law school leaders who have been working on this Task Force and who will be associated closely with its final product. Sincerely,
					Dan Rodriguez Harold Washington Professor and Dean Emeritus Northwestern University Pritzker School of Law (for identification purposes only).
Comments (ATE)	Jennifer Clingo	jennclingo@gmail.com	http://clingolaw.com	2021-07-06 10:28:31	As a 20-year practicing attorney from CA, who was recently admitted to Oregon, I am opposed to the alternatives to exam as a pathway to practicing law in Oregon. California has addressed this issue with non-ABA law schools, and the result has been thousands of unqualified lawyers practicing in the state without the requisite legal background. Like this Oregon proposal, California attorneys recently weighed in on a reduced path to practicing law and there was a clear opposition from licensed attorneys. I practice in civil rights/ employment law, an area that can be rather complicated, especially with the statute of limitations and a constantly changing body of case law and statutory authority. We have noticed that reduced admission requirements could result in many individuals' rights being waived and substantial harm to our potential clients. I am all for broadening the bar and inclusivity, but not at the expense of proper legal representation. A proper law school experience (i.e. ABA accredited) with the passing of the bar exam has demonstrated for decades a basic level of competency needed to support the community. I fear that removal of those fundamental requirements will cause more harm than potential good. I appreciate your consideration.
Comments (ATE)	Logan Cornett	logan.cornett@du.edu	http://iaals.du.edu		Comment in Support of the Alternatives to the Exam Task Force's Recommendations We write on behalf of IAALS, the Institute for the Advancement of the American Legal System at the University of Denver (FN1), in response to the Oregon Supreme Court's request for public comment on the recent report Recommendation of the Alternatives to the Exam Task Force to the Oregon Supreme Court's request for public comment on the recent report Recommendations Report to the orter the legal profession. The legal profession are attained the minimum competence consists of and what the bar exam of the bar exam of the point to its role as a consume protection mechanism: they claims in the consumers will be at risk of harm from incompetent legal representation if lawyers are not required to demonstrate that they have attained the minimum competence consists of and what the bar exam of the legal profession. The legal profession remains one of the least diverse professions in the country: according to the ABA, in 2021, only 5% of the national lawyer population are Black and only 5% are Hispanic (FN2). We also know that Black, Hispanic, and other minimized groups, the exam presents barriers for any low-income would-be lawyers. While the bar exam for diversity, we can be certain it is a contributing factor. In addition to the bar exam for the means to spend thousands on bar prep courses and study for months without an income have a distinct and underiable advantage. Despite the class of the bar exam. In other words, those with the means to spend thousands on bar prep courses and study for months without an income have a distinct and underiable advantage. Despite the class of the bar exam. In Other words, those with the means to spend thousands on bar prep courses and study for months without an income have a distinct and underiable advantage. Despite the class of the bar exam. To rothes reasm. To these reasons, we support the means to spend thousands on bar admission that accurately and adquately assesses a bar canditate's mastery of th
Comments (ATE)	Tiffany	tiffanylouisehumphrey@gmail.com		2021-07-06 11:32:41	experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions so as to achieve impact. FN2: ABA National Lawyer Population Survey, A. B. A., <u>https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf</u> (last visited July 5, 2021). FN3: See, e.g., Joan Howarth, The Professional Responsibility Case for Valid and Nondiscirminatory Bar Exams, THE GEORGETOWN J. OF L. ETHICS 33, 931-67, at 952-55 (2020). <u>https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2020/08/GT-GJLE200047.pdf</u> I believe the Bar is an important aspect of becoming an attorney. The bar sorts out those individuals that are willing to put in the time, work and dedication. Those that are not willing to work hard and dedicate time will simply not make good attorney and are a risk to our profession. Being an attorney is hard work and requires giving up a lot of time. It is very stressful job and not everyone is cut out for intense stress. The bar exam also helps determine which people can handle stress. If they think law
					school or studying for the bar is stressful then they are in for an awakening of what stress really is when they practice. Without the bar exam I fear for our professional reputation as well as our insurance. I feel there will be a lot more claims with the PLF. Please keep the bar exam.
Comments (ATE)	Jordan Furlong	jordan@law21.ca	http://law21.ca		Good affermation. Normality loss Development Plansback and the strong interest in lawyer formation, locersing, and competence. (My work and writings can be found at <u>http://uz21.cag</u>). Have read the report of the task force on affermatives to the Oregon bar owar, and I think it is not only an excellent document, but also groundbracking and competence for the Law Society of Aberta, which was approved in its initially last Documents. (But additional bar of the competence for the Law Society of Aberta, which was approved in its initially last Documents.) The logal world for Aberta, which was approved in the initially last Documents. (But additional bar of the competence for the Law Society of Aberta, which was approved in the initial bar of the laws Society of Aberta, which was approved in the initial bar of the laws Society of Aberta, which was approved in the initial bar of the laws Society of Aberta, which was approved in the initial bar of adiabackies. (Both Society 1) and the laws and Education and the aberta and Initial adiabackies.) Losieve the report presentation is approved to lawyer development in North America is outdited and indequate. Losieve this report represents an unproceedened opportunity to begin changing that state of adiabackies. (Both Society in competence, between the advecting to be the state of adiabackies.) The is exactly the emergy that the laws and line and anneas is which a state of adiabackies. (Both Society in competence, between the advecting is the task force in a diversity of the task of the task force in a diversity of the task force in a dinforce advection task force in a diversity of the t
Comments (ATE)	Jacqueline Alarcon	jlalarcon@yatesfamilylaw.com	https://oregonwomenlawyers.org/	2021-07-06 14:22:16	as random, as 1,000-1 500 hours. There is no inquiry into 'how many hours are actually needed' for an effective SPP. Studies should be made to determine how much supervised practice is enough for licensure, and the results should be used to build new systems like the SPP. 15. The report also recommends that SPP candidates record these hours in six-minute increments thereby imitating one of the ugliest aspects of law firms' working conditions, and placing itself at odds with the rise of fixed-fee retainers in law (especially for straightforward legal matters). The six-minute requirement is motivated by a commendable desire to free SPP candidates from the dangers of being tethered to a single employer and to allow them to "get their hours" from multiple workplaces. There is merit to that. But "six minutes" is an archaic measure we should be abandoning with all haste, not embracing as part of systemic reform. 16. One further point here: The report correctly characterizes the 9-to-12-month Canadian articling period as onerous. But at p. 21, the report goes on to suggest that 1,000-1,500 hours of supervised practice for the SPP would in fact translate to 9 to 12 months of full-time practice. It also concedes (on p. 22) that some of the work of SPP students will be unpaid or low-paid, a serious problem we are grappling with here in Canada. In effect, the task force's SPP proposal basically is' the Canadian articling system, warts and all. We are attempting to reform this very system as we speak. 17. At this point, I would be remiss if I failed to mention the Commons Law Center in Portland, Oregon, a non-profit law firm that offers sliding-scale and unbundled legal services, practical training for new lawyers, and community legal education. (<u>https://thecommonslawcenter.org/</u>) I was a little surprised that the CLC didn't come up in the report, as it represents exactly the kind of hybrid training-and-practising opportunity that the SPP are significant. But those mechanisms can be adjusted. I would not want these
Comments (ATE)	Rachel Kosmal McCart	rachel@equinelegalsolutions.com		2021-07-06 14:57:28	Supervised Practice Pathway program (SPP), should be actively considered as an alternative pathway to obtain a license to practice law in the State of Oregon. Jacqueline L. Alarcon (President of OWLS) My main concern with adding not just one, but two new admission programs is the added expense that would be passed on to existing and future bar members. The report doesn't contain any dollar estimate of what these two new programs will cost to establish and then administer on an ongoing basis, but it does note that there will be costs, and that the bar will be bearing at least some of them. Those costs seem likely to include hiring
Comments (ATE)	John Parry	parry@lclark.edu			Two new programs will cost to establish and then administer on an ongoing basis, but it does note that there will be costs, and that the bar will be bearing at least some of them. Those costs seem likely to include niring new staff members to design and administer the programs, and staffing is expensive. 2021 Oregon bar dues were already higher than the three other states where I practice: 31% more than Washington, 33% more than California and 65% more than New York. Adding two complex new programs to the Oregon bar's existing large roster of administrative programs seems very likely to result in a substantial increase in bar dues. Practicing law in Oregon is already expensive - at a minimum, active bar members must pay their annual bar dues, their PLF assessment (which increased in 2021) and the cost of their own continuing education (which is rather expensive, particularly the required courses specific to Oregon). Do we want to make Oregon an even more expensive place to practice law? That seems likely to reduce the overall number of practicing lawyers in Oregon and increase the rates that Oregon lawyers will charge their clients, results that seem to undercut the hoped-for diversity and inclusion from these new programs. Finally, many lawyers are continuing to struggle with the economic impacts of COVID-19 on their practices and their family finances (not to mention the impacts of the 2021 wildfires), so the timing of added expenses could not be worse. Respectfully, Rachel Kosmal McCart I am writing to express some concerns about the Alternatives to the Bar Exam Task Force Report. My comments are directed exclusively to the Experiential Pathway Program. I do not object to the Supervised Practice
					Pathway proposal: In addition, I was a member of the Standard Setting Task Force and Hully support the task force's unarinous proposal to set the fair exam of some all ZPU write these comments solely in my capacity as in the probability of the Standard Setting Task Force's unarinous proposal to the task core all ZPU write these comments solely in my capacity as in the proposal task task and the set in the same of t