

AGENDA ITEM

III A. SEPTEMBER 16 14

DATE: September 16, 2014

TO: Members, Task Force on Admissions Regulation Reform

FROM: Staff

SUBJECT: Receipt of Final Phase II Implementing Recommendations 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 appointed the [Task Force on Admissions Regulation Reform](#) ("Task Force" or "TFARR"). In Phase I, 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. (**Attachment 1**)

[Phase II of TFARR's work began in December 2013](#) (**Attachment 2**) and focused on developing rules for the implementation of its Phase I recommendations. With some minor adjustments to the Phase I recommendations, and upon review of unofficial public comment received to date, TFARR submits to the Board of Trustees its proposed implementing recommendations with a request to release for official public comment:

- Pre-Admission: 15 Units of Practice-Based Experiential Training in Law School/Apprenticeship Option (Recommendation A)
- Pre-Admission and Post-Admission: California's Proposed Recommendation for 50 Hours Pro Bono/Modest Means Legal Services (Recommendation B)
- Post-Admission: California's Proposed Recommendation for 10 Hours Competency Training MCLE (Recommendation C)

ISSUE

Should the State Bar adopt the proposed implementing recommendations for a competency training requirement?

CONCLUSION

Yes.

DISCUSSION

The work of the State Bar of California's Task Force on Admissions Regulation Reform took place in two phases. In Phase I, TFARR concluded that, as increasing numbers of new lawyers graduate from law school and transition into the practice of law without access to mentoring and other modes of informal practice-based training that, in previous eras, were more readily available, three new admissions requirements should be adopted.

Since December, 2013, TFARR II's work has taken place in a series of seven open meetings, the most recent of which was on July 28, 2014.

To develop implementing recommendations, TFARR II organized itself into three working groups, each dedicated to drafting proposals for revisions to the State Bar Act and State Bar Rules.

The proposals by all three working groups are designed to create a statutory and regulatory structure for carrying the recommendations into effect over a gradual period, beginning with the new MCLE requirements, followed by the new pro bono/modest means service requirement, and the new pre-admission competency training requirement. It is important to note that the anticipated timetable for introduction of these new requirements, assuming that they are adopted by the State Bar Board of Trustees, is ultimately predicated on approval of the recommendations by the California Supreme Court.

Each of the TFARR Phase II working groups presented its proposals in finished form to all TFARR members in attendance at the July 28, 2014 meeting. Following plenary discussion and deliberation, TFARR took a straw vote at that meeting to gauge support for a motion to adopt all three proposals. The straw vote indicated unanimous support for such a motion among the 21 TFARR members in attendance.

Between August 14, 2014 and September 16, 2014, TFARR proactively sought unofficial public comment on the proposals from interested and potentially affected groups who have been monitoring TFARR's work actively (e.g. California Law Schools, County and Specialty Bar Associations, Legal Services Providers, State Bar Sections, the ABA Accreditation Committee, the Association of American Law Schools, and the Clinical Legal Education Association).

At its September 16, 2014 hearing, TFARR reviewed all feedback to determine if any of the proposals needed to be revised and made revisions where needed before sending

to the Board Executive Committee with a request to release for a 45-day period of official public comment.

TFARR anticipates that its implementing recommendations will be placed on the agenda for adoption at the Board of Trustees' November 7, 2014 meeting following the 45-day period of official public comment.

FISCAL / PERSONNEL IMPACT:

To be determined.

RULE AMENDMENTS:

See **Attachment 3**.

BOARD BOOK IMPACT:

None.

RECOMMENDATIONS

The Task Force on Admissions Regulation Reform receives the Final Phase II implementing recommendations (**Attachment 4**) for the following three proposed competency training requirements and refers them to the Board Executive Committee with a request to release for a 45-day public comment period:

- 15 Units of Practice-Based Experiential Training in Law School/Apprenticeship Option (Recommendation A)
- California's Proposed Recommendation for 50 Hours Pro Bono/Modest Means Legal Services (Recommendation B)
- California's Proposed Recommendation for 10 Hours Competency Training MCLE (Recommendation C)

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 II implementing recommendations to the Board Executive Committee; and it is

FURTHER RESOLVED, that the Task Force on Admissions Regulation Reform recommends that the Board Executive Committee send the Final Phase II implementing recommendations out for 45 days of public comment.

Attachments:

1. TFARR Final Phase I Report (June 24, 2013) and TFARR Membership Roster
2. October 12, 2013 Board of Trustees Agenda Item - Authorize Creation of Implementation Committee (TFARR Phase II); Membership Roster; Working Group Assignments
3. Index of Proposed Rule Amendments
4. TFARR Final Phase II Implementing Recommendations (August 11, 2014)