

DATE: July 21, 2016

TO: Members, Admissions and Education Committee
Members, Board of Trustees

FROM: Elizabeth R. Parker, Executive Director

SUBJECT: TFARR Recommendation Cover Memorandum

EXECUTIVE SUMMARY

This item provides context and background for three separate Task Force on Admissions Regulation Reform (TFARR) -related proposals being submitted to the Admissions and Education Committee for consideration: Pre-Admission Competency Training; Pre-Admission Pro Bono Practice; and New Attorney MCLE.

Given the possibility of phased-in implementation of TFARR recommendations and the need to consider unique operational and programmatic issues relevant to each of the three implicated areas, staff has separated the components into individual agenda items supported by the Background provided in this Cover Memorandum.

BACKGROUND

In February 2012, the Board of Trustees approved the appointment of the Task Force on Admissions Regulation Reform (TFARR) 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 TFARR concluded that:

“...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.”

On Oct. 12, 2013, following a public comment period, the Board of Trustees adopted the Task Force’s proposals and authorized the creation of another Task Force to devise related implementation plans (Implementation Task Force or TFARR II). That Task Force’s final report and recommendations were adopted by the Board of Trustees on November 7, 2014.¹

¹ The October 2013, or Phase I recommendations, can be found at ([insert link](#)); the 2014, or Phase II recommendations, at ([insert link](#)). The proposed implementation approach outlined below refers to the Phase II recommendations.

The Board's 2014 adoption of the Phase II recommendations was concomitant with a number of significant leadership changes impacting the State Bar, including, most significantly, the departure of the Executive Director and several other executive personnel. These departures triggered organizational uncertainty and significant stakeholder scrutiny, both of which impacted the Bar's ability to advance new initiatives, including the implementation of Phase II TFARR recommendations. As a result, although the Board approved a conceptual TFAAR recommendation implementation plan in November 2014, no significant progress had been made in advancing that plan.

In the fall of 2015, new staff leadership proceeded to re-examine the proposals in accordance with directives issued by the Board of Trustees; the Board asked for a re-examination of the TFAAR recommendation implementation plan, including a feasibility assessment from both fiscal and human capital perspectives. That assessment, which suggested implementation costs of at least \$1 million, resulted in staff development of proposed modifications to the implementation approach. This modified approach is intended to reflect both the spirit of TFARR and principles of fiscal and operational viability.

At its May 2016 meeting, the Board discussed modifications to TFARR II recommendations. In an effort to ensure a thorough vetting of the revisions by members of both TFAAR I and II, staff was asked to confer with those bodies prior to the Board's July 2016 meeting. Meetings were held on June X and July 7 to this effect.

[summary of meeting results]

FISCAL/PERSONNEL IMPACT

[Click here to enter text.](#)

RULE AMENDMENTS

Title Provide Title #., Division Provide Division #., Chapter Provide Chapter #.

BOARD BOOK IMPACT

Tab Provide Tab #., Article Provide Article #., Section Provide Section #., Page Provide Page #.

BOARD GOALS & OBJECTIVES

BOARD COMMITTEE RECOMMENDATIONS