

Meeting of the Alternatives to the Exam Task Force
Oregon State Board of Bar Examiners
May 21, 2021
Zoom Meeting – Invites are sent via Outlook Calendar
Open Session Agenda

Friday, May 21, 2021, 1:30 p.m.

1. Call to Order/Finalization of Agenda.

A. Roll of Attendees.

2. Consent Agenda.

A. Approve Minutes from February 19, 2021

Exhibit 1

David Wade moved the minutes be approved and Maya Crawford seconded the motion.

3. Subcommittee Reports.

Chair Joanna Perini-Abbot commended the group's accomplishments. She asked that members keep an open mind in developing an Oregon model or models. Possibly consider combining components from the various models. Maintaining the exam, plus these other pathways to bar membership, minimize equity concerns. The various models will complement each other. Ms. Perini-Abbot asked each subcommittee to present their recommendation.

A. School Portfolio Alternative Subcommittee.

Exhibit 2

Subcommittee chair Tony Rosilez thanked his team, which focused on an Oregon Experiential Program to establish competency. This model would consist of a two-year program with strong feedback on skills and performance. A BBX member dedicated to the program would periodically assess student progress. The benefits in this model is it provides entry-level skills, so graduates are immediately employable. This will provide lawyers to fill the legal services gap, particularly lawyers from diverse backgrounds. This model will require law schools to shift their curriculum to practice skills rather than on bar exam passage.

A drawback to this model is that it is a resource-intensive program, requiring active lawyers to volunteer to support the program. Law schools will need to alter their curriculums and set rubrics at the beginning of the program. School admission standards would need to change to consider qualifications other than the LSAT score. This option could be one of several options proposed to the court or standalone.

Dean Gallini confirmed time would be needed to allow law schools to implement curriculum changes. This model supports diversity in both law school admission and in the practice of law.

Dean Davis agreed with Dean Gallini that needed curriculum changes are possible, and would not require major revisions by the law schools.

Ms. Campbell asked if this model will be offered by all three law schools, or would the program begin with one school.

Dr. Rosilez replied that two law schools were represented on the subcommittee, and both expressed interest in the program.

Dean Ivanoff stated that this option is attainable by all three Oregon law schools, and supports individuals that will stay in Oregon to practice law. Because this model has been in use elsewhere for several years, evaluations are available that confirm the success of this program.

Ms. Crawford asked how many people could participate in this program; the New Hampshire model participants were limited because New Hampshire has fewer bar examiners.

Mr. Wade reported that he expects this program will be available to as many individuals who are interested. Attorney volunteers needed to sustain the program can be recruited through the existing attorney-mentoring program.

B. Apprentice Practice Alternatives Subcommittee.

Exhibit 3

Ms. Crawford reported for this subcommittee, which looked at programs from other states and Canada using an apprentice-practice model. This model can be combined with the OEP and would be available to out-of-state law school graduates, rather than only those from Oregon law schools. There would be no time limit on when a J.D. was obtained, and the bar passage rate of their law school would not be considered in order to qualify for the program. The program would be between nine and twelve months program length. The Canadian model has a matriculating model, but such a component hinders diversity because persons that are more affluent might have access to better mentors. A certain amount of supervised work time would be required, which could be done while in law school, after law school, or a mix.

Mr. Wade agreed this is good for those individuals from outside Oregon. He questioned whether supervisors would pay the apprentice.

Kendra Matthews explained that the program participants would be paid, as they are performing supervised legal work, like certified law students.

Ms. Crawford said the group discussed whether pro bono work would count, but discarded the idea due to possible pressure on non-profits to unexpectedly train and supervise program participants.

Ms. Matthews pointed out that Utah was able to identify six nonprofits who were willing to take on program participants with some upfront planning.

Dean Davis reports that she oversees externship programs with similar program requirements involving 80 – 100 students at any given time. These programs do vary in quality and time, but administration and record keeping is a huge task.

Ms. Campbell suggested that perhaps the program could be entered during the third year of law school, and therefore some costs of administration would be included in law school tuition

Justice Meagan Flynn considered whether the responsibility for administering some of the portfolio requirements could be placed on participants in order to reduce some of the burden of administration.

C. Curriculum Alternative Subcommittee.

Exhibit 4

Dean Davis reported on this, which is the well-established Wisconsin model, which combines curriculum requirements with diploma privilege. A curriculum model hybrid, it requires completion of specific courses including lawyering courses, as well as an experiential component. This model can readily be combined with other models.

Ms. Perini-Abbott expressed concern that if someone comes back several years out of law school the required curriculum might not be available, through either the law schools or the bar.

Dean Ivanoff suggested this model could be combined with the OEP, with required coursework. Perhaps require a higher number of course credits before admission along with externships, skill development or experiential courses. The goal is minimum competency. This model would require some BBX oversight.

4. Discuss Possible Oregon Model

Dean Gallini said he supports a strong BBX - law schools collaboration to develop the curriculum and the basic program frameworks that all three law schools will adopt.

Justice Flynn thought the OEP might take as much as two years or more to be implemented. Creating the curriculum and program framework will mean a built-in lag time.

Mr. Wade said it is important that this group sell these alternatives to bar members and ensure the ongoing support and involvement of the BBX.

Peter Sabido pointed out that the NH model already includes Wisconsin model, with certain courses required to be completed. To offer alternatives to the widest range of individuals both, **the OEP and the supervised model should be recommended**, as the OEP focuses on Oregonians, with the supervised practice model available to those coming from out of state.

Mr. Wade moved to recommend two models to the Court, the School Portfolio Alternative (OEP) model and the Supervised Practice Alternative. Dr. Rosilez seconded.

Justice Flynn opposed, opining that the supervisory model needs more details before a decision could be made.

5. Drafting Committee.

A Drafting Committee was selected, comprised of Joanna Perini-Abbott, Madeline Campbell, David Wade, Kendra Matthews and Brian Gallini.

6. Next Steps

- A. Deadline for final Report(s) is June 19, 2021 so BBX can review and comment
- B. Schedule Meeting via Doodle for final review (Week of June 19, 2021)

7. Adjourn