

## The California State Bar Task Force on Admission Regulation Reform

Notes

June 11, 2012

The Task Force is only an advisory body and has no regulatory authority. Goal is to provide a recommendation to the State Supreme Court regarding a pre-admission practical skills requirement within one year. This meeting was intended to be a broad overview.

The task force will meet every six weeks and will alternate between Los Angeles and San Francisco. Goal of the next meeting is to begin focusing on the details of some of the mentioned practical skills.

Topics task force members would like to continue to discuss: The Washington Model, Where are students going-should the focus be solo practitioners, the use of technology for solo practitioners, California setting its own model, and possibility of having current attorneys provide the practical skills.

### Panel 1: Overview of Other Jurisdictions

- Panelists: Elizabeth Wright (Utah), Malcolm Cher (UK), Joe Dunn (Canada), & Paula Littlewood (Washington)
- Utah: New Lawyer Training Program (Mentoring program)
  - Problems trying to address: lack of practical skills, professionalism, lawyers leaving. Goal is to decrease Bar complaints.
  - Mentoring program similar to Georgia's and Delaware's. Only 2 law schools in Utah and both Deans involved in the process.
  - A mandatory 1 year mentoring program with an attorney with 7 years or more of practice. Mentor and Mentee get 12 CLE. Mentor gets trained. Required to report twice during the year and both must meet monthly. Cost to the mentee is \$300, which is not enough to run the program.
  - Program is helping those who are unemployed and decide to open their own office.
  - Total cost of the program is 90,000 a year but Utah has a much smaller bar.
- UK
  - Articling program: Required areas of on the field training before becoming an attorney: advocacy & oral, case & transactional management, client care & practice support, communication skills (focusing on diversity), dispute resolution, and legal research.
- Canada
  - Had an Articling program but it was evaluated and 5 proposals were made which are currently going through public comment. The 5 proposals are: status quo (probably won't happen), status quo with quality assurance (measuring performance), moving program to post admission, practical training course.
- Washington (35,000 member bar; 1,400 added every year)

- Had several recommendation proposed but chose to adopt only one, a 4-hour pre-admission requirement. It is a 4 hour orientation on civility and professionalism, no CLE credit is given, it is free, offered on-line, and collaborated with local county bars.
  - Reason for only implementing this recommendation was because of the high cost of the other proposed programs.
  - Considered idea of mandatory mentoring but thought it wouldn't work because Washington has a large bar, cost, and it should be left to local bars.

#### Panel 2: Overview of Other Professions

- Panelists: Dr. Cassidy (Medical), Mr. Macias (CPA), & Joe Dunn (architects)
- CPAs: trying to maintain a national standard. For licensing in the past required degree, e years of working w/ a licensed CPA, and 500 hours of assurance work. Will now require more units (almost enough for a Masters degree) 10 of those units being for ethics but only 1 year of working with a licensed CPA. Will bring to national standard, CA last to adopt because of concern of minorities affording more schooling.
- Doctors: 25 hours of continued medical education every year. There is a national residency database so that all doctors are placed. To an extent the number of medical school seats is regulated nationally.
- Architects: required a total of 5,600 hours of experience, 3,400 in 4 core areas.
- Dunn: Note that all licensed professional in CA except Law require practical skills training. Why is the law different?

#### Panel 3: Overview of Viewpoints

- Panelists: Associate Dean Jean Boylan (Loyola), Dean Lawrence Marshall (Stanford) & Dean Steven Smith (Cal Western)
- Boylan: The greater the exposure the better but it is already being done by law schools. Type of practicum sometimes depends on the type of law. Most students self-elect for practicum courses or externships, the increase in demand is coming from the students and firms. Cautions against a one size fits all approach. Also should not make field placement a requirement for their last year.
- Marshall: Practical skills is happening organically at the law school level. Each law school is wanting to know what the other is doing. Warns against push from the outside, don't want task force to thwart what is happening organically thus creating a ceiling. Concern that setting a requirement will restrict growth. Should be a cooperation between the law schools.
- Smith: Task Force should consult the law school council. Legal education has already changed drastically except for first year of law school. ABA accreditation has high standards of regulation for outside education (Standards 305). Can't cram more requirements into 3 years of law school without sacrificing something else and increasing tuition. First question should be "what are we trying to do" and do a cost benefit analysis.