

AGENDA ITEM

III A. JUNE 11 13 Task Force on Admissions Regulation Reform

DATE: June 11, 2013

TO: Members, Task Force on Admissions Regulation Reform

FROM: Staff

SUBJECT: Receipt of Final Phase I Proposals For a Competency Skills Training Requirement and Recommendation to the Board of Trustees to Send out For Public Comment

EXECUTIVE SUMMARY

In February, 2012, the Board of Trustees approved the appointment of the Task Force on Admissions Regulation Reform (“Task Force”). The Phase I charge of the Task Force was to examine whether the State Bar should develop a regulatory requirement for a pre-admission competency skills training program, and if so, propose such a program to the Supreme Court. (**Attachments 1 and 2**)

BACKGROUND

Since June, 2012, the Task Force has held 8 public hearings in the State Bar’s Los Angeles and San Francisco offices where it heard testimony from practitioners, legal academics, judges, clients, other state bar associations and members of the public. The Task Force also considered an extensive body of research and literature on the topic of law practice competency skills training for new lawyers that goes back decades and that has repeatedly addressed the same set of questions considered by the Task Force. (**Attachment 3**)

ISSUE

Should the State Bar develop a regulatory requirement for a pre-admission competency skills training program?

CONCLUSION

Yes.

DISCUSSION

“The importance of providing new lawyers with opportunities to develop competency skills has been driven, in large part, by the rapidly changing landscape of the legal profession, where, due to the economic climate and client demands for trained and sophisticated practitioners fresh out of law school, fewer and fewer opportunities are available for new lawyers to gain structured competency skills training early in their careers. Many new lawyers, in fact, are now entering the profession as solo practitioners, without the solid foundation necessary to represent clients in a competent manner and with nowhere to turn to build that foundation.

From the standpoint of regulatory policy, this situation presents serious issues of public protection that cannot be ignored. The record that we have compiled and examined confirms the importance and urgency of a thoughtful policy response.

... we now answer the charge given to us in the affirmative: In our view, a new set of training requirements focusing on competency and professionalism should be adopted in California in order to better prepare new lawyers for successful transition into law practice, and many of these new requirements ought to take effect pre-admission, prior to the granting of a law license.” (**Attachment 4** – Final Phase I Report, Task Force on Admissions Regulation Reform, June 11, 2013)

FISCAL / PERSONNEL IMPACT:

To be determined.

RULE AMENDMENTS:

To be determined.

BOARD BOOK IMPACT:

None.

RECOMMENDATIONS

The Task Force on Admissions Regulation Reform receives the attached Final Phase I Report which recommends the following three practical skills training requirements:

Pre-admission: A competency skills training requirement fulfilled prior to admission to practice. There would be two routes for fulfillment of this pre-admission competency skills training requirement: (a) at any time in law school, a candidate for admission must have taken at least 15 units of course work that is designed to develop law practice competencies, and (b) in lieu of some or all of the 15 units of

course work, a candidate for admission may opt to participate in a Bar-approved externship, clerkship or apprenticeship at any time during or following completion of law school.

Pre-admission or post-admission: An additional competency skills training requirement, fulfilled either at the pre- or post- admission stage, where 50 hours of legal services is specifically devoted to pro bono or modest means clients. Credit towards those hours would be available for “in-the-field” experience under the supervision and guidance of a licensed practitioner or a judicial officer; and,

Post-admission: 10 additional hours of Mandatory Continuing Legal Education (“MCLE”) courses for new lawyers, over and above the required MCLE hours for all active members of the Bar, specifically focused on law practice competency skills training. Alternatively, credit towards these hours would be available for participation in mentoring programs.

PROPOSED TASK FORCE RESOLUTIONS:

Should the Task Force on Admissions Regulation Reform agree with the above recommendations, the following resolution would be appropriate:

RESOLVED, that the Task Force on Admissions Regulation Reform receives and refers the Final Phase I Report to the Board Committee on Regulation, Admissions and Discipline Oversight; and it is

FURTHER RESOLVED, that the Task Force on Admissions Regulation Reform recommends that the Board Committee on Regulation, Admissions and Discipline Oversight send the Final Phase I Report out for public comment.

Attachments:

1. Board Operations/Board of Trustees Agenda Item, February 10, 2012
2. Roster of the Task Force on Admissions Regulation Reform
3. Task Force Mission Statement and Workplan, approved by the Board of Trustees April 9, 2012
4. Final Phase I Report, Task Force on Admissions Regulation Reform, June 11, 2013