

AGENDA ITEM

II A. JULY 18 2013

DATE: July 18, 2013

TO: Members, Regulation, Admissions & Discipline Oversight Committee

FROM: Chair, Task Force on Admissions Regulation Reform

SUBJECT: Request For Release For Public Comment - Task Force on Admissions Regulation Reform: Phase I Final Report

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 training program, and if so, propose such a program to the Supreme Court. (**Attachments 1 and 2.**) The Task Force finalized its Phase I Final Report on June 24, 2013. Questions related to this item and requests for the record and transcripts should be directed to Teri Greenman at teri.greenman@calbar.ca.gov.

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.**) On June 24, 2013, the Task Force finalized its Phase I Final Report.¹

ISSUE

Should the Regulation, Admissions and Discipline Oversight Committee authorize 45 days of public comment on the Task Force Phase I Final Report?

¹ The June 24, 2013 Phase I Final Report was also noticed on the June 29, 2013 Committee of Bar Examiners agenda.

CONCLUSION

Yes.

DISCUSSION

Below is an excerpt which summarizes the findings and proposed recommendations from pages 1-2 of the Phase I Final Report:

“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 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.

...Our proposed recommendations, in brief overview, are as follows:

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

(**Attachment 4** –Task Force on Admissions Regulation Reform: Phase I Final Report June 24, 2013 (as approved 6/11/13))

FISCAL / PERSONNEL IMPACT:

To be determined.

RULE AMENDMENTS:

To be determined.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

It is recommended that the Regulation, Admissions and Discipline Oversight Committee authorize 45 days of public comment on the Task Force on Admissions Regulation Reform’s Phase I Final Report.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Regulation, Admissions & Discipline Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions & Discipline Oversight Committee authorizes staff to make available, for a public comment period of 45 days, the Task Force on Admissions Regulation Reform’s Phase I Final Report in the form attached; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.

Attachments:

1. February 10, 2012 Board Operations/Board of Trustees Agenda Item Memo #113 (dated January 24, 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. Task Force on Admissions Regulation Reform: Phase I Final Report, June 24, 2013 (as approved 6/11/13)