

AGENDA ITEM

III. J JULY 2017

DATE: July 7, 2017

TO: Members, Admissions and Education Committee

FROM: Justin Ewert, Principal Analyst, Office of Research and Institutional Accountability

SUBJECT: Ten-Hour New Admittee Continuing Legal Education as Proposed by TFARR

EXECUTIVE SUMMARY

At its September 12, 2016 meeting, the Board of Trustees adopted rules recommended by the Task Force on Admissions Regulation Reform (TFARR) to require ten hours of mandatory continuing legal education for new admittees. A Working Group was established to specify the topics of study and oversee the development of the content. This agenda item provides an update on the Working Group's activities.

DISCUSSION

At its May 11, 2017 meeting, the Admissions and Education Committee (A&E) directed staff to assist a Working Group in the development of recommendations for curriculum that will satisfy the new ten-hour requirement. The Working Group is comprised of representatives from the TFARR, A&E, the California Young Lawyers Association, Committee of Bar Examiners, Office of the Chief Trial Counsel (OCTC), and mentoring programs. The Working Group is exploring implementation of the final MCLE product in the form of online interactive training modules for each discrete subject.

The Working Group convened on June 12th for a 90 minute Webinar orientation. The charge of the working group, timeline (included as Attachment A), and immediate next steps were discussed. The TFARR recommendations envisioned legal ethics and basic skills training would be included in the ten hours of training. Another area under consideration is competency. On a parallel track, the Lawyer Assistance Program (LAP) has contracted with Patrick Krill, a licensed attorney and board certified alcohol and drug counselor, to develop MCLE on competency related to substance abuse and mental health issues facing young attorneys. This work may be incorporated into the educational materials being considered by the Working Group.

In order to further refine the topics to be considered for inclusion in the ten hours of MCLE, staff created an online poll to be taken by the Working Group members. The poll presents various topics in areas of legal ethics and practical skills and asks the respondent to rank the

importance and amount of time that should be dedicated to each topic. The poll results will be compiled by staff from OCTC and the Office of Professional Competence. These findings will narrow the subjects down and assist in gaining consensus on which topics should ultimately be included in the ten hours.

The Working Group also discussed the possibility of including a substantive law topic to compensate for the potential elimination of certain topics from the Bar Exam as a result of current studies related to the content of the Bar Exam. The results of the content validation study may suggest that certain substantive law topics could be eliminated from the Bar exam and included in the ten-hour curriculum. Although a portion of the ten-hours of MCLE cannot serve as a substitute for thorough law school education in a substantive area of law, it can provide an opportunity to review and assess basic proficiency.

Once the topics have been selected, the Working Group will need to decide whether the MCLE will be participatory or include an examination aspect for compliance. An examination requirement may necessitate a rule change that would need to come back before the Board.

The Working Group's next meeting will take place on July 17, 2017 in the San Francisco office of the State Bar.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK IMPACT

None

BOARD GOALS & OBJECTIVES

State Bar's 2017 Strategic Plan Goals and Objectives – Goal 2-d Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness

ATTACHMENT(S) LIST

A. Timeline