

Meagan A. Flynn
Justice



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OREGON SUPREME COURT

Troy Wood
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Dear Board of Bar Examiners, members of the Alternatives to the Exam Task Force, Ms. Perini-Abbott and Mr. Wood:

As you know, this Court granted a diploma privilege to certain law students as a result of the unusual circumstances that we all newly faced with the advent of Covid-19. After we did so, we asked the BBX to convene a task force to consider a more permanent diploma privilege or other alternatives to the Bar examination that would ensure the public that a law school graduate has the knowledge and skill necessary to practice law in Oregon. We asked that a task force be formed and that the work be completed on an expedited basis. The Court formally received the requested report at the July 7, 2021, public meeting. We are grateful for the tremendous work of the task force on researching and evaluating the advantages of various alternative paths for confirming that a law school graduate has the ability to competently practice law.

The Court has asked that public comments on the proposal be submitted to the Oregon State Bar by August 23, 2021. Public comment is an important component of the process because the alternatives that the task force has proposed would result in significant changes in the way that legal competence is measured, and it will be important to consult more broadly and answer questions or consider suggestions that may be raised before finalizing and further developing one or more proposals to submit to this Court for decision about whether and how to proceed.

Before discharging members of the current task force, the Court wishes to draw on the knowledge and expertise that they have already acquired to better assess and address the public comments. The Court requests that the task force review the public comments that have been submitted by the August 23, 2021, deadline, consider the additional questions set out below, and then provide the Court with a supplement to the June 25, 2021, Task Force Report. Drawing primarily on information that the task force has already acquired, please use the supplemental report to provide any additional explanation for the recommendations made in the original report

and any additional information that will help the Court evaluate the various concerns that have been raised by the public comments as well as by the questions set out below. The Court would like to receive the supplemental report by December 1, 2021.

The Court anticipates that the requested supplemental report will be the final request that the Court makes of the currently comprised task force. The Court understands that members of the current task force may have different demands on their time going forward and that, if adopted, the next stage that the task force has recommended -- developing detailed proposals for what alternative measures of competency could look like -- would be sufficiently distinct that there could be a benefit in identifying participants from the broader legal community to engage in that effort.

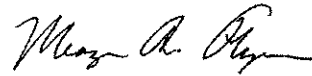
QUESTIONS FOR CONSIDERATION IN SUPPLEMENTAL REPORT

The following list of additional questions does not in any way suggest how the Court as a whole is thinking about the task force's recommendations. Thank you for your willingness to take on this important project.

1. As contemplated by the Task Force, to what extent would the proposed alternative pathways measure aspects of legal competency that are the same as or different from those that you understand to be measured by the UBE?
2. There appears to be some public perception that the alternative pathways would measure a different (and maybe more relevant) kind of competence to practice law than does successful performance on the UBE. To the extent that a comprehensive bar exam like the UBE is viewed as a measure of academic/analytical/critical-thinking competency, is it accurate to view the proposed alternative pathways as measuring different aspects of legal competency? Did your investigation reveal any complementary measures that could be used in conjunction with an alternative pathway to reassure the public that new attorneys possess the type of legal competency that a bar exam is perceived as testing?
3. Based on the jurisdictions that have offered some form of alternative pathway to licensing of law school graduates, what benefits or hoped-for benefits have others identified in creating those non-exam pathways to licensure?
4. Have there been any studies or assessments of whether those jurisdictions that have offered some form of alternative pathway to licensing of law school graduates have realized the hoped-for benefits?

5. Have any jurisdictions used alternative pathways to licensing as a way to address the need for lawyers to serve underrepresented communities and populations?

Sincerely,

A handwritten signature in black ink, appearing to read "Meagan A. Flynn". The signature is written in a cursive style with a prominent flourish at the end.

Meagan A. Flynn
Oregon Supreme Court Justice