

## DRAFT FRAMEWORK FOR DISCUSSION

*Commission motion from March 2, 2022: Continue to develop an alternative, non-exam pathway, reflecting the CAPA recommendations.*

### BLUE RIBBON COMMISSION GUIDING PRINCIPLES

- Admission to the State Bar of California requires a demonstration of knowledge, skills, and abilities currently required for the entry-level practice of law, otherwise referred to as minimum competence.
- Admission to the State Bar of California requires minimum competence in professional ethics and professional responsibility.
- Criteria for admission to the State Bar of California should be designed to ensure protection of the public.
- The recommended examination, or examination alternative, should be evidence-based.
- Fairness and equity of the examination, or examination alternative, should be an important consideration in developing the recommended approach. Fairness and equity include but are not limited to cost and the mode and method of how the exam or exam alternative is delivered or made available.
- The recommended examination, or examination alternative, should minimize disparate performance impacts based on race, gender, ethnicity, or other immutable characteristics.

### NONEXAM PATHWAY BEGINS IN LAW SCHOOLS

- Combination of doctrinal and experiential learning
- Regulated pathway curriculum based on CAPA recommendations
- Law school implementation to include options for:
  - experiential education
  - clinics
  - practica
  - simulations
- Work product review by independent regulator or other assessment at dedicated intervals during the pathway

### POST LAW SCHOOL REQUIREMENT

- Supervised practice
  - equivalent time to licensure as an individual that takes and passes the bar exam (5-8 months)
- Centralized or decentralized administration of supervised practice program components
  - Matching of supervisors and supervisees (responsibility of law schools? Of regulator? Of students, with support from law schools, CLA, local, regional, and affinity bars, LAAC)
  - Eligibility and training of supervisors (regulator)
  - Requirements for elements supervision must include (regulator)

### ASSESSMENTS

- Parallel to, or as part of, supervised practice the applicant completes a CA PREP course involving online modules, potential in-person simulations and mini exams covering CAPA recommendations
- OR
- CA Performance Test(s)