

AGENDA ITEM

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DATE: October 12, 2013

TO: Members, Board of Trustees

FROM: Joseph Dunn

SUBJECT: Task Force on Admissions Regulation Reform Phase I Final Proposals – Authorize Creation of Implementation Committee

EXECUTIVE SUMMARY

Subject to the Board of Trustees' adoption of the final recommendations of the Task Force on Admissions Regulation Reform, staff seeks the board's authorization to create a special committee ("Implementation Committee") to develop an implementation plan. It is further recommended that the proposed committee be chaired by Jon Streeter, Chair, Task Force on Admissions Regulation Reform.

BACKGROUND

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. The Task Force concluded that:

“...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.¹

On July 18, 2013, the Board Committee on Regulation, Admissions & Discipline Oversight Committee approved a 45-day public comment period for the Task Force Phase I Final Report and Recommendations, which closed on September 5, 2013. The recommendations were presented for final adoption at the October 12, 2013 Board Operations Committee and Board of Trustees meetings.

¹ [Task Force Phase I Final Report](#) at 1.

Subject to the board's adoption of these recommendations, the next step in the process would be to develop an implementation plan.

DISCUSSION

Authorization of any Ad Hoc Committee must be based upon a written charge setting forth the tasks to be carried out, and must not include any task that is expressly delegated by the Board Book to any standing committee or to the Board as a whole. Board Book at Tab 9, Article 1, Section 3 (b) (2). The proposed charge of this special committee is as follows:

CHARGE OF THE IMPLEMENTATION COMMITTEE

Develop an action plan for implementing the three recommendations of the Task Force on Admissions Regulation Reform:

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."²

Develop a timeline for implementation to include a tentative phase in of first the post-admission requirement in 2015, the pro bono/modest means requirement in 2016, and the classroom requirements in 2017.

Development of the action plan and timeline should include a series of public hearings and a schedule for official public comment; presentation of the final action plan and

² [Task Force Phase I Final Report](#) at 1-2

timeline to the Board Committee on Regulation, Admissions and Discipline Oversight and the Board of Trustees; and, if necessary, legislation and/or rule approval.

The Board has not previously delegated this task to another standing committee or to the Board. The Implementation Committee will report back to the Board of Trustees. The Board will ultimately adopt any recommendations made by the Implementation Committee.

FISCAL / PERSONNEL IMPACT:

At the direction of the Board, the Implementation Committee would be staffed from the Executive Offices. Staff time and meeting costs will result in some fiscal impact, the amount of which is unknown at this time.

RULE AMENDMENTS:

Unknown at this time.

BOARD BOOK IMPACT:

No Board Book impact is foreseen.

RECOMMENDATION

It is recommended that the Board of Trustees approve the creation of a special committee to devise an implementation plan for the Phase I final proposals of the Task Force on Admissions Regulation Reform. President Kelly recommends that this committee be chaired by Jon Streeter, Chair, Task Force on Admissions Regulation Reform.

It is further recommended that President Rodriguez may appoint the Implementation Committee members at the time of receiving a recommended list of appointees from Chairman Streeter.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the above recommendation, the following resolutions would be in order:

RESOLVED, that the Board hereby approves the creation of a special committee to devise an implementation plan for the Phase I final proposals of the Task Force on Admissions Regulation Reform; and it is

FURTHER RESOLVED, that the Implementation Committee shall be chaired by Jon Streeter, Chair, Task Force on Admissions Regulation Reform; and it is

FURTHER RESOLVED, that President Rodriguez may appoint the Implementation Committee members at the time of receiving a recommended list of appointees from Chairman Streeter.

Task Force on Admissions Regulation Reform (TFARR)
Phase II: Implementation
Membership

[12/4/2013]

Chairman (1)

1. Jon Streeter

Current Board of Trustees Members (2)

2. David Pasternak, Pasternak, Pasternak et al
3. Glenda Corcoran, Senate Rules Appointment

Past Board of Trustees Member (1)

4. Patrick M. Kelly, Wilson Elser et al LLP

Judicial Representation (2)

5. Hon. Steven A. Brick, Alameda County Superior Court (*former Task Force member*)
6. Hon. Karen Clopton, PUC Chief Judge/COAF

Modest Means (1)

7. Luz E. Herrera, Associate Professor, Thomas Jefferson SOL

Pro Bono Coordinators (4)

Southern California

8. Scot H. Fishman, Director, Pro Bono Activities, Manatt, Phelps & Phillips,
9. Hernan Vera, President & CEO, Public Counsel Law Center

Northern California

10. Renee Chantler, Pro Bono Counsel, DLA Piper
11. Mairi McKeever, Director of Pro Bono Legal Services Program, Justice & Diversity Center, BASF

Law School Pro Bono Administrator (1)

12. Laura Cohen, Southwestern Law School

Law School Clinician (1)

13. Charles D. Weisselberg, Associate Dean, J.D. Curriculum and Teaching, Professor of Law, Berkeley SOL

Academic Representation (5)

14. Deanell Tacha, Dean, Professor of Law, Pepperdine University SOL (*former Task Force member*)

15. Shauna Marshall, Professor of Law, UC Hastings College of the Law (*former Task Force member*)
16. Lisa Kloppenberg, Dean, Santa Clara University SOL
17. Greg Brandes, Dean, Concord Law School
18. Mitchel L. Winick, Dean, Monterey College of Law

Corporate Representation (1)

19. Erika Frank, Vice President, Legal Affairs and General Counsel, California Chamber of Commerce/Sacramento

Committee of Bar Examiners (2)

20. Richard Frankel, Frankel Goldware Ferber, LLP (*former Task Force member*)
21. Patti White, Littler Mendelson et al. (*former Task Force member*)

CYLA-Nominated (2)

22. Ireneo A. Reus III, Immediate Past President of CYLA
23. Megan Knize, CYLA Board Member 2010-2013

Bar Associations (3)

24. Richard J. Burdge, Jr., Immediate Past President, LACBA
25. David M. Balabanian, Past President, BASF
26. Marcella O. McLaughlin, President, San Diego County Bar Association

Chair's Prerogative (2)

27. Professor Robert Weisberg, Stanford Law School
28. Robert Shives, Senior Director and Associate General Counsel, Fujitsu America/SF-Peninsula (*former Task Force member*)

Ex Officio/Non-Voting Member (2)

29. Erwin Chemerinsky, Dean, UC Irvine SOL
30. Frank Wu, Chancellor and Dean, UC Hastings College of the Law

TOTAL MEMBERSHIP: 30

TFARR WORKING GROUP ASSIGNMENTS

3/4/2014

Recommendation A

Shauna Marshall, Chair

David Balabanian

Greg Brandes

Lisa Kloppenberg

Marcella McLaughlin

Deanell Tacha

Robert Weisberg

Chuck Weisselberg

Patti White

Mitchel Winick

Michele Neitz*

Eileen A. Scallen*

TOTAL: 12

Recommendation B

Hernan Vera, Chair

Steven Brick

Renee Chantler

Laura Cohen

Glenda Corcoran

Scot Fishman

Luz Herrera

Pat Kelly

Megan Knize

Mairi McKeever

David Pasternak

TOTAL: 11

Recommendation C

Richard Frankel, Chair

Richard Burdge

Karen Clopton

Erika Frank

Ireneo Reus

Robert Shives

Perry Segal*

Kay Rubin*

TOTAL: 8

***Ex Officio/Non-Voting Member**