

# AGENDA ITEM

## III. D MAY 2017

**DATE:** May 2, 2017

**TO:** Members, Admissions and Education Committee

**FROM:** Terrance Flanigan, Chair, Admissions and Education Committee  
Joanna Mendoza, Vice-Chair, Admissions and Education Committee

**SUBJECT:** 2017 Admissions and Education Committee Work Plan

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### EXECUTIVE SUMMARY

The Admission and Education Committee is charged with monitoring the operational and financial performance of the State Bar's admissions and education functions. In this role it oversees the work of Admissions and the Committee of Bar Examiners, Professional Competence, Legal Specialization, Sections and continuing legal education. Article 1, Section 6 of the Board of Trustees Policy Manual (Policy Manual) requires Board Committees to submit an annual work plan.

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### BACKGROUND

The work plan that follows was developed by the Chair and Vice-Chair of the Admissions and Education Committee (committee) and is designed to focus the work of the committee during 2017. While the work plan includes various initiatives that are under the purview of the committee it is not intended to restrict the committee from working on other priorities that may arise during the course of the year. Committee members are being asked to review and approve the plan.

### DISCUSSION

The work plan was developed by the Chair and Vice-Chair at the Admissions and Education in collaboration with staff of the State Bar. Each item on the work plan was discussed to ensure that the Committee would focus its resources on furthering the Bar's strategic goals and objectives. The following topics will provide the focus for the Committee in 2017.

- 1. Collaborate with the Committee of Bar Examiners on Studying Various Components of the Bar Exam:** The bar exam passage rate for the July 2016 administration fell to 43%. The declining passing rates on the bar examination was a factor in ABA and California-accredited law school deans submitting letters to the Chief Justice asking to have the

minimum passing score for the bar examination lowered and for the Assembly Judiciary Committee to hold an informational hearing. Admissions and the Committee of Bar Examiners are looking closely at the issue. In March of 2017 the Board of Trustees authorized staff to proceed with studies on Sources of Variation of Passing Rates, Collecting and Linking Law School Performance, Evaluating Content Validity, and Evaluating the Passing Standard. The committee will need to review these studies and provide guidance and oversight to confirm the continued effectiveness of the examination while ensuring the protection of the public.

2. **Oversee the Separation of the Sections from the State Bar of California:** The Council of State Bar Sections is working with the legislature and other key stakeholders on separation from the State Bar. This process will contain many complex issues and the committee will need to provide direction to staff in order to minimize disruption to the Bar and review potential separation agreements between the two organizations.
3. **Evaluate Alternatives to the Existing Annual Meeting:** At the November 2016 Board of Trustees (Board) meeting, a proposal was adopted to scale down the 2017 Annual Meeting to a regular meeting of the Board and a swearing in ceremony. The agenda item indicated that the committee could reevaluate the Annual Meeting in the future and determine if any of the old elements of the meeting should be reintegrated into future meetings. The committee will need to review the Annual Meeting and make recommendations as necessary.
4. **Reevaluate Registered In-House Counsel Rule 9.46:** California has several rules that allow the limited practice of law by non-California licensed attorneys in certain circumstances. Since these rules were enacted, experience with implementation has shown that certain modifications need to be made. This includes Rule 9.46, which defines what criteria qualify an institution to be eligible to have an in-house counsel. At the request of the vice-chair and Director of Admissions, the committee will need to review this rule and consider proposed amendments, in particular determining if the qualifying institution definition needs adjustment so that smaller entities are included.
5. **Evaluation of Existing and Providing Guidance on the Creation of Mandatory Continuing Legal Education (MCLE):** Attorneys in California are required to complete 25 hours of MCLE every 3 years. The Board recently adopted a requirement that a new admittee take up to 10 hours of specific “New Attorney Training” that would be completed within the first year of admission. The 10 hours can also be applied towards the 25 hour requirement. The committee will need to work with the Office of Admissions, the Office of Sections, the Lawyer Assistance Program and the California Young Lawyers Association to develop this new education.

The Bar was legislatively mandated to engage in workforce planning due to its 2015 fee bill. The resulting report made a recommendation to change the current practice of attorneys self-certifying completion of the requirement and instead have providers of MCLE electronically certify satisfactory completion of attorney’s course participation. The committee will need to review and advise staff on this process change. Alongside this effort and as part of its oversight role, the committee will review the quality control surrounding educational classes.

6. **Reevaluate Free and Low-Cost MCLE:** The Board of Governors adopted a resolution instructing staff to provide 25 hours of free on-line MCLE in Legal Ethics in July of 2011. In addition, Business and Professions Code, section 6070, subdivision (d) requires the State

Bar to “provide and encourage the development of low-cost programs and materials by which members may satisfy their continuing education requirements. Special emphasis shall be placed upon the use of internet capabilities and computer technology in the development and provision of no-cost and low-cost programs and materials. Towards this purpose, the State Bar shall ensure that by July 1, 2000, any member possessing or having access to the Internet or specified generally available computer technology shall be capable of satisfying the full self-study portion of his or her MCLE requirement at a cost of fifteen dollars (\$15) per hour or less.”

The committee will need to determine whether the resolution to offer free CLE should be amended. The committee must also ensure the Bar is meeting its statutory requirements regarding low-cost MCLE.

#### **FISCAL/PERSONNEL IMPACT**

None

#### **RULE AMENDMENTS**

None

#### **BOARD BOOK IMPACT**

None

#### **BOARD GOALS & OBJECTIVES**

State Bar’s 2017 Strategic Plan Goals and Objectives – Goal 1-b Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities; Goal 2-d Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness; Goal 2-e Develop and implement an effective mechanism for ensuring compliance with MCLE requirements; Goal 2-h Conduct Bar Exam validity and pass line studies to determine whether or not additional changes to exam content, format, administration, or grading are needed, and implement needed changes; Goal 2-i Review special admissions rules to determine whether changes are needed, and implement needed changes.

#### **BOARD COMMITTEE RECOMMENDATIONS**

The Chair and Vice-Chair recommend that the Admissions and Education Committee approve the following resolution:

**RESOLVED**, that the Admissions and Education Committee approve the 2017 work plan listed above.