Parent Post title	Author	Author URL	Date	Content
Comments (ATE)	Amy Miller	http://youthrightsjustice.org	2021-06-28 18:02:05	Thank you for your work to identify alternative pathways to OSB membership. I am hopeful that these alternative options will create more equity in the process of obtaining a license and ultimately lead to a more diverse bar. There is significant value in experiential learning as a component of bar membership. As an employer, I am excited about increasing the pool of practice-ready law school graduates.
Comments (ATE)	Susan Carter		2021-06-28 18:08:43	Sorta brilliant. I just left a comment regarding the UBE, and its relevance to everyday practice for most Oregon lawyers. Giving law students, and young graduates, practical experience before setting them loose is a wonderful idea. I realize it will take some fleshing out, but kudos.
Comments (ATE)	M. Mandell		2021-06-28 18:55:22	The standards set for admission to the Bar should be uniform for all attorneys. Changing the standards to accomodate applicants is different from encouraging diversity. The law school role is to educate and this is where efforts should be made to reach diverse groups. There is a paucity of good lawyers who really understand the law or their role in society and lowering the standards to admit diverse applicants does nothing to protect the public. The alternate program uses subjective standards and not objective, uniform standards. I disagree with offering alteratives. The Bar exam is the minimum competency test to allow attorneys to practice. We need a minimum competency barometer.
Comments (ATE)	Chris Walters		2021-06-28 19:04:04	Hello the proposals are complex but I have concern that paralegals will be admitted to the bar without proper training or knowledge of the law. Paralegals can do thousands of hours of good work without knowing the law underlying their work. Once admitted there is no check on service to clients. Perhaps there could be a specialty consumer license that shows this knowledge as to consumer matters, and licenses work only as to the matters covered. Thanks
Comments (ATE)	Jan E. Friedman		2021-06-28 19:51:05	I prefer the Oregon Experiential Pathway program (OEP). Developed with Oregon's three law schools, because this will allow potentially additional practicum/ practical experience prior to graduation from law school. Additionally, then the Law School Graduate will be armed with this information and experience. I do not like the mentorship as well because a graduate may not be able to find a mentor or a dependable mentor and this could thwart their effort to begin practicing law. It seems that there needs to be time for this sort of quality mentorship to develop prior to making it a requirement.
Comments (ATE)	James K Walsh		2021-06-28 20:02:01	I am totally against this or any alternative to the traditional bar exam. This is a step in the wrong direction.
Comments (ATE)	Ryan Corbridge		2021-06-28 20:12:06	I passed the bar exam and so should you.
Comments (ATE)	David Shirk		2021-06-28 22:16:39	An excellent report on possible alternatives to the uniform bar exam. Both the OEP and SPP recommendations seem viable. I did not understand whether the scope of a candidate's exam alternative portfolio might be restricted by the program to designated subject areas or unlimited, allowing any legal issue within the candidate's supervised work experiences. The latter allows more opportunities to qualify but may pose a greater burden on BBX evaluation resources. Additionally, some of the candidates' best work could be privileged, rendering it ineligible for submission. No mention was given to materials that might breach the duty of confidentiality to a client, which could be a larger barrier than privilege to eligible submissions. I also noticed that no discussion in the report was given to the portability of admission through future admission by motion to other states. I fear that this could be a trap for students that are promised an alternative that ends up restricting future practice options. Given that these proposals purport to be examinations, a determination of whether other states' admission offices view the alternatives as sufficient examinations to grant admission by motion seems to be a worthwhile endeavor. A clear and conspicuous disclaimer should accompany any alternative that may limit the student's future if any other states' admission by motion rules require passage of a traditional bar examination.
Comments (ATE)	Stephanie Schilling		2021-06-29 08:35:31	I worked in a law firm for four years before attending law school and unfortunately it did not teach me how to think like a lawyer. Law school is important to help understand the basics of the law and the systems and institutions that use those laws. Practice without education lacks context.
Comments (ATE)	James Duncan		2021-06-29 08:35:50	Allowing new lawyers to enter the profession under what is essentially an apprenticeship program is a fantastic idea, especially when the prospective lawyer knows the pathway they want to forward with. This gives real world experience to new lawyers, rather than an artificial test of blackletter law, the majority of which tests areas of law the new lawyer may never practice in.
Comments (ATE)	John Andon		2021-06-29 08:39:56	I am not in favor of changes to the current bar exam/ admissions process. There are a couple of problems with the proposed "apprenticeship" idea: 1) It would provide an apprenticeship in one or two areas of law, while providing new attorneys with a ticket to practice all areas of law. 2) Standardization. There will be a lot of variance in the training that the new attorneys receive. 3) The current bar exam provides that new attorneys have a base level of knowledge over multiple areas of law. An apprenticeship does not fulfill this. 4) Generations of attorneys, including myself, have gone through the arduous process of passing the bar exam. It shows a basic competence and level of knowledge.
Comments (ATE)	AMS		2021-06-29 08:40:07	The bar exam was a nightmare that screwed up my life and I still suffer from sleep issues and anxiety seven years later. I have taken and passed three bar exams, one from Oregon. On the one hand, the bar exam is a racket designed to make a lot of money and adds to the student loan existence unto death. On the other hand, it is boot camp to ensure that a future attorney will be able to stand the rigors of being an attorney: the stress, the anxiety, the misery associated with this profession. It only seems right to give law grads the opportunity to truly experience a taste of what is to come so that they can make intelligent decisions about the future.
Comments (ATE)	Dan Schanz		2021-06-29 08:46:18	The Bar exam has been a sufficient indicator of basic competency and entrance to the bar for tens of thousands of diverse Oregon lawyers. The new proposal will likely create different categories of lawyers rather than a unified bar. It will likely impact Oregon's reciprocity with other states. Adoption of the proposals will likely undermine public confidence in the bar. The report does not justify such a radical departure from what has served Oregonians well for so long. The system is working - we don't need to fix what is not broken.
Comments (ATE)	John Christopher Minor	http://newportlaw.com	2021-06-29 09:06:14	Although I will concede that little of the theory and history of law taught in school has had much direct application to my practice, the concepts and principles have been invaluable in understanding the issues I have dealt with. Learning the practical details of producing a work product is an important skill, learned after graduation, is a different matter. But, if my learning had been restricted to producing "product," without understanding of legal theory, the product would have suffered greatly.
Comments (ATE)	Linda Gouge		2021-06-29 09:13:23	I believe the proposals are a total mistake. The proposals will not maintain consumer protection nor is this a means to assure equity in the admissions process. It is the process of lowering standard required for being admitted to the practice of law which will put the consumer at risk of incompetent representation. Additionally, it is assuming that the "non-traditional" applicant is lacking in intelligence and therefore cannot meet the present standards for admission to the practice of law. This is an insult to the "non-traditional" applicant. Besides, what exactly is a "non-traditional" applicant? I have been of the impression that law-school applicants, by their very nature, were "non-traditional." It is also an insult to those who have already endured the torture of taking the bar exam.
Comments (ATE)	Bob Butler		2021-06-29 09:17:33	Is the lowering of the admission standards being done because we have a shortage of lawyers? Just a few years ago there were many law school graduates who passed the Bar and couldn't find work. Has that changed enough to justify this action?
Comments (ATE)	Miles D. Monson	http://www.monsonlawoffice.com	2021-06-29 09:50:23	If changes are needed to the traditional bar exam, then those changes should be made to the exam versus developing alternative pathways for admission. I have practiced law for 29 years and taken 3 bar exams in 3 different states. Each exam was challenging, and the discipline required to prepare for each exam and to pass each exam built a foundation that continues to provide benefits today. The traditional exam could benefit from an overhaul, including more practical applications. Alternative pathways provide for a less rigorous process, which I fear will not serve the public well and not serve the attorneys well.
Comments (ATE)	K.C. Huffman		2021-06-29 10:27:22	I support the concept of alternatives to the bar exam. I would like to know (and I apologize if this information is in the document - which I have not read in its entirety and for some reason cannot search for key words) what experience other jurisdictions have had with malpractice claims after a similar process was adopted. Are rates likely to increase, decrease, or stay the same for everyone? Also, will there be a prohibition on attorneys marketing themselves as qualified via one pathway over another? I think allowing a tiered system of "how I became certified" would be a negative. Thank you.
Comments (ATE)	William Randolph Turnbow 80391		2021-06-29 10:40:43	I see far too many marginally competent lawyers and oppose all proposals to weaken admission standards. I also think the limited practice model will not make a lawyer competent in substantive law and practice in other kinds of practice and situations that do not arise in the limited internship. Samples of work product, based on one firm's or supervising attorneys' forms or styles will demonstrate little.
Comments (ATE)	SHANNON TISSOT		2021-06-29 10:45:33	The hardest part of being a new attorney is not having hands-on learning and a mentor. I graduated in May 2004, and passed the Washington State bar in November 2004. Nothing prepared me for family law litigation, dealing with difficult clients, managing the stress of being a new attorney. I think experiential learning is an excellent idea!
Comments (ATE)	Michael Sullivan		2021-06-29 10:46:23	This proposal, received yesterday, is a significant change in how the State deems applicants competent to practice law. The time frame for input from members of the Bar and the public is June 28 to July 6, 2021. In the middle of this comment period is a three day weekend for the 4th of July. There should be additional time for careful thought and comment before any action is taken on this proposal.
Comments (ATE)	John Vehrs		2021-06-29 11:12:59	Please implement the alternatives to the bar exam. The exam as it is currently implemented is a scam that takes advantage of students and has no bearing on the competency of the student to practice law. For example, we are required to learn a significant amount of criminal law, both common law and model penal code. Neither of these areas of law are useful for a new lawyer because almost all of criminal law is now statutory. Furthermore, in order to type the written portion of the exam, students must purchase a $150 program that is so poorly developed its shocking. Clearly someone higher up in the bar made a deal with the company to force all of the students in Oregon purchase their crap program so they can make a buck off a vulnerable population with no other reasonable alternatives. The bar is an outdated and predatory exam that has no bearing on the competency of a new lawyer. If it did, then why wouldn't we require all lawyers to take the exam every few years to ensure they are competent, similar to how commercial pilots must undergo regular examination to maintain their license.
Comments (ATE)	David Landrum		2021-06-29 11:14:47	The bar exam is a pretty good measure of whether the law school curriculum penetrated the student's mind. Dumping it in favor of just admitting everybody who graduates from law school will likely increase, rather than decrease, the bar complaints related to taking on cases the new attorney isn't equipped to handle, and then failing to maintain contact with the client, let alone adequately explain the law that applies to the case in order for the client to make an informed decision. Thinking and problem solving on your feet is a necessary skill - crumbling under pressure is a problem.
Comments (ATE)	Tim Guill		2021-06-29 11:48:24	I object to the proposed alternatives. Rather than eliminate the Bar exam, or create "alternative pathways" for students to avoid taking the exam, I propose that the exam and the minimum score requirement should remain as they are. The only change I would make is that I think the examination should be broken down into different parts, similar to the CPA examination. Once a prospective member passes 4 out of 7 parts (just an example here), he/she should only be required to take the remaining parts of the exam next time around. That would give applicants the opportunity to focus more on their problem areas the next time they sit for the exam. We all know (I hope) that "supervising attorneys" sometimes don't supervise. That leaves a dangerous situation in the hands of a prospective candidate who isn't equipped to do the right thing. What could possibly go wrong? And reducing the minimum score is an inferior alternative to an applicant's earning a solid score through focusing on one subject at a time in the examination. Please don't open the gates to applicants who are neither prepared nor capable.
Comments (ATE)	Terry R. Hansen		2021-06-29 12:12:19	Frankly, the proposals are pathetic. We live in a complex world and reducing our profession to the requirements of the 19th century bar is dumbfounding. Support of these proposals are asking for a glut of "attorneys" in the legal field that have no business calling themselves "attorneys". We have enough attorneys that are currently coming out of law school and passing the bar. These are competent people that can pass the rigors of the system, as we all have. The point of the bar exam is to protect the public and to make sure that new attorneys have the MINIMUM amount of legal knowledge. I personally attended substantial amounts of information studying for the bar exam, I would not trade that experience for an easier one. Unfortunately, we live in a society where people don't want to put in the work but what the reward. That ethos is what these proposals embrace and is not sustainable in a just society. If the proponents think this is the way to serve under served communities, they are poorly mistaken. The vast majority of people, no matter how easy we make it to be a lawyer will still seek to make the prevailing hourly rates. However, what will happen is the profession will be incredibly tarnished, will no longer be seen as a preeminent profession like medicine, the job market will be saturated driving down income for those of us that "paid our dues", legal malpractice cases will rise, PLF fees will go way up, and the low income will still not have an attorney. The fact that these proposals could even make it out of a bar committee is deeply troubling.
Comments (ATE)	Heidi Evans		2021-06-29 12:31:59	I would be supportive of an alternative path to bar acceptance so long as successful graduation from an accredited law school was a requirement, or, if practicing law will be allowed based solely on experience, then carving out limited practices for those bar members such as legal tasks that are routine, do not involve complex matters and are often managed currently by paraprofessionals. This creates alternative paths while also protecting the public.
Comments (ATE)	Rebecca Cassady		2021-06-29 12:56:18	As a recent law graduate and new member of the Oregon bar, I feel strongly that an alternative to the bar exam is necessary and warranted for future law students seeking to gain admission to the legal profession. I am a relatively strong test taker and passed the bar exam on my first try, but the process of studying for the exam was one of the worst experiences of my life and one which I would not wish on anyone. For context, I want to start by acknowledging that I was extraordinarily privileged in that I was able to afford a bar prep program, purchase additional study aids, and was able to study full-time without having to work. I was also lucky enough to have sufficient savings leftover from my time spent working before law school (in the range of about $10K) to pay for food and rent, all of which was depleted by the time I received my bar exam results. Since the bar exam is only offered twice a year, I had to start studying the day after my last law school exam, and continued to study every single day for the next 2.5 months, with a couple unplanned-but-necessary mental health days. Admittedly, there were some topics that I enjoyed learning for the first time: family law, for instance, was a class I never took in law school (this topic did not appear on the exam and I am not currently practicing family law, nor do I plan to). Secured transactions was also new to me (again, not something I plan on practicing). I also got to refresh my memory on a lot of fundamental law topics, like contracts and torts. I'm sure there was some benefit to all of this comprehensive review. That said, aside from the initial stage of review, the vast majority of my time was spent on memorizing an immense amount of information in a very condensed period of time. For me, this meant studying from the time I woke up in the morning to the time I went to bed at night. I averaged 10-12 hour days, every day, for nearly three months. I spent my entire Christmas day studying. I ceased all contact with friends and family. There was simply no time. I am convinced the only reason I stayed sane during this time period was because I had a small study group of classmates with whom I was able to commiserate on a daily basis. Knowing that my classmates were also on the verge of suffering a mental breakdown made me feel better, knowing that this was "normal." Am I a better lawyer due to how hard I studied for the bar exam? Possibly. But I have no doubt in my mind that there are better and more holistic ways to verify competency than by subjecting applicants to a month-long process that strains their mental and emotional health to the point where a breakdown feels imminent. I fear for my classmates who suffer mental health afflictions (and who will undoubtedly make excellent lawyers someday). Our profession has evolved since the days that the bar exam was adapted. We are better than this. In a world with unlimited resources, the bar exam might make sense. If I had more money, more time, I would have been able to lessen my daily workload to the point where it was manageable (I estimate that six months would have been an ideal amount of time). However, even as someone with a decent amount of savings, I didn't have the time or money to spend half a year not working. With the stakes being so high, failure was not an option for me - or at least, it didn't feel like it. With the amount of student loan debt that I incurred during law school, I was well aware of the necessity of passing the bar exam in order to enter the profession which I had invested so much time and money into already. I have heard from mentors and colleagues throughout the years that the Oregon law community is unique in that we strive to uphold a friendly, positive, and welcoming professional community. While the law tends to move slow, there is no reason why our profession cannot evolve and come up with a thoughtful, effective alternative to the painfully archaic bar exam. We have some incredible minds here in our community, and together, I am confident that Oregon can become a leader in helping the profession become more inclusive, healthy, and equitable.
Comments (ATE)	Laura M Lindley-Gutierrez		2021-06-30 09:44:48	I think the alternatives are a wonderful idea. I got my best experiences by volunteering, doing externships and internships during law school. Other than teaching me how to read case law, law school itself was not that helpful to the actual practice of law. I learned how to write a great memo during a judicial clerkship, I learned how to be a compassionate listener while working with unhoused folks being denied food and medical benefits. I fully support the alternative models, and commend you all for making them an option. Every applicant for the practice of law should also spend one semester volunteering at a legal aid office.
Comments (ATE)	Inge Wells		2021-06-30 10:10:41	Greetings: I am a 33-year member of the Oregon State Bar, and a former member of the BBX. I am writing in support of the ATE. When I was on the BBX, the exam was different than it is now. It used the multiple-choice multistate exam, but it also used essay questions written and graded by BBX members. While every effort was made to ensure uniformity and consistency in grading, there was always a subjective element, and test-taking is a skill some are better at than others. The cost to attend law school these days is astronomical. Does concern about what would happen if an applicant fails the bar exam act as a disincentive for some students to even consider attendance? I suspect it might. And I can speak from experience when I say that passing the bar exam doesn't necessarily make a good lawyer. What matters more is a solid education, a sense of professional responsibility, and supportive mentoring and training upon graduation. I fully support exploring these alternative pathways to membership in the Oregon State Bar.
Comments (ATE)	Gregory Chaimov		2021-06-30 10:17:10	Both proposals for experiential-based licensing should be good for students and good for the profession. Although it's been 40 years since I attended law school, my view of the last two years of law school was they did not optimize a person for success in the law. The first year in a classroom is essential. You need to learn how the law works and how to think like a lawyer. The last two years, however, did not focus enough on the skills needed to make a good lawyer. The last two years tended to focus on gaining knowledge in specific subject areas, but gaining knowledge in a subject area is an activity one can complete successfully outside of school with the skills in how to be lawyer (research, writing, counseling, advocating) one better learns in school.
Comments (ATE)	Peter Yaghmaie		2021-06-30 10:26:12	This is a great initiative and will help to increase access to the Bar in Oregon and develop law school students and grads in a practical way to become new attorneys with legal experience. I would urge the BBX to help connect law school grads who would like to participate in the Supervised Practice Pathway program with attorneys/firms by creating a placement process or offering incentives for attorneys/firms/governmental departments to participate in the SPP, such as CLE credit, etc. Whatever can be done to increase the available slots for this program and eliminate competition between students in the OEP program and law school grads in the SPP program regarding finding attorneys to supervise them would help ensure the success of these programs. Thank you for launching this initiative and considering feedback from bar members and the public.
Comments (ATE)	Anonymous	http://N/A	2021-06-30 12:10:51	This report is well done, and the ideas and conclusions are meritorious. I am curious about when an aspiring attorney would have to choose their alternative option. Could a person pursue one option, like the Bar Exam, fail to pass, then choose another option? Vice versa? Would the failure of any chosen option prohibit an effort to use an alternative option? Right away? Or after a proscribed period? Are these options only open at the outset of a career? Or would they also be available after a person let their Bar License lapse or had it removed by the Bar? Would reciprocity still apply in other states no matter what option is successfully used -- or would Oregon have no ability to influence the answer -- only the other states? I suppose these are questions for consideration during the creation of implementing rules, but I am curious never-the-less. Congratulations to the committee for this important work.
Comments (ATE)	Courtney Caimona		2021-06-30 13:41:20	I am in favor of adopting both the Oregon Experiential Pathway (OEP) and the Supervised Practice Pathway (SPP). Both of these models will ease the barriers that currently exist to becoming a member of the Oregon State Bar, while ensuring that new lawyers will maintain the minimum competence necessary to practice law. I graduated from the University of Oregon School of Law in 2020. During my academic career, I focused on taking coursework during my 2L and 3L years that would prepare me for the bar exam (evidence, secured transactions, real estate transactions, trusts and estates, etc.) and experiential learning courses (i.e. trial practice). Having successfully passed these courses, I felt competent enough to begin practicing law without taking the bar exam when diploma privilege was offered. Furthermore, each new lawyer is already required to participate in the New Lawyer Mentoring Program. I can attest to the benefits of this program. My assigned mentor was another attorney at my firm, and as I began practicing he was right there to provide me with the guidance necessary to ensure the clients' needs were met while also teaching me how to practice independently. The OEP and SPP would essentially provide a more structured version of the opportunities that Oregon's law schools and the Oregon State Bar already provide--namely, coursework that will provide a necessary foundation for the practice of law and guidance from more experienced members of the bar. Having benefitted from these opportunities myself, I am in favor of adopting the OEP and the SPP.
Comments (ATE)	Thea		2021-06-30 18:48:42	The bar is antiquated, racist/sexist/classist, and it doesn't measure a person's ability to practice law. The options presented in the report are more equitable and more appropriate measures of skill. I wholeheartedly support the adoption of these new policies and would encourage them to be adopted immediately for the 2021 bar exam.
Comments (ATE)	Sara S. Mulroy		2021-07-01 09:41:24	As part of my responsibilities as the Chief Attorney of MPD's Multnomah County Misdemeanor Unit, I supervise and train many law students. In my experience, attorneys who have had this kind of experiential training are more confident, stronger, and effective advocates than those without this experience. I wholeheartedly support the option(s) for licensure by way of experience.

Comments (ATE)	William C. Jones		2021-07-01 10:03:50	I am opposed to removing the bar exam for entrance into the practice of law in Oregon. There has been little public comment and many lawyers say this was sprung on them with very little or no comment on their part.
Comments (ATE)	James Harbolt		2021-07-01 15:14:09	I'm concerned about eliminating the bar exam at the option of some. I don't oppose what I'll call the clerking or modified school approach to learning, but culminate with passing a the bar exam. I don't think the universities need the Bar to keep up their sort of captive approach to getting a JD and becoming a lawyer, but the bar exam needs to stay part of the equation and show a minimum amount of competency. I think the two new paths being considered will back fire, to the public's detriment. A rigid standard, at an appropriate level, like the Bar exam is needed.
Comments (ATE)	Kate Wilkinson		2021-07-02 11:29:27	I appreciate all of the work that has gone into this process. I am a former member of the BBX and a long-time practicing attorney. After reviewing the proposals for two additional routes to licensing, I would like to share my thoughts and observations. As to the law school curriculum approach - I am concerned that this may force first year law students into choosing a curriculum that will limit their chances for employment. If a student opts for this route, will they still take basic law school classes? How will the law schools determine what makes a competent practicing lawyer? For a student who opts for this route, will their employment options be limited to Oregon (in practical terms)? Do the law schools have the clinical faculty and resources to put together a two-year curriculum that will ensure students are ready to practice? In my experience, there is already a serious disconnect between legal education and the legal profession and this option gives the education institutions sole control to determine what makes a competent practicing lawyer. This route also depends greatly on the BBX members. What measures of competency are in place for those members? BBX is a political appointment, not done through a merit selection process. Are those individuals competent to judge what makes a student ready to practice? BBX is already a substantial volunteer commitment and reviewing student materials will further add to this workload. With regard to the second route (practicing attorney/mentorship program), I have serious concerns about the level of volunteer time needed for this program to be a meaningful success. I have had two new lawyer mentees through the Bar's programs and did not receive support from OSB during the program. It was a substantial amount of time on my part and there was no quality assurance provided by the OSB. In theory, I could have signed off at the end without any actual mentoring provided. How will BBX and OSB ensure fair and equal access to mentors? I would hate this to be another situation where privilege/connections ensures some students have mentors and others don't. How will the mentoring provided be assessed, measured and monitored? How will uniform standards for that mentoring be applied? I think this is a great idea, particularly in situations where an attorney is looking to hand over/sell a solo or small practice and has the time to meaningfully mentor a new attorney. In my experience, most practicing attorneys do not have that sort of time. While this appears to be a positive for law students, how will employers react to and assess a lawyer who obtains their law license through one of these routes? Will the bar exam still be seen as preferable? If that happens, those who can afford a bar exam prep course will continue to be advantaged. Overall, what will these alternative routes do to all of our PLF rates? PLF is already expensive and since it is mandatory, all of us who currently pay those expenses will be subsidizing any increases due to these alternative routes for licensing. If we think the three Oregon law schools are producing graduates ready to practice law, then why not simply institute a diploma privilege?
Comments (ATE)	Jesse Lohrke		2021-07-02 12:14:19	Dear Oregon Supreme Court; Thank you for taking my comments in regard to the recommendation to allow a path to practice law in Oregon that does not require passing the bar exam. I am not in support. I would sooner get rid of the law school requirement than the bar exam requirement. It concerns me that law school deans and others have had the opportunity to surprise the bar with this radical proposal. Access to Justice: One argument for doing away with the exam is to provide access to justice. This argument depends on the understanding that many more lawyers will be admitted if they do not have to pass the test. The reality is that the current bar is solving the access to justice problem. Easing of ethical rules regarding unbundled services combined with aggressive use of technology by entrepreneurial lawyers is leading to a change in the way legal services are delivered. Law firms are finding ways to use technology to help larger numbers of clients at better rates than previously could be done. Unbundled family law services are on the verge of breaking through as a primary way pro se litigants seek legal advice. Flooding the market with new lawyers who were not vetted through the rigor of the bar exam, working out of coffee shops and living rooms will not solve the problem and will not protect legal consumers. Quality of Bar Admittees: There is no doubt that law school does not prepare a lawyer for the day to day practice of law. However, the deep understanding of the development of the law and its complexity that I learned in law school I use in every brief and argument I submit to a court. That said, California and some other states have successfully allowed experienced paralegals to sit for the bar for some time. This is a profession that is trusted by the public. People entrust us to properly care for their freedom, finances, property, and loved ones. The current bar is highly professional, though we all know there are a lot of attorneys who are not as careful and professional as the public trust deserves. But they are a minority. There is an argument that the bar exam is not a good indicator of attorney quality. I disagree. The bar exam serves an important purpose. It mimics the practice of law. One must dedicate substantial time to preparation. One must concentrate for hours on the legal questions before them. And one must write a coherent response to a legal question. The purpose of the exam is to weed out those who are less likely to deserve the high public trust that comes with the license to practice law. It might seem unfair to those who cannot concentrate long enough to pass, those who did not study hard enough, and those who are just not able. But, if we hold our profession in high regard, similar to the practice of medicine, and if we hold the public trust as sacred to our ability to do our jobs, there must be a high barrier to entry. When a lawyer tells a client what is in his or her best interest, it is the knowledge that the lawyer mounted great obstacles to be giving that advice that allows the legal consumer to trust the advice. This is a Radical Proposal that has not been vetted with the Bar: The consensus among lawyers I spoke with is that they are open to a discussion about bar entry but until they are convinced that the current system should be replaced, they prefer to stick with it. Some lawyers have mentioned the possibility of having different levels of lawyers, similar to a solicitor system, as a discussion point. Other lawyers discussed how some states allow experienced paralegals to sit for the bar as a way to reduce barriers to admission and crushing debt. This is a sudden proposal. Law school deans do not represent the practice of law. Law school would become something more like any other graduate program, journalism for instance, under this proposal. Law school admission would soar and the schools' revenue would grow. Law school debt among these new lawyers would grow. Look to practicing lawyers for advice on what it takes to practice law. The theory as opposed to the practice and business of law are a lot different. It is unfair and disrespectful to the bar to have this proposal pushed forward as some sort of vetted recommendation. Blind Testing: The law schools currently control admission and largely decide who gets to take the bar exam. That might not be the best system, as I discussed above. However, any issues with equality in opportunity fall on the law schools, not the exam. The exam is as blind as any can be. Again, the board of bar examiners and task force as a group are not qualified to vet this issue. The law schools have a different interest than the profession. If there needs to be further discussion, it needs to be an open discussion that involves the bar. I do not believe there has been even a single feature article on this subject in the Bar Bulletin. Conclusion: I am of the opinion that it has been a mistake to lower the passing score for the bar in recent years. The profession and the public are best served by a rigorous system of entry. The current bar is solving the access to justice issue, using technology to serve more people than they ever could before. The ethical rules are now allowing lawyers to give advice and help with legal forms without taking on responsibility for an entire case. There is a problem, but it is being solved. A whole-sale change to the system — a one of a kind change at that — is not called for at this time. Jesse Lohrke OSB#114423
Comments (ATE)	Craig Russell		2021-07-02 12:16:35	Respectfully, removal of a bar exam requirement will substantially diminish the legitimacy and credibility of Oregon lawyers. I have already seen this with bar "covid waiver" lawyers. Simply, this is a mistake.
Comments (ATE)	Lindsay Wostmann		2021-07-02 12:35:10	I am against getting rid of the bar exam at this time. This seems like it would be a benefit primarily to law schools, which would no longer have to demonstrate that they are producing graduates that are minimally competent as opposed to any other school. It would likely also have the consequence of affecting any future possible reciprocity between states that still use a bar exam and Oregon.
Comments (ATE)	Jennifer Myrick		2021-07-02 16:02:43	We need the bar exam. It is a public good.
Comments (ATE)	Bill Brendgard		2021-07-02 16:25:21	A shocking lowering of standards. A dark day for professional competence. I am surprised this idea ever got traction. Are you nuts? - Signed, a former lawyer of 23 years and former Oregon law student.
Comments (ATE)	Anna Sammons	https://sammons-criminal-law.com/	2021-07-02 17:18:24	I have been an attorney for about 15 years and have represented countless indigent people. This hypocritical plan will accomplish the opposite of what it promises to do. By effectively guaranteeing a law license for everyone who graduates, this policy will boost admissions and create more JDs but those graduates will have a harder time finding jobs and will still need to pay off their loans (a cost that will be passed on to any clients they may end up representing). What we DO need is the exact opposite-- opportunities for sharp, motivated people to sit for the bar and prove themselves WITHOUT having to go to law school at all, and without having to go into crazy debt. How many capable students from historically excluded backgrounds would be thrilled to enter our profession if they did not need to take 3 years off of their lives (and take out hundreds of thousands of dollars of loans)? This looks a lot more like a give-away to wealthy bureaucrats and academics than a true access to justice initiative.
Comments (ATE)	Rafat Ghodrati		2021-07-02 22:24:20	We strongly recommend that the administrators of the SPP provide a list of trained and participating lawyers at least in the Portland area so that previous Oregon law school graduates could be placed with them in order to have access to the program. Otherwise, this program will not benefit the majority of graduates that have previously completed their law school programs and obtained the law degree, as most of these students may not have the resources or connections to find an attorney willing to supervise them for 1,000-1,500 hours and be trained as a supervisor under this program. In addition, it should not be forgotten that most of these graduates were not given a fair chance last year because they were part of a very small group (about a dozen graduates in total) who were discriminated against by being excluded from the diploma privilege that was granted to other Oregon law school graduates who were in the same circumstances regarding ability to pass the bar exam, just because they graduated before 2020. This is a good chance to rectify this injustice. This might give them a chance to actually make use of the expensive degree that they worked hard to obtain by being permitted to work as an attorney. They have worked hard for years to hope to achieve this goal and still haven't given up despite such adversity.
Comments (ATE)	Robert C Wise		2021-07-02 23:18:12	The idea that a person can practice law without passing a bar exam is insanity.
Comments (ATE)	Jeremy Carlson		2021-07-03 07:25:37	In any event of removing standards from professions, there will undoubtedly be more individuals being accepted into those professions; however, this also drastically reduces the quality of service those individuals will be able to provide. This means lower quality of representation for the citizens, which results in a possible violation of their right to due process within the citizenry of Oregon. This should not and cannot stand, unless the goal is to create a larger inmate population in Oregon prisons.
Comments (ATE)	Brian Johnson		2021-07-03 09:29:40	Merit > Diversity. History and common sense tell us this every day.
Comments (ATE)	Laura Graser		2021-07-03 13:05:06	I believe that getting rid of the bar exam will make Oregon lawyers seem second-rate at a national level. That is the motion important point. It will make being admitted to other states more difficult, too. It makes no sense to say that "it's too expensive" -- law school is too expensive, this is another 2 months. The law schools, with falling admissions, have a direct conflict of interest on this issue; removing the Bar Exam will make Oregon law schools much more attractive to prospective students who are....even before they start... worried that they can't pass the bar. We don't want Oregon law schools spilling these people out on the Oregon public.
Comments (ATE)	Robert S. Jones and Roberto A. Gutierrez		2021-07-03 16:11:48	Commentary on Alternative Pathways by: Robert S. Jones and Roberto A. Gutierrez Introduction On June 18, the Oregon State Board of Bar Examiners requested immediate adoption of two alternatives to the bar exam: the Oregon Experiential Pathway (OEP) and the Supervised Practice Pathway (SPP). The OEP is a curriculum-based model with a focus on experiential coursework during law school, culminating in a capstone portfolio submitted to the Board. The SSP is a post-graduation model where applicants work directly under a licensed attorney for up to 1500 hours of practice and submit a portfolio of work samples to the Board. The Board identified two primary considerations in evaluating alternative pathways to licensure. First, any alternative pathway must provide adequate consumer protection by ensuring applicants to the practice of law demonstrate the minimum competence prior to licensure. There is no question that ensuring minimum competence prior to licensure is an absolute necessity. In both alternative pathways, as with the bar exam, the Board continues to act as the ultimate gatekeeper to determine whether applicants possess the minimum level of competence necessary to practice law in the state of Oregon. The Board's review of the OEP capstone portfolio and the SSP portfolio of work samples will ensure that the high level of consumer protection expected in Oregon is maintained. The second primary consideration identified by the Board is increasing accessibility to and equity in the profession by removing unnecessary barriers to entry. The Board's task force expressed a desire to remove such barriers without further perpetuating or exacerbating already existing disparities in the profession, and to avoid introducing new sources of disparities. Although the Board did not expound on the nature of such disparities in their report, it is useful to examine the disproportionate and discriminatory impact of the current exam-based path to licensure. Racial Bias in the Bar Exam The wide disparity in bar passage rates between racial groups has been well documented for at least two decades. A 1997 report published by the National Conference of Bar Examiners found that on average, the passing rate for White first-time test takers was up to 30 percentage points higher than the rate for people of color. The 1997 report found that, "[o]n the average, members of racial/ethnic minority groups do less well on the bar exam than their classmates. This finding has held up in every jurisdiction that has examined the passing rates of different groups." New data released on June 21, 2021 by the American Bar Association reveals deep racial disparities in bar passage rates. In 2020, the bar passage rate for White first-time test takers was 88% compared with 66% and 76% for Black and Hispanic test takers, respectively. Similar trends are observed in all years (2017-2020) included in the ABA report: The data released by the ABA shows that the same racial biases identified by the National Conference of Bar Examiners over two decades ago are perpetuated in the current exam-based licensure model. This persistent evidence of inequality over the course of years and decades demonstrates a need for alternative pathways to licensure. Economic Bias in the Bar Exam In addition to perpetuating racial bias, the current exam-based licensing model disproportionately favors economically advantaged law school graduates. Students who come from the lowest income brackets are less likely to pursue graduate or professional degrees like a J.D. Those who do pursue such degrees account for a disproportionate degree of overall student loan debt. The increased debt load of students from lower income brackets further exacerbates the financial strain created by exam prep and inability to work. While this strain is felt by all students from lower income households, the financial burden is distributed disproportionately based on race. Students from underrepresented racial minority groups in law schools account for the largest expected law school debt loads. A disproportionate amount of underrepresented racial minority students hold more than $100,000 in student loan debt upon graduating from law school. Of the students holding more than $200,000 in law school debt following graduation, 53% identify with a racial group other than white. It is a fact of life for most law students that preparing for the bar exam is costly. Prep courses, widely accepted as a necessity, carry price tags upwards of $1,000 even for low-end packages. Software required for the exam can cost up to $200. Registration for the bar exam in Oregon carries a price tag of $750. These monetary expenses come in addition to the costly time required for preparation. A typical bar exam study schedule runs for ten weeks beginning after graduation from law school. Students spend 8-10 hours per day, 6-7 days per week, studying 14 substantive law subjects while attending dozens of lectures, memorizing countless rules, completing thousands of practice multiple choice questions and dozens of essay questions. For most students, this represents more work than a full time job. As a result, students adhering to most recommended study plans will be unable to hold a full time job. And because they have not yet passed the bar exam, they cannot perform legal work. The cost associated with bar preparation is substantial. The average starting salary for new attorneys in Oregon is $72,049 per year. In ten weeks of bar prep, recent law school graduates on average lose out on $13,855 in compensation they could have received had they been eligible for employment immediately after receiving their J.D. The impact of this lost income is compounded by the impending stress associated with the disproportionate student debt load carried by recent graduates from lower economic brackets. The inherent economic bias in the current exam-based licensing pathway is immediately apparent. Law students from families with lower household income are at a significant disadvantage, and that disadvantage is placed disproportionately on students from underrepresented racial minorities. For these students, a rigorous and costly months-long study plan is simply not an option. OEP and SSP address the racial and economic biases in the exam-based admission pathway The racial and economic biases inherent in the bar exam have been studied and documented for decades. The institutional inertia associated with the bar exam as a rite of passage has perpetuated those biases for far too long. One of the primary arguments against alternative pathways to licensure is just that – institutional inertia. This is the way it's always been. We suffered through the bar exam, so new generations attempting to break into the legal profession should suffer too. Alternative pathways to licensure have long been a tradition of the legal profession in other jurisdictions. Wisconsin has offered a version of diploma privilege similar to the Board's OEP to graduates of in-state law schools since 1870. A similar program has been in effect in New Hampshire since 2005. More recently, a supervised practice pathway similar to the SSP was introduced in the District of Columbia in 2020. The success of these programs demonstrate that the process of assessing and ensuring minimum competence in the legal profession need not be bound by tradition. The OEP and SSP alternatives address the two primary concerns identified by the Board: consumer protection and increased accessibility to and equity in the profession. Following tradition for tradition's sake does nothing to advance either of those concerns, and research over the years shows that the biases inherent in our traditional rite of passage in fact have a negative impact on accessibility and equity. Both the OEP and SSP sidestep the issue of racial bias in the bar exam inasmuch as an exam would no longer be required in either alternative pathway. The OEP and SSP pathways also avoid the economic biases inherent in the current exam-based pathway to licensing. The bulk of the OEP program proposed by the Board takes place during law school, culminating in a capstone portfolio that would presumably be reviewed for minimum competency prior to or shortly after graduation. The cost associated with the OEP program would be no more than the cost of tuition, and would allow new graduates to seek employment in the legal profession immediately upon graduation. The SSP pathway proposed by the Board allows recent law graduates to begin work immediately under the supervision of a licensed attorney. Like the OEP, this alleviates the financial concerns and constraints associated with the bar exam. This pathway presents some barriers to entry that are not present in the OEP. The Board recognizes that it may be difficult for an applicant to find an attorney who is willing to provide supervision for the entire period of 1000-1500 hours. The Board also recognizes that any sort of apprenticeship-type model, regardless of the profession, creates the potential for exploitation arising from the potential setbacks faced by the apprentice in leaving an otherwise untenable situation. The impact of these drawbacks is minor compared to the benefits associated with minimizing the racial and economic impacts of the bar exam. Conclusion Adopting both the OEP and SSP as alternatives to an exam-based licensing pathway will allow Oregon to move away from these inherent biases and increase accessibility and equity in the legal profession. The oversight built into both alternative pathways provides adequate consumer protection by allowing the Board to review a portfolio of applicants' work for minimum competence. We have long trusted and relied on the Board to ensure the competence of new lawyers entering the profession. The Court should defer to their expertise and follow their recommendation for immediate adoption of both the OEP and SSP models as alternatives to the bar exam.

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Comments (ATE)	Deborah Jones Merritt	https://moritzlaw.osu.edu/faculty/del	2021-07-04 09:21:06	This is an extraordinarily thoughtful and well reasoned proposal. I have studied licensing for many years and coauthored the "Building a Better Bar" study that the report cites. The licensing literature recognizes that the best tests of professional competence occur when candidates are assessed performing the actual work for which they will be licensed. This is the "gold standard" to which most licensing aspires. Reliance on written exams is a compromise that professional organizations adopt when they are unable to assess practice directly. This report proposes realistic, evidence-based pathways for achieving that gold standard in Oregon. The proposed pathways will protect the public as well or better than traditional exams, and will increase accessibility and equity in the profession. Some members of the Bar may worry that the proposed licensing avenues will be too costly. But advances in cognitive science (which make it possible to create reliable rubrics and train supervisors to provide more efficient assessments), changes in legal education, and the presence of technology make it possible to implement the proposed avenues in a reliable, cost-effective way. Written exams are the norm so we tend to forget their costs. Writing, pilot testing, administering, securing, and grading those exams, however, is quite expensive. The costs to candidates are particularly high given the type of preparation required. If Oregon adopts the proposed pathways, I think the state will quickly find that licensing through these pathways is as reliable and cost-effective as written testing. Most important, these pathways to licensure will significantly improve legal services to the people of Oregon. New lawyers want to serve their clients effectively. They are frustrated by the current exam process, not only because of its financial costs, but because they find that preparation for this exam does little to improve their work with clients. The alternative pathways proposed by the Task Force offer high-quality educational experiences that will improve client representation at the same time that they assess minimum competence.
Comments (ATE)	Claudia Angelos, NYU Law		2021-07-04 10:35:12	I am a law professor at New York University School of Law, where I have taught in the clinical law program for more than thirty years. I am grateful for the opportunity to write in support of the recommendations of Oregon's Alternatives to the Bar Exam Task Force. Studying for and passing the traditional bar exam seems to me to be poor preparation for the practice of law. It is my experience as a teacher, lawyer, and supervisor that to depend on memory when analyzing a legal problem leads nowhere good. A closed-book approach to identifying and analyzing legal problems is quite the opposite of my own practice habits and the habits I demand of my students. It is also my experience that legal issues do not present themselves in life in the form of timed multiple-choice or packaged essay questions; asking aspiring lawyers to adopt this approach is inconsistent reinforcing the critical habits of inquiry, research, and reflection that lawyers should have. The students I teach have a knack for standardized tests. I suspect that merely by taking a bar prep course many of them could pass a written bar exam without going to law school at all. They are good at memorizing and at paper testing. What they need is to develop, in addition to the capacity to find and apply law and procedure, is judgment, lawyering skill, professionalism, and an awareness of the client, the context, and the options that a matter involves. We should not license lawyers who have not demonstrated minimum competence in these abilities. I hope that the Court will adopt both Task Force proposals but believe that adoption of the Oregon Experiential Pathway would be especially innovative. The development of an intentional curriculum in law and its practice in Oregon's excellent law schools, accompanied by a rigorous assessment for licensure of the success of a student's achievements, could lead to transformational changes in legal education. Current law school accreditation standards require law graduates to take only six out of a minimum of 83 credits in the actual practice of law, amounting to a mere seven per cent of the curriculum. All other professions require that no fewer than one-third of a student's credits be in assessed actual professional practice prior to licensure. The legal profession should demand no less preparation. All law clients deserve lawyers whose skill as practitioners has been expertly evaluated as competent and who join our profession fully prepared with its knowledge, skills, and values.
Comments (ATE)	Eileen Kaufman		2021-07-04 13:29:50	I write to enthusiastically support the report of the Task Force that proposes two alternative pathways to licensure. These well-thought-out proposals achieve the twin goals of public protection and equity, and are fully supported by the groundbreaking study – Building a Better Bar – that comprehensively assesses the competencies needed for practice. Although I am not an Oregon lawyer, my interest in the Task Force report reflects the fact that I have been researching and writing about lawyer licensing for several decades and participated in the Building a Better Bar project. I write to stress another advantage of the proposed alternatives: both will aid organizations and lawyers who serve under-represented individuals and communities. Many recent graduates are eager to join those organizations but must defer their work while they prepare for the bar exam. The proposed pathways will allow new lawyers to serve needy clients immediately, using their experiential education and/or supervised practice placements. The supervised practice pathway is similar to a concept I have proposed for a Lawyers Justice Corps. https://urldefense.com/v3/__http://ssrn.com/abstract=3852313__!!HoV-yHU!4DAa6C8L9QAKZDnZC1vsaAk4q_UPUDATICzVakPI-yizpaDoQ4Dq6XFIMD0oQ_-pmlQ$ I hope the Bar Examiners and any implementation committee will consider the ideas in that proposal, especially for expanding service to under-represented individuals or communities. If it would be helpful, I would be happy to discuss those ideas further. Thank you for taking the lead in improving licensure options for our profession.
Comments (ATE)	Ethan C. Snyder		2021-07-04 16:27:52	I fully support the alternative admissions pathways to the bar being proposed to the Oregon Supreme Court. The bar exam has long been an outdated and outmoded measure of competence for the practice of law. For those that currently are not sure where they stand on this issue, I invite you to watch 2L and 3L law students serving as Certified Law Students as Public Defenders and representing the State as prosecutors. These students have not passed the bar. Most have a first year curriculum in addition to Evidence and Professional Responsibility courses, while serving the vital needs of our communities under the supervision of practiced attorneys. Certified Law Students represent the state or defendants at the misdemeanor level in arraignments, pleas, bench trials, and jury trials. The bar did not prepare them. Experiential opportunities with clinics, externships, and moot court/mock trial prepared them. Supervision by legal mentors prepared them. And directed introductory courses prepared them. As a collective, we all need to take a hard look at what the bar exam is achieving, and, more importantly, what it is not achieving. Through the years, we have denied qualified candidates admission to the bar based on an exam that tests areas of law that a bar taker may practice one to two of in their career. We are not helping students that more and more are struggling balancing work while studying for the bar because they cannot afford to be unemployed for two months; are parents that cannot study for 6+ hours a day for two months while balancing their family obligations; and those with learning disabilities that otherwise would be fantastic lawyers. Just because this is how we have admitted law graduates to the bar for generations does not mean that we must continue to do so. Let's bring bar admissions into the 21st century. Let's promote equity and diversity in the bar. Let's empower Oregon law graduates to choose the path that makes the most sense for them. Best, Ethan C. Snyder, J.D., M.P.P. Director, Academic Resources & Diversity Lewis & Clark Law School
Comments (ATE)	Alexandra		2021-07-04 17:58:26	In regards to Oregon literally lowering the bar for the bar exam, I think it is a ridiculous idea based on the ridiculous notion of so called equity. Lowering the exam requirement that has been part of history and tradition across the state for over 100 years because people of color do not seem to preform as well as white people is asinine. Everyone has an equal opportunity in this country to pursue their dream and the bar is administered equally to people of all races. It is on you if you don't do as well. I think we should leave well enough alone. Thank you.
Comments (ATE)	Logan		2021-07-05 10:12:31	Attorneys SHOULD NOT be admitted to the profession on the merits of coursework and practical experience. The Bar is what separates those who have the capacities to practice law from those who do not. The lack of any bar exam will ensure a noticeable decline in the quality of lawyers, as well as an increase in shoddy law practices. More minority lawyers will be disbarred due to their ineptitude if they are allowed in on their "merits."
Comments (ATE)	Andrea A Curcio	https://law.gsu.edu/profile/andrea-cu	2021-07-05 14:04:45	I write to strongly support the Alternative to the Exam Task Force recommendations of adding an experiential pathway and supervised practice pathway in Oregon. Both pathways protect the public at least as well, and probably much better, then the UBE pathway. Lawyers need to know how to research, investigate, and analyze client problems in a universe of ever-changing and developing facts and real-world ethical problems. Both the Experiential and Supervised Practice provide opportunities for the development and assessment of these skills. Both pathways have appropriate checks and balances to ensure adequate supervision and that the Board of Bar Examiners, through assessment of a portfolio, is the final arbiter of whether an applicant possesses the skills necessary to be deemed minimally competent. The Task Force's recommendation is a forward-thinking plan that not only protects the public, but also addresses some of the troubling equity issues that exist with the current paper and pencil exam. To put this comment in context, I was a top-of-my-class law graduate who had no idea how to represent clients after passing the bar exam. I worked as a small firm litigator for six years and would have been a much better lawyer, much sooner, if I had had the opportunity to be licensed under either of these pathways. I also am a law professor who has spent over twenty years researching and writing about legal pedagogy, assessment and law licensure. The Task Force report is an outstanding example of taking the latest scholarship and on-the-ground-work being done elsewhere and creating a model that addresses so many weaknesses present in the current "UBE only" licensing model. I thank the Court for the opportunity to submit this comment and strongly urge it to adopt the Task Force's report.
Comments (ATE)	Robert B. Rocklin		2021-07-05 15:33:22	As a former vice-chair of the BBX and a former instructor of for-credit law school courses for bar preparation, I support the recommendations of the ATE Task Force. The recommended paths to practice appropriately address the twin goals of equity and consumer protection. The two recommended paths will improve access to practice, especially by underrepresented groups, without sacrificing the need to ensure that those who are admitted to practice in Oregon are competent providers of legal services. I commend the members of the ATE Task Force for their hard work.
Comments (ATE)	D. Rockey Goodell		2021-07-05 21:49:01	To Whom it May Concern: On June 25, 2021, the Oregon Board of Bar Examiners ("BBX") forwarded three proposals to the Court which are expected to be placed on the Court's public meeting agenda for July 7, 2021. The proposals present two alternatives to the Oregon bar examination and seek to reduce the bar exam's minimum passing score thus effectively reducing the minimum competency for bar admission. The proposals feebly claim to maintain consumer protection while "prioritizing equity in the admissions" of Oregon lawyers. The proposals can be found at: https://taskforces.osbar.org/files/Bar-Exam-Alternatives-TFReport.pdf These two (2) BBX bar examination alternatives are detrimental to Oregonians and must be thwarted. The Oregon State Bar ("OSB") summarizes the bar examination alternative proposals as follows: • Oregon Experiential Pathway program ("OEP"). Developed with Oregon's three law schools, this would create a new curriculum for the final two years of law school with a focus on experiential/practical work, with ongoing reviews by BBX Examiners culminating in a final portfolio of work-product submitted to the BBX to measure minimum competence. • Supervised Practice Pathway program ("SPP"). This would be a post-graduation model, where applicants would work directly under a licensed attorney for 1000-1500 hours, with ongoing reviews by BBX Examiners, culminating in submission of a portfolio of work-product to the BBX to measure minimum competence. The Standard Setting Task Force ("SSTF") also recommends the Court reduce the minimum bar exam pass score from 274 (established in 2017) to within the range of 268 to 273 and agrees that "270 might best reflect the balancing of all policy considerations." While there may be reasonable justification to reduce the minimum bar pass score, the bar examination alternatives are non sequitur. Instead of ensuring Oregon consumer rights to competent representation, they are put forth to provide a subjective pathway self-proclaimed to "prioritize equity in the admissions" of Oregon attorneys. In other words, rather than ensuring access to justice and the best representation of Oregon consumers in need, the proposals are socially engineered for the purpose of subjectively reducing competency standards under the guise of equity. To become an attorney, one endures academic rigor, years of schooling, and personal sacrifice. The process is an intellectual marathon that demands issue spotting, application of the law and critical and logical analysis that only the most determined, disciplined, confident and dedicated applicant can complete. As such, the Oregon Bar should only license attorneys via a rigorous bar examination where only those individuals who are best suited to excel and learn the necessary skills that will allow them to succeed in our great justice system are licensed. To the contrary, these new bar alternative proposals make it crystal clear in Oregon, that "equity" (aka Affirmative Action, Race, Gender, Identity Politics etc.) will play a disturbingly large role in attorney licensure. The OEP alternative broadly states that consumers will be protected by BBX's monitor and measure of the bar candidates' skills based upon the Building Blocks of Minimum Competence identified by the Institute for the Advancement of the American Legal System ("IAALS") while removing unnecessary barriers to attorney licensing. In the OEP context, the report provides no roadmap to monitor and measure the bar candidates' skill other than "depending on its construction and implementation, maintenance of the OEP could prove to be resource intensive. Investments would need to be made by the Bar, law schools, and greater legal community to make the program successful." OBE mandates a progressive re-write of law school curricula, changing licensure admission rules, and expressly encourages holistic admission practices beyond evaluation of LSAT/GPA. Looking through smoke and mirrors, the task force states that law schools will inherently be encouraged to adopt holistic admission considerations because they will have confidence that first-year students can apply for the OEP program. One must ask who is evaluating the BBX in its proposed broadened evaluator capacity and how the benefits—reducing competency requirements—of this radical progressive, and resource intense program to prioritize "equity" in bar admission, outweigh benefits of the traditional tried and true competency requirements which focus on competent representation of the client. The SPP alternative is similarly flawed. The task force broadly asserts belief that its proclaimed success of Canada's "articling" program and Utah's modified diploma-privilege/supervised practice demonstrate that the goal of protecting the consumer can be met through a supervised practice pathway. The SPP essentially proposes an on-the-job training curriculum that will be supervised by an Oregon licensed attorney with 5-7 years of experience. SPP is void of any substantive roadmap for construction, implementation, or maintenance of the program. Rather the report indicates there is a great deal of work to be done; the SPP pathway to admission will not include any formal assistance by the OSB or BBX to applicants looking for supervising attorneys; nor will OSB or BBX be able to develop meaningful partnerships with non-profits or other organizations through which applicants might be able to engage in meaningful practice development activities while simultaneously providing important assistance to underserved communities. As with OEP, SPP begs for questions. Who is evaluating the BBX in its broadened evaluator capacity and how does the proclaimed benefit—reducing competency to prioritize equity—of this resource intense and inherently subjective program outweigh benefits of the traditional competency requirements? Further, who is evaluating the supervising attorney and what objective measures are in place to ensure candidate competency and eliminate subjective evaluation by the supervising attorney? More importantly, while there is no right to be a lawyer, Oregon consumers possess the absolute right to competent representation. Diminishing minimum competency for bar admission to prioritize equity, is clearly contrary to maintaining the protection of Oregonians. Indeed, access to justice is a matter for the litigant parties, not for aspiring lawyers. The American system is unique in the world and throughout history. It demands and guarantees every American regardless of race, gender, national origin, religion, education, economic status et al. with an "equal" opportunity to life, liberty, and the pursuit of happiness. The BBX proposals which prioritize "equity" equate to a fools errand to guarantee an equal outcome, and betray our American ethos. Indeed, once a tool that sought to eliminate race from the employment process in an effort to promote equality, "equity" (aka Affirmative Action, Race, Gender, Identity Politics or whatever is the euphemism or buzz word of the hour) has taken on a life of its own and is now the dominant force that counters racism with more racism. The proposed bar examination alternatives to "[prioritize] equity in the admissions" of Oregon lawyers sends a loud and clear message that those who can't pass the traditional bar aren't good enough to attain their goals on their own. It communicates not so subtlety that some attorney "candidates" of a favored constituency of the party in power require a "handicap" sanctioned by the Government to get to where they want to be. These are in fact the same injustices that Americans have and continue to diligently fight against. As a lifelong Oregonian, retired United States Marine Corps Officer and Aviator, and Lawyer I simply cannot overlook them now. Modifying traditional bar testing in a manner which promotes competent representation of all persons in need of legal representation in this state is not objectionable. However, there is no right to be a lawyer and feckless diminishment of Oregon State Bar competency standards to prioritize "equity" for persons to join the bar simply ignores the rights of the very people lawyers are ethically obliged to protect. Our bar is precious, is in place to promote equity in law and competent client representation, and simply cannot be compromised by socially engineered efforts to diminish its competence. Respectfully submitted, D. Rockey Goodell III MAJ USMC (Ret.) OSBN 111765 CABN 272676

Comments (ATE)	Nancy Campbell, Senior Judge		2021-07-06 07:26:47	I write this comment in strong support of providing alternatives to passage of the bar exam in order to practice law in Oregon. I took and passed the bar exam on my first try in 1979. Studying for the bar exam took a huge toll on my family (I was a single parent of 3 young children) both emotionally and financially, and for what? To show I had the ability to pass a test. I know several people who did not pass the test the first time who turned out to be outstanding lawyers. As a Circuit Court Judge for many years I had the opportunity to observe the competence of the lawyers who appeared before me; most were at least minimally competent, and I know that it took several of them two or three attempts to pass the bar exam. Oregon has three excellent law schools. Students who graduate from these schools have already passed two hurdles: being accepted for admission to an Oregon law school, and getting through three or four years of rigorous study. These two hurdles are far better determinants of competence than the bar exam. An additional consideration that should be considered is that students of color have a lower passage rate than white students. I strongly doubt that these students are less competent. Providing alternatives to passing an exam to show competence is a huge step to providing equitable admission to the Oregon State Bar.
Comments (ATE)	Carol L. Chomsky	https://www.law.umn.edu/profiles/cs	2021-07-06 08:53:13	I am a law professor at the University of Minnesota Law School who has researched and written about the bar exam, as well as participated in the "Building a Better Bar" study mentioned in the report. I appreciate the opportunity to write in support of these recommendations. The Alternatives to the Bar Exam report offers an evidence-based and realistic proposal to add two robust pathways for applicants to demonstrate minimum competence. It maintains the opportunity for applicants to obtain a transportable license by taking the UBE while creating alternatives that are likely to assess minimum competence more effectively than the traditional bar exam. Both alternative pathways—supervised practice and following a portfolio-based experiential curriculum—will assess applicants actually doing the work of attorneys rather than assessing only the ability of applicants to memorize a host of black letter legal rules and apply them to manufactured hypothetical situations in unrealistically time-compressed circumstances. The Task Force set its goals as supporting both consumer protection and equity, and the proposal it recommends respects both. The public will be better protected by licensing those who have demonstrated competence in a full range of lawyering skills and the ability to apply knowledge to the real problems of clients. And adding experiential-based licensing will begin to respond to the disparate impact of the current bar exam, recently documented by an Access/Lex report on bar examination outcomes. The Task Force report offers an exceptionally well considered and detailed plan, and I encourage the Court to adopt both pathways it recommends. This is an opportunity for the Court to play an important leadership role to develop attorney licensing to reflect the needs of the public and the realities of the legal profession. It would also bring our profession into better alignment with the licensing practices of other professions, which demand substantially more demonstration of practice experience and ability than assessed by the traditional bar examination.
Comments (ATE)	Elizabeth Fithian-Barrett		2021-07-06 09:08:20	I fully support the ATE recommendation. I am very impressed by the amount of thoughtful consideration that went into these recommendations. The Bar Exam as currently designed does very little to identify the issues that lead to performance problems that often damage the interests of clients and the public. One need only review the Discipline section in the Bar Bulletin to see evidence of this. Both alternative models proposed by the ATE recommendations require the applicant for admission to demonstrate not just knowledge of the law but the ability to actually practice law in competent manner. These alternatives will also facilitate admission to a broader and more diverse group of lawyers which, in my view, will greatly enhance the quality of our Bar.
Comments (ATE)	Daniel B. Rodriguez		2021-07-06 10:24:50	To Justices of the Oregon Supreme Court and to whom it may concern: Thank you for the opportunity to comment on the OSB Task Force Report. By way of context, I am an experienced law teacher, currently the Harold Washington Professor at the Northwestern University Pritzker School of Law. I served as dean at Northwestern from 2012-18, and before that I held faculty positions at the University of Texas, the University of San Diego (where I was dean from 1998 to 2015), and UC Berkeley law schools. I have been a visiting professor at Harvard, Stanford, and Columbia. In addition to these faculty roles, I have served as president of the Ass'n of American Law Schools, the chair of the ABA Center for Innovation, and a council member of the American Law Institute. I have long been involved deeply and broadly in professional activities, including those related to licensure and legal services reform. I very much commend the Task Force and all of those whose engagement in this important matter has brought this report and set of recommendations before the Court. These proposals represent meaningful and constructive responses to the difficulties faced by law students in the 21st century and, to use the vernacular of the report, these pathways represent real progress. Nonetheless, I write to express concern about the recommendations that limit explicitly one key pathway to students of Oregon law schools. The report is candid in expressing its view that one key benefit of the OEP is as a "durable recruiting strategy" for Oregon law schools. With respect, this should not be a goal of Oregon bar leaders -- at least not a goal that undergirds a proposal that treats students at Oregon law schools differently than students from outside the state. The balkanization of the legal profession is a serious problem, and an approach that can be perceived as protectionist, as about the welfare of Oregon law schools as an independent goal is not the right approach and, frankly, not a good look for the Oregon law schools, the Oregon bar, or the supreme court. To be sure, Wisconsin has a longstanding diploma privilege which accords special benefits to the two law schools in the state. However, there are many (myself included) who view this scheme as of dubious constitutional validity. The dormant commerce clause and privileges & immunities clause of the U.S. Constitution prohibit regulation, not excluding professional services regulation, which discriminates against out-of-state citizens. There is a colorable claim that requiring bar aspirants who want to avail themselves of the OEP special pathway to have attended a law school in the state of Oregon represents discrimination under the rubric of these constitutional provisions and relevant doctrines. While there has not been a definitive ruling on the question whether Wisconsin's diploma privilege is unconstitutional, creating, as here with OEP, another privilege, one that creates a special benefit to Oregon law school students makes it more, rather than less likely, that some litigation will ensue. And yet I raise a concern completely separate from constitutional law. A more sensible approach, to me, would elaborate a set of requirements to be met by a law student in any law school. They would need to complete those requirements at their law school in order to become admitted to the Oregon bar under this pathway. Most law schools may choose to leave their curriculum be, and therefore leaving their Oregon-destined students to another pathway or to a bar exam. But some law schools which have a critical mass of their students who aspire to become Oregon lawyers may take up the banner helpfully provided to them by the good work of this Task Force and adapt their curriculum to ensure, to the satisfaction of this Court, that their law students coming to Oregon will have met all the requirements necessary. In all candor, it is hard for those of us who work outside of Oregon to see the case for a special privilege for Oregon law schools other than, again, as a recruiting tool or, to put it more provocatively, if I may, as a sinecure for the three Oregon law schools competing for students with other law schools. Oregon consumers of legal services deserve capable, well-trained new lawyers, and they ought not to care whether they have been educated at Willamette, Seattle U., or UC Berkeley, so long as the important curricular requirements adumbrated in the report are met. Therefore, while I strongly endorse the direction of the Task Force's recommendations and applaud the good work for all who have been deeply involved in this process, I respectfully urge the Court to reconsider the restrictions of the OEP pathway to graduates of Oregon law schools. The rationale for such a restriction is unjustified, is possibly unconstitutional, and is not good optics for this Court, for the Oregon bar, and for those Oregon law school leaders who have been working on this Task Force and who will be associated closely with its final product. Sincerely, Dan Rodriguez Harold Washington Professor and Dean Emeritus Northwestern University Pritzker School of Law (for identification purposes only).
Comments (ATE)	Jennifer Clingo	http://clingolaw.com	2021-07-06 10:28:31	As a 20-year practicing attorney from CA, who was recently admitted to Oregon, I am opposed to the alternatives to exam as a pathway to practicing law in Oregon. California has addressed this issue with non-ABA law schools, and the result has been thousands of unqualified lawyers practicing in the state without the requisite legal background. Like this Oregon proposal, California attorneys recently weighed in on a reduced path to practicing law and there was a clear opposition from licensed attorneys. I practice in civil rights/ employment law, an area that can be rather complicated, especially with the statute of limitations and a constantly changing body of case law and statutory authority. We have noticed that reduced admission requirements could result in many individuals' rights being waived and substantial harm to our potential clients. I am all for broadening the bar and inclusivity, but not at the expense of proper legal representation. A proper law school experience (i.e. ABA accredited) with the passing of the bar exam has demonstrated for decades a basic level of competency needed to support the community. I fear that removal of those fundamental requirements will cause more harm than potential good. I appreciate your consideration.
Comments (ATE)	Logan Cornett	http://iaals.du.edu	2021-07-06 10:56:08	Comment in Support of the Alternatives to the Exam Task Force's Recommendations We write on behalf of IAALS, the Institute for the Advancement of the American Legal System at the University of Denver (FN1), in response to the Oregon Supreme Court's request for public comment on the recent report Recommendation of the Alternatives to the Exam Task Force to the Oregon Supreme Court ("Recommendations Report"). The legal profession as a whole is converging on a consensus that the current bar exam is failing to meet its goal of serving as a valid measure of the minimum competence to practice law and, furthermore, actually serves as a barrier for many who wish to enter the legal profession. Proponents of the bar exam often point to its role as a consumer protection mechanism: they claim that consumers will be at risk of harm from incompetent legal representation if lawyers are not required to demonstrate that they have attained the minimum competency needed to practice law. However, IAALS' research in the Building a Better Bar project—as the Recommendations Report acknowledges—demonstrates that there are vast discrepancies between what the data tells us minimum competence consists of and what the bar exam tests. Moreover, the legal profession remains one of the least diverse professions in the country: according to the ABA, in 2021, only 5% of the national lawyer population are Black and only 5% are Hispanic (FN2). We also know that Black, Hispanic, and other minoritized examinees consistently obtain lower mean scores on the bar exam than do their white counterparts (FN3). While the bar exam's disparate outcomes are not the only reason for the profession's lack of diversity, we can be certain it is a contributing factor. In addition to the bar exam's disparate outcomes for minoritized groups, the exam presents barriers for any low-income would-be lawyers. While the exam itself may or may not be cost-prohibitive, there is an entire industry built upon high-cost test prep for the bar exam—for example, Barbri courses range from $2,000 to more than $6,000. Additionally, a great many candidates for bar admission take months off of work to focus on studying for the exam. In other words, those with the means to spend thousands on bar prep courses and study for months without an income have a distinct and undeniable advantage. Despite the clear shortcomings of the bar exam as the sole path to licensure, it remains the only way to be admitted to the bar in most jurisdictions. The efforts in Oregon to explore alternatives to the bar exam represent a turning point in how we license lawyers. The Alternatives to the Exam Task Force has taken these two key considerations—consumer protection and equity—as their guiding principles in considering alternative pathways to licensure. Having done so, their Recommendations Report outlines two new alternative pathways to bar admission in Oregon: the Oregon Experiential Pathway (OEP) and the Supervised Practice Pathway (SPP). Both the OEP and the SPP would, through their real-world experience and Exam Alternative Portfolio requirements, provide paths to bar admission that accurately and adequately assess a bar candidate's mastery of the building blocks of minimum competence, thus assuring consumer protection. In addition, the OEP and the SPP present opportunities to improve the diversity of the legal profession by offering avenues to bar admission that are free of the disparate outcomes we know to exist with the bar exam. For these reasons, we support the recommendations outlined in the report, Recommendation of the Alternatives to the Exam Task Force to the Oregon Supreme Court, in their entirety. Sincerely, David Yellen Chief Executive Officer Logan Cornett Director of Research Zachariah DeMeola Director of Legal Education and the Legal Profession FN1: IAALS is a national, independent research center at the University of Denver dedicated to continuous improvement of the of the civil justice system. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions so as to achieve impact. FN2: ABA National Lawyer Population Survey, A. B. A., https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf (last visited July 5, 2021). FN3: See, e.g., Joan Howarth, The Professional Responsibility Case for Valid and Nondiscriminatory Bar Exams, THE GEORGETOWN J. OF L. ETHICS 33, 931-67, at 952-55 (2020). https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2020/08/GT-GJLE200047.pdf
Comments (ATE)	Tiffany		2021-07-06 11:32:41	I believe the Bar is an important aspect of becoming an attorney. The bar sorts out those individuals that are willing to put in the time, work and dedication. Those that are not willing to work hard and dedicate time will simply not make good attorney and are a risk to our profession. Being an attorney is hard work and requires giving up a lot of time. It is very stressful job and not everyone is cut out for intense stress. The bar exam also helps determine which people can handle stress. If they think law school or studying for the bar is stressful then they are in for an awakening of what stress really is when they practice. Without the bar exam I fear for our professional reputation as well as our insurance. I feel there will be a lot more claims with the PLF. Please keep the bar exam.
Comments (ATE)	Jordan Furlong	http://law21.ca	2021-07-06 13:10:31	Good afternoon, My name is Jordan Furlong, and I'm a legal sector analyst in Canada with a strong interest in lawyer formation, licensing, and competence. (My work and writings can be found at http://law21.ca). I have read the report of the task force on alternatives to the Oregon bar exam, and I think it is not only an excellent document, but also groundbreaking and potentially transformative. I've been involved in efforts here in Canada to reform our lawyer admission systems -- most recently, I was retained to write a 90-page report on lawyer licensing and competence for the Law Society of Alberta, which was approved in its entirety last December. (https://documents.lawsociety.ab.ca/wp-content/uploads/2020/12/08212906/LawyerLicensingandCompetenceinAlbertaReport_Designed.pdf) I continually monitor the legal world for new developments in lawyer and legal services regulation. When I heard about this report, I immediately recognized it as a pivotal contribution to significant change in this area. Although I am not a member of the Oregon Bar -- indeed, I am not even a US citizen! -- I would like to respectfully submit for your consideration the following lengthy comments on the report. My position is that our current approach to lawyer development in North America is outdated and inadequate. I believe this report represents an unprecedented opportunity to begin changing that state of affairs. I have serious reservations and criticisms about a couple of aspects of the report, but overall, my assessment is strongly positive. For your consideration, here are my observations. 1. The US bar admission system has been stuck in a maddening dichotomous loop for decades, posing a false choice between "keep the bar exam as is" or "have no admission system at all." The report makes clear that the task force is not advocating to ban the bar exam (although I'd listen attentively if someone wanted to make that case), but is instead proposing additional means by which a bar applicant can establish their readiness to practise law. This is exactly the remedy that the lawyer licensing process needs -- more choices, more pathways into practice. 2. Moreover, the report notes that the three proposed methods (OEP, SPP, and bar exam) all have their strengths and drawbacks, and that some will be better suited to a particular bar applicant than others. "One size fits all" is a discredited notion in our customized-on-demand world; it makes no sense to require that the vast range of aspiring 21st-century lawyers of all shapes and types must fit through this one old small doorway in order to be admitted to practice. 3. The report endorses and adopts the recommendations of the "Building a Better Bar" study by IAALS, which is excellent news. "Building a Better Bar" is a thoroughly researched and rigorous call to re-envision the licensing and competence assessment process for American lawyers, and it's heartening to see the IAALS's work validated by a State Bar committee so soon after it was published. 4. To my mind, the most important aspect of this report is that it changes the nature of what the lawyer licensing process actually does. The law degree and the bar exam, our current requirements for bar admission, are essentially "input" measures of competence. They don't actually measure anything; they're just convenient (albeit unfair and expensive) proxies that the profession has decided should function as stand-ins for an assurance of the competence that consumers expect new lawyers to possess. We license new lawyers this way -- but we don't "evaluate" them at all. 5. The OEP and SSP are "output" measures of competence. They allow aspiring lawyers to "demonstrate" not only what they know, but also what they can do, and how they can do it. Each of these new pathways into practice includes an "Exam Alternative Portfolio" (EAP) of accomplishments that the bar applicant assembles over the course of months or years and submits for evaluation by the bar admissions board. Each candidate is thereby personally assessed for who they are, and what they can do. 6. It's difficult to overstate how important this change is, and how ridiculously overdue is its arrival. A lawyer does not spend her career passing courses and writing exams -- she spends it doing real legal work with real consequences for real clients. So why do we license people for doing things (getting a degree, getting a sufficiently high score on an exam) that "they will never do again" as professionals? And that they will never be hired and paid to do by clients? 7. The OEP and SSP require the bar applicant to do supervised legal work for clients in the real world, whether in a clinical setting during law school or in a legal workplace (mostly) after graduation. Their performance during these opportunities, under the proposed new systems, would form the basis for deciding whether they should be licensed as lawyers. Just as importantly, their performance during these opportunities "prepares them" for practising law, in ways the law degree and bar exam don't and never will. 8. The OEP and SSP, if approved, should really become the "default" methods for assessing a bar candidate's qualification for licensure. The bar exam would be regarded as an odd outlier -- why are you writing a test, when you could be out there serving clients and learning the ropes of practice? What good will the test do you, when you have to solve the problems of a client sitting across a desk from you? Hopefully, that's exactly how the matter will be viewed, if and when all these pathways are available for aspiring lawyers to choose from. 9. Of the two new options proposed by the task force, I much prefer the OEP, and I think students would prefer it as well, by a wide margin. They would get extensive exposure in clinics to on-the-ground problems and challenges of real people, but in a safe, supervised setting, with feedback and direction from experienced legal clinicians, during their law degree. They would also get to start their legal careers upon graduation (pending passage of the MPRE and the "fitness and character test," which is a whole other box of trouble), rather than having to pass yet another exam or try to find supervised work in a law firm. 10. This type of model is successfully employed elsewhere. The report credits the DWS Honors program in New Hampshire, and rightly so. But two Canadian law schools, Ryerson (https://www.ryerson.ca/law/program/integrated-practice-curriculum-ipc/) and Lakehead (https://www.lakeheadu.ca/programs/departments/law/curriculum/ipc), employ a highly similar Integrated Practice Curriculum that, once completed, allows graduates to skip the "articling" year. And in England, the Legal Advice Center at Nottingham Trent Law School (https://www.ntu.ac.uk/c/legal-advice-centre) is a "teaching law firm" that gives current students and recent graduates hands-on exposure to serving low-income clients while also learning the law. This approach has been proven successful outside of Oregon. 11. When we come to the SPP, however, my concerns increase substantially. In theory, I'm fully supportive of the idea that law school graduates should complete a period of supervised practice in a legal work environment. That's how we do it in Canada, with the articling system (and its recent supplementary pathways), and that's how it's done in most of the world: America is one of very few countries that do not require some form of supervised practice before bar admission. 12. I'm also in agreement with the report's skepticism about adopting the Canadian articling system, for many of the reasons the report raises: The articling term is excessively onerous (9 to 12 months long, for no particular reason), access to articling jobs is unfairly limited, and biases in hiring are rife. To that list I would add alarming rates of discrimination and harassment experienced by articling students, as well as insufficiently rigorous standards for what the articling term is supposed to involve and produce. 13. But the SPP, as framed in the report, not only fails to fix these problems, it effectively replicates them. The report recommends that SPP candidates complete 1,000 to 1,500 hours of supervised work in a law firm. These are textbook examples of arbitrary numbers, with a range so wide as to be effectively meaningless. The numbers are supported by no evidence, no studies that conclude that these are the correct number of hours to ensure sufficient practice exposure for licensing. The huge +/- delta of 500 hours -- a 33% variance -- underlines this point. 14. The arbitrary and arduous nature of this requirement is illustrated at pp. 16-17 of the report, in a contrast with Utah's modified SPP, which requires "only" 360 hours of supervised practice. The report does not consider whether 360 hours might actually be a perfectly fine amount. Utah's decision to tie eligibility for its SPP to bar exam metrics is indeed bewildering. But that doesn't change the fact that 360 hours is just as sensible, or just as random, as 1,000-1,500 hours. There is no inquiry into "how many hours are actually needed" for an effective SPP. Studies should be made to determine how much supervised practice is enough for licensure, and the results should be used to build new systems like the SPP. 15. The report also recommends that SPP candidates record these hours in six-minute increments -- thereby imitating one of the ugliest aspects of law firms' working conditions, and placing itself at odds with the rise of fixed-fee retainers in law (especially for straightforward legal matters). The six-minute requirement is motivated by a commendable desire to free SPP candidates from the dangers of being tethered to a single employer and to allow them to "get their hours" from multiple workplaces. There is merit to that. But "six minutes" is an archaic measure we should be abandoning with all haste, not embracing as part of systemic reform. 16. One further point here: The report correctly characterizes the 9-to-12-month Canadian articling period as onerous. But at p. 21, the report goes on to suggest that 1,000-1,500 hours of supervised practice for the SPP would in fact translate to 9 to 12 months of full-time practice. It also concedes (on p. 22) that some of the work of SPP students will be unpaid or low-paid, a serious problem we are grappling with here in Canada. In effect, the task force's SPP proposal basically "is" the Canadian articling system, warts and all. We are attempting to reform this very system as we speak. 17. At this point, I would be remiss if I failed to mention the Commons Law Center in Portland, Oregon, a non-profit law firm that offers sliding-scale and unbundled legal services, practical training for new lawyers, and community legal education. (https://thecommonslawcenter.org/) I was a little surprised that the CLC didn't come up in the report, as it represents exactly the kind of hybrid training-and-practising opportunity that the SPP seems to envision. I would encourage the Board of Bar Examiners to take a close look at the CLC as a potential model for supervised practice. 18. (Now would be a good time to disclaim that I serve in a volunteer capacity on the advisory boards of both the Commons Law Center and the IAALS's Foundations Project.) 19. My concerns with the proposed mechanisms of the SPP are significant. But those mechanisms can be adjusted. I would not want these concerns to outweigh my very strong support for supervised practice as a means of qualifying for bar admission, which the report correctly endorses, as well as the critically important breakthrough concept of "multiple pathways to bar admission." "Multiple pathways" is, to my mind, the most important aspect of this report. It reflects a similar trend towards licensure system diversification in Canada and Great Britain. It is, in my view, absolutely the right way forward. 20. I again want to emphasize the groundbreaking nature of this report, and how it has the potential to revolutionize and reform the lawyer licensure process in the United States. I endorse most aspects of the report, and I absolutely endorse the approach it takes to lawyer licensure. I sincerely hope that it receives a thorough hearing and eventually the approval of the Oregon Supreme Court. The future of American lawyer licensure could begin right here. Thank you again very much for the opportunity to submit these comments, and wishing you all the very best, Jordan Furlong

Comments (ATE)	Jacqueline Alarcon	https://oregonwomenlawyers.org/	2021-07-06 14:22:16	On behalf of the Oregon Women Lawyers, our organization fully supports both proposals set forth by the BBX Task Force. These two new programs; namely, the Oregon Experiential Pathway program (OEP) and the Supervised Practice Pathway program (SPP), should be actively considered as an alternative pathway to obtain a license to practice law in the State of Oregon. Jacqueline L. Alarcon (President of OWLS)
Comments (ATE)	Rachel Kosmal McCart		2021-07-06 14:57:28	My main concern with adding not just one, but two new admission programs is the added expense that would be passed on to existing and future bar members. The report doesn't contain any dollar estimate of what these two new programs will cost to establish and then administer on an ongoing basis, but it does note that there will be costs, and that the bar will be bearing at least some of them. Those costs seem likely to include hiring new staff members to design and administer the programs, and staffing is expensive. 2021 Oregon bar dues were already higher than the three other states where I practice: 31% more than Washington, 33% more than California and 65% more than New York. Adding two complex new programs to the Oregon bar's existing large roster of administrative programs seems very likely to result in a substantial increase in bar dues. Practicing law in Oregon is already expensive - at a minimum, active bar members must pay their annual bar dues, their PLF assessment (which increased in 2021) and the cost of their own continuing education (which is rather expensive, particularly the required courses specific to Oregon). Do we want to make Oregon an even more expensive place to practice law? That seems likely to reduce the overall number of practicing lawyers in Oregon and increase the rates that Oregon lawyers will charge their clients, results that seem to undercut the hoped-for diversity and inclusion from these new programs. Finally, many lawyers are continuing to struggle with the economic impacts of COVID-19 on their practices and their family finances (not to mention the impacts of the 2021 wildfires), so the timing of added expenses could not be worse. Respectfully, Rachel Kosmal McCart
Comments (ATE)	John Parry		2021-07-06 15:33:16	I am writing to express some concerns about the Alternatives to the Bar Exam Task Force Report. My comments are directed exclusively to the Experiential Pathway Program. I do not object to the Supervised Practice Pathway proposal. In addition, I was a member of the Standard Setting Task Force and I fully support the task force's unanimous proposal to set the bar exam cut score at 270. I write these comments solely in my capacity as a law professor, and not as a representative of Lewis & Clark Law School or of the Standard Setting Task Force. The Experiential Pathway proposal proceeds on two assumptions, one false and one true. The true assumption is that the current bar exam is flawed. Instead of testing legal thinking and analysis, it often plays gotcha games with minor points of law. Should the bar exam be better? Absolutely. Should it be replaced with a diploma privilege? Maybe – but not with the current proposal that is before the Court. The proposal's false assumption is that law students currently learn little or nothing about lawyering skills. The task force may have found it easy to make that assumption based on their own law school experiences – experiences that may have been decades in the past. Also, there was only one legal educator on the task force and the task force made no effort – none – to reach out broadly to faculty at Oregon's law schools. The claim that this proposal was "[d]eveloped with Oregon's three law schools" is simply not true. At Lewis & Clark, we learned the details of this proposal one day before the task force voted on it. I don't understand the rush to push through a proposal that has received essentially no vetting from some of the people in the best position to evaluate it. And vetting is certainly something that this proposal needs. First of all, legal education IS skills education. "Thinking like a lawyer" is not just a turn of phrase; it is something that we teach every day in the classroom, and students learn these patterns of thought at the same time that they are gaining substantive legal knowledge. That's how they gain the most basic set of skills that any lawyer needs: the ability to recognize a legal issue, figure out the applicable legal rule, and apply the rule to the facts. Thankfully, legal education has changed a great deal since the turn of the century, with much more emphasis on experiential learning and skills. But the core of legal education properly remains the difficult effort of mastering and learning to work with complicated materials – because lawyers need to have that knowledge and those skills in order to be zealous and effective advocates for their clients. Second, legal education already has shifted noticeably towards more experiential or skills-based learning. The ABA requires 6 credits of skills or experiential learning, and most students probably take more than that. That's a good thing, and students love and benefit from experiential learning. No matter what the Court decides, experiential and skills-based learning will continue to enrich our students' law school experience. Third, although it is very important for law students to gain skills, it's also vitally important to recognize the limits of experiential or skills-based learning. Lawyers learn some things by doing, but employers and the general public have a right to expect more than surface skills; they have a right to expect substantive expertise. For example, trial practice skills are fantastic, but how many cases actually go to trial? Most lawyers spend more time negotiating with each other and counseling their clients. And although those are also skills, they are skills that mean little if the lawyer lacks substantive knowledge. If I go into a negotiation on a mixed motive employment discrimination case or an aggravated murder prosecution, I'll be steamrolled by the other side if I don't know the law backwards and forwards. Similarly, contract drafting is an important skill, but if I don't understand choice of law or forum selection – let alone specific doctrines that apply to, say, franchise or insurance contracts – then my clients will make bad deals. And if I am briefing a summary judgment motion in a complex case in federal court, or bringing a case to the Oregon Supreme Court, it's probably very nice that I've practiced oral argument skills, but I'll lose the case if my substantive legal arguments fall short or fail to grapple adequately with core issues. Fourth, many of our students pursue certificates in such things as criminal law or environmental law. The requirements for these certificates are rigorous, because we believe students who practice in these areas need a great deal of substantive knowledge as well as some practical experience. But the Experiential Pathway proposal could make it difficult for students to do both, and that would be a real loss for students and for their future clients. In short, the Experiential Pathway risks promising students – and the general public – something that it cannot deliver. That's particularly true of the rigid set of guidelines that the task force proposes. Not only would those guidelines impose serious costs on Oregon's law schools; they also would put the OSB and the Court in the position of regulator-in-chief of law school curricula. If the Experiential Pathway proposal goes forward, it should do so at a much slower pace, with far more time and effort, and far more engagement with the people who spend their days in the classroom with students. Also, any proposal should provide a great deal of flexibility to the law schools. Perhaps there should be a set number of broadly experiential credits, but schools and students should have flexibility in meeting that number. For one student, a full-semester externship with Metropolitan Public Defender should suffice (although it would NOT suffice under the current proposal). For another student, a clinic, an appellate moot court, and a class with strong simulation components should suffice. (For example, I teach a Civil Rights Litigation class in which students draft a sec. 1983 complaint and a summary judgment motion while also learning enormous amounts of very difficult law – a class like that should count. Perhaps the same should be true for classes that are problem-based.) Perhaps, too, the focus should be on a student's portfolio of work product or written evaluations and not on a specific number or kind of credits. Note that the point of these suggestions is not to rewrite the pathway proposal but instead to make clear the scope of questions that need to be addressed before this pathway can come anywhere close to reality. I have two final, related concerns. First, the task force also suggests that the Experiential Pathway will free law schools to be more holistic in their admissions practices. But the logic of this assertion is not clear. If we are going to allow a JD to substitute for the bar exam, doesn't that mean we should raise admissions standards? Or impose a GPA requirement (3.0?) for taking this pathway? Indeed, although the task force properly and laudably seeks to address equity issues, I worry that the Experiential Pathway will create two classes of lawyers in Oregon: the pathway lawyers, and the bar exam lawyers. The pathway lawyers will only be able to practice in Oregon, while the bar exam lawyers will be able to practice in other states. Will they also end up serving different categories of clients? At the end of the day, of course, many students may do both the pathway and the bar exam – but that hybrid path would presumably impose extra costs on students in terms of fees paid to the OSB. And last, the Court, the OSB, and the BBX should think about the immense amount of work that they will be taking on with the Experiential Pathway. If this pathway becomes reality, I expect that a substantial percentage of Oregon law students will pursue it – even if they ultimately decide to take the bar exam instead of or in addition to the pathway. If half of all law students take the pathway, then BBX will have to review 200 or more portfolios every year, entirely with volunteers who must somehow all apply the same standards of review. (And while also dealing with students who chose the bar exam.) It is unambiguously a good thing that the Alternatives to the Bar Exam Task Force made a first effort at this important issue. First steps are often the most important, because they set us on the proper road. But the first step is rarely the whole journey. And this particular journey still has miles to go. Respectfully submitted, John T. Parry Associate Dean of Faculty and Edward Brunet Professor of Law Lewis & Clark Law School
Comments (ATE)	William P. Haberlach OSB # 680606		2021-07-06 16:56:46	Too short of a comment period. Not sure why we need a change
Comments (ATE)	Nathaniel Greenhalgh-Johnson		2021-07-06 17:04:37	First, I would like to note that I work for a public entity and my opinion is my own and in no way reflects that of my employer. I would like to express appreciation for the work that has been done to identify alternatives to the bar exam. In my opinion, much of the bar exam does not test actual competency in the practice of law. Likewise, and perhaps as a consequence of this, most law school courses do not teach practical skills that will be used by most attorneys. Clearly, the current system is in need of reform. However, there are a few pitfalls that could arise when standardized testing is not used. Non-standardized assessments of qualifications can suffer from at least two drawbacks. First, an artificially high passage rate might result when a committee must review a great deal of non-standardized materials. Individual judgment plays a great role in the evaluation of such material, and it is therefore often easier for examiners to pass an artificially high percentage of individuals instead of engaging in the rigorous process of defending an admissions denial. Second, arbitrary results may occur more often when a board of examiners must evaluate disparate projects, writing samples, etc. from multiple fields of law. It is possible, in this context, that biases could be come easier to hide. In conclusion, I appreciate the work that is being done, but I believe that these concerns should be examined in detail throughout the decision making process.
Comments (ATE)	Professor Marsha Griggs	https://www.washburnlaw.edu/profil	2021-07-06 17:09:46	I am a law professor and the director of an academic support program. I have a vested interest in making sure that law graduates demonstrate at least minimum comptency before being licensed to serve the public. I have studied and written about the bar exam and licensure protocols for serveral years. Without equivocation, I can say that the task force recommendation is well thought and would protect the citizens of Oregon if adopted by the state supreme court. Both alternative pathways—supervised practice and following a portfolio-based experiential curriculum—will assess applicants actually doing the work of attorneys rather than assessing only the ability of applicants to memorize a host of black letter legal rules and apply them to manufactured hypothetical situations in unrealistically time-compressed circumstances. Oregon was an innovative leader during the early COVID-19 era, and set the tone for other states to follow by offering a "diploma privilege" option, a full UBE exam option, a modified online exam option, AND a lowered UBE cut score. I referenced hearing with Oregon law school deans and the courts decision in my recent article An Epic Fail, published in the Howard Law Journal (Fall 2020). Oregon has already set the standard for attorney licensure, and it is time to continue to do so. The mutliple choice questions on the current multistate exam do NOT simulate law practice and do not fully protect the public. A passing bar exam score is a measure of how good of a test taker an applicant is - not how suited the applicant is for the practice of law. The public will be better protected by licensing those who have demonstrated competence in a full range of lawyering skills and the ability to apply knowledge to the real problems of clients. And adding experiential-based licensing will begin to respond to the disparate impact of the current bar exam, recently documented by an Access/Lex report on bar examination outcomes. THANK YOU for wisely considering an alternate, and additional path to licensure in your state. If you adopt your task force's recommendation, other states will surely follow. This is exactly the type of measured change we need to see in the legal profession. We can protect the public and promote a path to licensure that removes the financial impediments of 12 weeks of bar study and costly bar review courses, costing $3,000 or more. For it is those impediments, that prevent most attorneys who would otherwise add much needed diversity to our profession from entry.
Comments (ATE)	Jay Nelson		2021-07-06 18:05:00	I am a solo practitioner who would celebrate a more inclusive and diverse legal profession. If enacted, these measures would appear to help level the playing field for admission, and I encourage their adoption. Particularly if the SPP is adopted and successful, I further encourage inquiry into an avenue for admission that would not require a law school degree at all, much like California's "law office or judge's chambers" pathway to bar membership.
Comments (ATE)	Catherine Christopher, Professor of Law, Texas Tech University		2021-07-06 19:07:33	Oregon should explore a "modern diploma privilege," in which state licensure authorities partner with law schools to develop a concrete list of competencies a newly-licensed lawyer should possess—this list of competencies need not be constrained by what is currently tested on the bar exam. The competencies may include substantive knowledge and a wide variety of legal and "soft" skills, such as legal research, client counseling, multicultural lawyering, workload management, and wellness. Once the licensure authorities and law schools have established this list of desired competencies, they can develop assessment methods that can be administered by the law school over the course of a student's legal education. Once the competencies are established, the student can become licensed immediately upon graduation (assuming other licensure requirements, such as character and fitness, are satisfied.) If law students graduate from law school without satisfying the modern diploma privilege requirements, those graduates can take the bar exam for licensure. I propose the "modern diploma privilege" in my forthcoming law review article; I would be glad to share a draft with the Oregon licensure authorities. The article frankly acknowledges the strengths and weaknesses of diploma privilege as a method of licensing new attorneys. The diploma privilege is superior to a bar exam in that it allows for the assessment of more skills and knowledge, over a more appropriate time horizon, than a closed-book exam that takes place over the course of 12 hours in two days. The modern diploma privilege need not be a one-size-fits-all framework, though it would save time and administrative efforts if states developed consistent partnerships with individual law schools. Importantly, the modern diploma privilege can and should be revisited periodically to ensure the desired competencies and assessments are appropriate, functional, and unbiased. This way, the modern diploma privilege can evolve as the practice of law changes. It will also free law schools to experiment with curricular innovations without fear of leaving students unprepared for the bar exam. The goal of the modern diploma privilege is to be a better assessment than the bar exam, so as to license the right attorneys. Done well, I believe the modern diploma privilege will decrease the "ratio of regret" and decrease racial disparities of bar exam licensure, all without increasing attorney disciplinary actions and malpractice complaints.
Comments (ATE)	Kathryn Hupy		2021-07-07 09:57:43	I am commenting in support of the report from the ATE Task Force. I have long thought that the bar exam was an arbitrary and inaccurate measure of one's ability to practice law. When I was in BarBri over a decade ago, there was an emphasis on learning the test because 'if we practiced law the way we took the bar exam, we would be disbarred" (i.e. working completely off memory, not looking anything up, and not staffing with colleagues on things we are not sure about). The MPT was the only portion of the bar exam that came close to approximating actual practice. When I was in law school, I lived with medical students. They told me about how the first two years of medical school was, for lack of a better term, all of the book learning - first year was body systems and second year was diseases. Then the final two years were a series of rotations where they got practical, hands-on experience in the various specialties. This struck me as a phenomenal system because by the time they graduated, they had two years of full-time experience and had a much better idea of what type of medicine they wanted to practice. When I graduated law school, I had two summers of full-time experience and a year of very part-time experience. I learned more about the practice of law in my first year of practice than I did in my three years of law school. I did so flying mostly blind. I became licensed in NY and MA in 2010 upon graduation and Oregon in 2011, and there just weren't the jobs available. The mentorship program that my class piloted was fantastic, but I would have felt significantly more comfortable in my practice if I had graduated with two years of full time hands-on exprience. Since law school and my discussions with my roommates, I have felt that law school should be set up more like medical school. It will increase attorneys' efficacy to require that level of experience prior to licensure, which will protect the clients they represent. It will also allow law firms to more quickly get these new attorneys up to speed because they will not only be working off of book knowledge, but their learned experience. This is particularly important in public defense, where we are protecting the rights of the most vulnerable of clients with incredible case loads. The lack of ramp-up time will benefit both the clients and public defense firms. I greatly appreciate your time and attention to this matter.
Comments (ATE)	Fianna MacGregor-Whitman		2021-07-07 10:06:37	I can't help thinking that this is a very bad idea. I just keeping thinking that this could lead us to California's Kim Kardashian problem. I think that the practical component is the better of the two but even then I think they should have to take the exam. It is not just a test of what you learned in law school, it is also a test of whether you can think on the fly. Anyone who is going to be in court needs to have this ability. The exam also weeds out those who don't study for the bar or who really aren't interested in becoming lawyers.
Comments (ATE)	Jason A Steen 993675		2021-07-07 10:43:14	You have to PASS THE BAR to be an attorney. Martha has NO RIGHT to diminish the accomplishments of all Bar Members by allowing people to weasel in without the exam. I had to take the Multi-State in AK and OR (6 years later) because THIS STATE's draconian reciprocity rules forced me to suffer. Now you want to throw open the doors. When Martha needs her open heart surgery, will she go to a surgeon who did not take or has not passed the medical boards? I thought not. Any so called "attorney" who thinks they can practice here without passing the Bar wont get any respect from me. They are NOT real lawyers. This may be shocking, but not every citizen of this State approves of your Woke agenda.
Comments (ATE)	Rex Daines	http://www.olsendaines.com	2021-07-07 10:46:04	I think having a system to become a lawyer without passing the bar exam is not a good idea and it will lead to unqualified people admitted as attorneys in Oregon.
Comments (ATE)	Zoe Bayham		2021-07-07 11:47:46	I believe the Bar Exam requires skills needed to practice law and is therefore necessary to eliminate those that are unable to pass it. The Bar Exam is pass-able for anyone with the organization, dedication, work ethic, logic, and intellectual capability needed to be a lawyer. If one is unable to pass it, I question whether they possess those skills. I am not in favor of eliminating the Bar Exam.
Comments (ATE)	Dean Land		2021-07-07 11:58:54	An assessment of the utility of the bar exam is long overdue. I have never seen any evidence that it accomplishes what it purports to do: assess applicants' ability to practice law. To the contrary, I know more than a few excellent lawyers who failed the bar exam one or more times, and, unfortunately, I can name a number of lawyers who are a detriment to their clients and the profession but who passed the bar exam on their first attempt. The only reason to keep the bar exam is to provide graduates with a portable exam score that could be used to apply for licensure in other states. An ultimate goal should be to eliminate the bar exam by getting other states to agree that the bar exam is not an accurate method of assessing a person's ability to practice law. While we're still stuck with the bar exam, the ATE Task Force has provided some additional pathways to licensure that are worthy of consideration. I strongly support the OEP, although with some modification. Much like the Wisconsin model, graduation from a "BBX-accredited" law school program, in conjunction with passage of the character-and-fitness review and the MPRE, should be sufficient for licensure. Our law schools are more than able to develop and administer an experiential, skills-oriented curriculum without the need for the Task Force's proposed "capstone requirement." My concern is that the capstone requirement would require significant resources from the BBX and potentially introduce arbitrary and differing standards for different capstone projects. Instead, graduation from a law school program that meets BBX standards should suffice. I also support the SPP. But the BBX will have to take the utmost care to ensure that supervisors are meeting their obligations and that applicants on this pathway are subject to consistent standards of evaluation. Ultimately, both the OEP and the SPP are worthy alternatives for assessing an applicant's ability to practice law. Both pathways would provide better consumer protection than the bar exam currently provides, and hopefully both will offer a more equitable method of entering the profession.
Comments (ATE)	Henry		2021-07-07 12:47:43	I support maintaining the requirement of the Uniform Bar Exam. The UBE ensures that new lawyers have a basic understanding of the major areas of law. Forgoing this requirement will allow more lawyers to be admitted as specialists in certain areas who might lack basic competence in other areas. That basic competence of the practice of law in general is a valuable thing to measure and I think the bar exam is the best way to measure that. I don't trust that the alternative pathways will do a good job measuring that, in part, because they will probably lack the time constraints imposed by the UBE. The UBE shows that at one point an applicant was minimally competent in all areas of law as demonstrated over a two day period. The UBE is hard, time consuming, and is a hardship for most applicants. I don't believe that justifies doing away with it.
Comments (ATE)	Ginger Fitch		2021-07-07 13:32:57	Thank you for the opportunity to comment. This is a matter and change that is significant. It came unexpectedly during a time of vacation and transition due to COVID-19 restrictions being lifted. Please allow additional time for attorneys to evaluate this lengthy document, the evidence supporting its recommendations and time to provide meaningful response.
Comments (ATE)	Sunny Maxwell		2021-07-07 13:44:32	To Whom it May Concern, I am currently studying for the July bar, and I wholeheartedly support alternatives to admission. The bar preparation I am doing is not helpful or relevant to the practice of law in Oregon. Because the majority of the bar tests MPC and majority rule issues, I am literally unlearning much of the law I have become familiar with in the course of clerking for three excellent criminal defenders' offices. Because my experiences clerking were active and well directed, they did far more to prepare me for the competent practice of law than three years of school, and absolutely more than six hours of answering multiple choice questions ever could. I can only imagine that an apprenticeship to licensure would be even more helpful. As a descendent of multigenerational poverty, this exam is a huge hardship to me. I cannot imagine the additional burden created for grads trying to prepare for the bar while undocumented (and thus carrying the financial weight of school without eligibility for grants or federal loans), or grads who are financially responsible for children or family members. The bar requires three months of almost full time studying, in addition to the cost of the exam and the software licensing fee to take the exam. I don't have family that can help me out with rent. I don't have assets to sell for extra cash. The idea that admission to practice law requires the means to go three months without income or the physical and mental ability to work (impossible or possible at great cost to many grads with disabilities) and prepare for the bar at the same time is repugnant to me. Poor and disabled people are overwhelmingly impacted by administration of law, and justice requires greater representation of these identities in positions of agency in the legal field. My experience as a law clerk during school as well as my experience preparing for the bar exam after graduation gives me great confidence that a system of apprenticeship or supervised hours would produce excellent attorneys and provide greater accessibility for talented law students who are disadvantaged by the current system. I hope you will consider my experience.

Comments (ATE)	D. Rockey Goodell III	https://www.linkedin.com/in/rockey-	2021-07-07 15:31:34	To Whom it May Concern: On June 25, 2021, the Oregon Board of Bar Examiners ("BBX") forwarded three proposals to the Court which are expected to be placed on the Court's public meeting agenda for July 7, 2021. The proposals present two alternatives to the Oregon bar examination and seek to reduce the bar exam's minimum passing score thus effectively reducing the minimum competency for bar admission. The proposals feebly claim to maintain consumer protection while "prioritizing equity in the admissions" of Oregon lawyers. The proposals can be found at: https://taskforces.osbar.org/files/Bar-Exam-Alternatives-TFReport.pdf These two (2) BBX bar examination alternatives are detrimental to Oregonians and must be thwarted. The Oregon State Bar ("OSB") summarizes the bar examination alternative proposals as follows: • Oregon Experiential Pathway program ("OEP"). Developed with Oregon's three law schools, this would create a new curriculum for the final two years of law school with a focus on experiential/practical work, with ongoing reviews by BBX Examiners culminating in a final portfolio of work-product submitted to the BBX to measure minimum competence. • Supervised Practice Pathway program ("SPP"). This would be a post-graduation model, where applicants would work directly under a licensed attorney for 1000-1500 hours, with ongoing reviews by BBX Examiners, culminating in submission of a portfolio of work-product to the BBX to measure minimum competence. The Standard Setting Task Force ("SSTF") also recommends the Court reduce the minimum bar exam pass score from 274 (established in 2017) to within the range of 268 to 273 and agrees that "270 might best reflect the balancing of all policy considerations." While there may be reasonable justification to reduce the minimum bar pass score, the bar examination alternatives are non sequitur. Instead of ensuring Oregon consumer rights to competent representation, they are put forth to provide a subjective pathway self-proclaimed to "prioritize equity in the admissions" of Oregon attorneys. In other words, rather than ensuring access to justice and the best representation of Oregon consumers in need, the proposals are socially engineered for the purpose of subjectively reducing competency standards under the guise of equity. To become an attorney, one endures academic rigor, years of schooling, and personal sacrifice. The process is an intellectual marathon that demands issue spotting, application of the law and critical and logical analysis that only the most determined, disciplined, confident and dedicated applicant can complete. As such, the Oregon Bar should only license attorneys via a rigorous bar examination where only those individuals who are best suited to excel and learn the necessary skills that will allow them to succeed in our great justice system are licensed. To the contrary, these new bar alternative proposals make it crystal clear in Oregon, that "equity" (aka Affirmative Action, Race, Gender, Identity Politics etc.) will play a disturbingly large role in attorney licensure. The OEP alternative broadly states that consumers will be protected by BBX's monitor and measure of the bar candidates' skills based upon the Building Blocks of Minimum Competence identified by the Institute for the Advancement of the American Legal System ("IAALS") while removing unnecessary barriers to attorney licensing. In the OEP context, the report provides no roadmap to monitor and measure the bar candidates' skill other than "depending on its construction and implementation, maintenance of the OEP could prove to be resource intensive. Investments would need to be made by the Bar, law schools, and greater legal community to make the program successful." OBE mandates a progressive re-write of law school curricula, changing licensure admission rules, and expressly encourages holistic admission practices beyond evaluation of LSAT/GPA. Looking through smoke and mirrors, the task force states that law schools will inherently be encouraged to adopt holistic admission considerations because they will have confidence that first-year students can apply for the OEP program. One must ask who is evaluating the BBX in its proposed broadened evaluator capacity and how the benefits—reducing competency requirements—of this radical progressive, and resource intense program to prioritize "equity" in bar admission, outweigh benefits of the traditional tried and true competency requirements which focus on competent representation of the client. The SPP alternative is similarly flawed. The task force broadly asserts belief that its proclaimed success of Canada's "articling" program and Utah's modified diploma-privilege/supervised practice demonstrate that the goal of protecting the consumer can be met through a supervised practice pathway. The SPP essentially proposes an on-the-job training curriculum that will be supervised by an Oregon licensed attorney with 5-7 years of experience. SPP is void of any substantive roadmap for construction, implementation, or maintenance of the program. Rather the report indicates there is a great deal of work to be done; the SPP pathway to admission will not include any formal assistance by the OSB or BBX to applicants looking for supervising attorneys; nor will OSB or BBX be able to develop meaningful partnerships with non-profits or other organizations through which applicants might be able to engage in meaningful practice development activities while simultaneously providing important assistance to underserved communities. As with OEP, SPP begs for questions. Who is evaluating the BBX in its broadened evaluator capacity and how does the proclaimed benefit—reducing competency to prioritize equity—of this resource intense and inherently subjective program outweigh benefits of the traditional competency requirements? Further, who is evaluating the supervising attorney and what objective measures are in place to ensure candidate competency and eliminate subjective evaluation by the supervising attorney? More importantly, while there is no right to be a lawyer, Oregon consumers possess the absolute right to competent representation. Diminishing minimum competency for bar admission to prioritize equity, is clearly contrary to maintaining the protection of Oregonians. Indeed, access to justice is a matter for the litigant parties, not for aspiring lawyers. The American system is unique in the world and throughout history. It demands and guarantees every American regardless of race, gender, national origin, religion, education, economic status et al. with an "equal" opportunity to life, liberty, and the pursuit of happiness. The BBX proposals which prioritize "equity" equate to a fools errand to guarantee an equal outcome, and betray our American ethos. Indeed, once a tool that sought to eliminate race from the employment process in an effort to promote equality, "equity" (aka Affirmative Action, Race, Gender, Identity Politics or whatever is the euphemism or buzz word of the hour) has taken on a life of its own and is now the dominant force that counters racism with more racism. The proposed bar examination alternatives to "[prioritize] equity in the admissions" of Oregon lawyers sends a loud and clear message that those who can't pass the traditional bar aren't good enough to attain their goals on their own. It communicates not so subtlety that some attorney "candidates" of a favored constituency of the party in power require a "handicap" sanctioned by the Government to get to where they want to be. These are in fact the same injustices that Americans have and continue to diligently fight against. As a lifelong Oregonian, retired United States Marine Corps Officer and Aviator, and Lawyer I simply cannot overlook them now. Modifying traditional bar testing in a manner which promotes competent representation of all persons in need of legal representation in this state is not objectionable. However, there is no right to be a lawyer and feckless diminishment of Oregon State Bar competency standards to prioritize "equity" for persons to join the bar simply ignores the rights of the very people lawyers are ethically obliged to protect. Our bar is precious, is in place to promote equity in law and competent client representation, and simply cannot be compromised by socially engineered efforts to diminish its competence. Respectfully submitted, D. Rockey Goodell III MAJ USMC (Ret.) OSBN 111765 CABN 272686
Comments (ATE)	Jeffrey Heldund		2021-07-08 09:56:41	I generally agree with the idea of the apprenticeship program option and the traditional bar exam option however the externship route is not adequate to get an attorney prepared or protect the public. There is not enough time required for the externship route and from what I remember from law school without actual practice experience these attorneys qualified under this program would be a malpractice nightmare. Finally California and Washington have had reading into the law available for years, which is the apprenticeship model and that mode really seems to work well. In my personal experience attorneys who apprenticed really were ready to practice.
Comments (ATE)	Carol A. McCurry, Esquire		2021-07-08 15:02:22	May It Please The Court, There is value to the Bar Exam, but it is not, in my opinion, the sole determination of how competent an attorney is going to be. I think it is a good idea to explore alternatives. However, I do not think these go far enough. For example, I am an attorney who has been licensed in South Carolina since 1998. I have just retired this past January from the U.S. Army Reserves where I served for 20 years as a Judge Advocate "JAG." Oregon and South Carolina do not have reciprocity. We moved to Oregon so my spouse, who is a Board Certified Urologist, could assume a position with the VA Medical Center in Roseburg. How does someone like me become a member of the Oregon Bar? My community desperately needs lawyers. What path is available for someone like me with years of experience in the court room to assist my fellow citizens? I am not interested in taking another Bar Exam. Yet I don't think I can be admitted by Motion due to the lack of reciprocity between Oregon and my state of license and where I took the Bar Exam, South Carolina. I am certain I'm not the only one in this position. Please don't have your focus solely on those who are just graduating and trying to enter the profession, but think about those like me that have the education, a license to practice from another state without reciprocity, and more importantly, years of practice under our belts. If you are going to consider making changes to the way people can become attorneys in Oregon, please consider making changes that will allow a less restrictive path for experienced attorneys, as well as recent law school graduates. Thank you.
Comments (ATE)	Joseph Arellano		2021-07-08 15:15:48	I was very impressed with the research and thoughtfulness apparent throughout the Task Force's report. The alternative paths recommended are compelling and will make Oregon a trail blazer in bar licensure. The rub, as acknowledged, is in the considerable resources required by the BBX, the law schools, and members of the Bar willing to act as supervising attorneys in sufficient numbers for applicants choosing the SPP alternative. However, that does not detract from the persuasiveness of the proposals' merits.
Comments (ATE)	Julie Preciado		2021-07-09 08:19:09	Thank you for considering alternatives for bar admission. I believe this is a long overdue equity and access to justice issue. I am proud that Oregon is taking the lead to consider alternatives and make change. I hope we can adopt the recommendations and lead the way for other states to follow suit.
Comments (ATE)	Keiler Beers		2021-07-12 09:01:43	This is exactly the kind of change that needs to be adopted, and would put Oregon at the forefront of the nation in recognizing that the bar is an outdated gate keeping exam that serves no functional purpose that couldn't be accomplished by the other proposed pathways. In fact, I think the other pathways would ensure GREATER competency than the bar, and the public would be benefited.
Comments (ATE)	Daniel M Huynh		2021-07-13 10:42:57	Practicing law is more than just memorizing the legal theories or issue spotting skill, but it requires an entry level attorney to know about dealing with client, time management, interacting with senior attorneys, research and writing in an efficient manner. The current bar exam does not prepare or provide such skills to an entry lawyer. So I strongly recommend a hybrid pathway to licensing that allows new attorneys to get trained before they can be ready to handle all stresses and the complication of law practice.
Comments (ATE)	Maureen Bayer		2021-07-13 17:02:47	For attorneys licensed in other states that do not have reciprocity with Oregon (e.g.: California) ("Attorney Candidates for Admission"), it would be prudent to allow them the opportunity to be licensed in Oregon via submission of a portfolio of work demonstrating eligibility. Particularly for those Attorney Candidates for Admission whom have practiced for many years in another state, taking the UBE again 10-15 years after law school and successfully passing another state's bar exam poses a very challenging burden. This is particularly the case given that Attorney Candidates for Admission have not had to study in years, have to put their practice on hold in order to study, and in some cases have children or other responsibilities the typical new law student does not have. Since a Attorney Candidates for Admission has already demonstrated the all of the necessary qualifications to practice in the state first licensed, admission should be permitted by submission of portfolio which would demonstrate the attorney candidate meets of the Essential Eligibility Requirements for admission. Not allowing Attorney Candidates for Admission an alternative avenue for admission would otherwise be inequitable.
Comments (ATE)	Armando Morales		2021-07-15 21:19:36	Allow reciprocity for current lawyers in other states like Florida. Require a 20-40 hour online class to address differences between the states.
Comments (ATE)	Kaelyn		2021-07-18 11:44:26	I think the consideration of bar exam alternatives is an excellent undertaking and that the Oregon Supreme Court should adopt some form of the proposals currently under consideration. Law students jump through many hoops in preparation to become lawyers and the bar exam seeks least suited to vet attorneys. As a law school graduate, currently clerking for a district judge but soon entering practice, I am most interested in the licensing option for graduates. I know that the proposal is not concrete but I am concerned with the number of hours being set at 1000-1500 hours. Even allowing multiple supervisors, this number of hours of supervised work would be challenging to attain for individuals in small workplaces. I think this would disparately impact public interest organizations and public interest attorneys' ability to take advantage of this program.
Comments (ATE)	Greg Smith		2021-07-20 22:39:39	I am in absolute full support of this change. I am also in favor of Oregon being a leader in this ground breaking work. Being on the right side of history is important. Caring is important. This test is plainly harming more than it is helping given the time, sacrifice, and money dedicated to the venture of becoming a lawyer. I would suggest adding a provision for our neighboring states to be able to benefit from changes such the one proposed. We have many of our Oregon grown leave state for law school and they along with other closely connected students to the state should be able to come back to the state and practice under the proposed rules.
Comments (ATE)	Laura A. Fine	http://www.LauraFine.com	2021-07-22 10:55:23	Greetings: I reviewed the two proposed pathways. I see no measures installed to verify that work submitted to the Board from either path was actually completed by the applicant. Lowering the standards to practice law serves no one's interests.
Comments (ATE)	Jennifer L. Myrick		2021-07-22 11:00:34	Please do not stop administering the Oregon State Bar Exam as a requirement to become an Oregon attorney.
Comments (ATE)	Heidi Mandler-Huff		2021-07-22 11:02:40	I think it is very forward-thinking for our state to potentially offer alternatives to the bar. As a 2020 graduate, I had the experience of both studying for the bar, and then being granted diploma privileges. I additionally had the privilege of clinical work while in law school. I can honestly say, after having been in practice for a year, that having a pathway to being barred that is more in line with a medical residency, would have better prepared me for my career as an attorney. The bar does not mimic real-life conditions. The only way you grow as an attorney is to act as an attorney, and experience client-contact. My clinical experience during law school was the experience that best-prepared me in my career. I was able to learn to work with a wide variety of clients, and encounter many complex situations, all while being supervised. It was a fabulous experience. The supervised pathway option sounds as if it would be very similar. Having this as an option for future generations of attorneys will benefit our clients, and the attorneys who are new to practice. I cannot express how much I approve of these alternatives. it is a big step in the right direction for our field.
Comments (ATE)	James Stout		2021-07-22 11:05:01	Are you kidding. Can't pass the test - no admittance
Comments (ATE)	Marc Abrams		2021-07-22 11:11:17	As someone closer to the end of their career than the beginning, I have been watching this discussion with more an academic than a personal interest. I do not have a strong opinion as to whether we should have alternatives to the bar. But I do have a strong opinion as to an incidental impact this could have. I speak of reciprocity. As you probably know, California has no reciprocity to speak of. They like to brag it's because their bar is so difficult. That is simply untrue. It is because they let non-ABA accredited school graduates take the bar. (And I note that is why their bar is "difficult." The pass rate for these non-accredited school takers is 11%; for the rest, it is 75%, well easier than Oregon!). So my question is simple: would adding these alternatives potentially result in a loss of reciprocity rights. If so, I would be against them. Our ability to have mobility in our profession and to engage in multi-state practice is of extremely high importance. Thanks for listening.
Comments (ATE)	Andrew Paris		2021-07-22 11:12:22	The OSB should simply adopt diploma privilege similar to Wisconsin's and greatly reduce its role in evaluating whether law school graduates are good enough to practice law. The practice of law is diverse and there is nothing a 6 hour test will tell you that 3 years of school didn't already. The bar exam is a poor method of evaluating competency as it is overly broad, insufficiently deep into any subject matter, incapable of testing key skills like client management and case management, and overly reliant on memorization. The OSB's role should simply be to closely accredit the state's law schools and provide courses for out-of-state applicants to learn Oregon specific rules and narrowly test them on that. Eliminating the Bar exam will also make it much easier for people with limited financial means, especially minorities, to become a lawyer as they avoid the absurdly expensive bar prep courses and the financial hole if they do not pass the bar the first time. It should be acceptable, if not normal for 3Ls to primarily be doing practical skills/internships/externships and have those count for full credit.
Comments (ATE)	Jan K Kitchel	http://kitcheladr.com	2021-07-22 11:13:02	I am generally in favor of the bar exam, and generally against the alternatives. I see too many lawyers who simply don't know the basics of the law. I think those people should be weeded out by the bar exam. And preparation for the bar exam taught me almost as much law as did law school. If you can't pass the exam after a couple of tries you should find another line of work. Like Congress.
Comments (ATE)	Ryan Nute		2021-07-22 11:16:19	I think the bar examination should be required. Thank you. Ryan C. Nute Law Office of Ryan C. Nute 19929 Ballinger Way NE, Suite 200 Shoreline, WA 98155 Telephone: (206) 330-0482 Facsimile: (206) 774-6036 E-mail: ryan@rcnutelaw.com www.rcnutelaw.com
Comments (ATE)	Mark Makler		2021-07-22 11:20:01	As an attorney licensed in OR and WA, who sat for BBX in both OR and WA, I am opposed to a "waiver" process that allows a candidate to NOT have to sit for some modicum of an BBX that tests and assesses basic foundations taught in law school. If and OEP and/or SPP process is allowed, in conjunction with either or both, at a minimum a BBX could be developed that is a multiple choice BBX that can produce some baseline level of education and understanding of the law school curriculum. In addition, if OEP and/or SPP are developed and implemented then the hours requirement should be converted to a 2 year supervision and mentorship/internship time period - AND there needs to be some OBLIGATION, process and forethought as to how ANY attorney placed in the "supervising" role is going to report and document the necessary competencies - and there needs to be some process and forethought as to how a "supervising" attorney is absolved and not exposed to malpractice and claims for negligent supervision and training of persons licensed through the OEP/SPP process.
Comments (ATE)	Craig W Russell	http://www.russelllawgrp.com	2021-07-22 11:26:23	Removing the obligation to prepare for, take, and pass a bar exam in the State of Oregon will discredit the legitimacy of lawyers practicing in this State. I believe the public will likely seek out lawyers who have "passed the bar exam" because of the perceived legitimacy. The problems with this are obvious. Additionally, I believe other states will hold this believe against those attorneys practicing in Oregon. This is likely to drive Oregon licensed attorneys out of Oregon. A professional is only as legitimate as the standards he or she must meet as a threshold before being able to practice. Removal of the bar exam in Oregon will only cause embarrassment to the state and the lawyers who practice here.
Comments (ATE)	Gretchen Gunn Merrill		2021-07-22 11:26:41	I believe the Bar exam needs to be updated. I am also pleased with the idea of an internship to lead to Bar membership. I am not pleased with graduating from law school automatically meaning you can practice law. As we know from having to have the SLAC, the practice of law is intense and it provides critical services that can literally save peoples' lives. We need to maintain integrity in the system as well as have standards. This is not about me having had to take the exam. I am not petty. It is me, after 34 years of practice recognizing the important work lawyers do, and expecting the public and our colleagues to feel confident we have shown immense commitment to our profession. Diploma privilege undermines our practice and our profession. We have enough perspective issues with people thinking probating an estate or getting a divorce or even defending oneself at trial means lawyers are not that critical. Why undermine the public's view of us even more? Thank you.
Comments (ATE)	Simon Harding		2021-07-22 11:29:25	I've been practicing nearly 30 years. The bar exam should not be changed or dumbed down. I practice with enough people with questionable ethics and qualifications as it is. Don't make any changes. Just because you can does not mean you should. Adopting these alternative programs will make the Oregon bar worse off. DEI can be served by directed programs (if desired and merited - as it seems they are) aimed at assisting law students in preparing for the exam. That is the direction to go. These proposed programs are going to suck up resources and only serve a negative end. They are a mistake.
Comments (ATE)	Gina Stewart		2021-07-22 11:34:17	I am concerned about the lack of a base level of knowledge absent the bar exam and believe the bar should adopt a model more similar to the medical system where individuals receive both practical training and take the exam to require minimum competency
Comments (ATE)	Gregory Ellis		2021-07-22 11:44:14	If we allow recent graduates to become members of the bar simply by working under the supervision of an attorney for 6-9 months, then we should allow those who have worked as ACTUAL attorneys in other jurisdictions to become full members of the Oregon Bar without having to take the Oregon Bar Exam. Particularly those who have practiced for many years in non-reciprocity jurisdictions.
Comments (ATE)	Matt Roy	http://www.dunnroylaw.com	2021-07-22 11:50:15	As a member of both the SC and the OSB since 1994 I have significant concerns about eliminating the Bar Exam as a requirement for Admission to the Bar. First of all, I attended law at the University of Florida and the first time I ever visited Oregon was to take the Bar Exam. I had worked at a SC law firm for the better part of a year after graduation from law school and getting married. Nothing about either of those experiences prepared me to practice law in Oregon. I did take the South Carolina Bar (a 3 day Exam) with only one of 7 parts being the multi state. You had to pass 6 out of 7 parts to pass the Bar exam. The law in Oregon differed in many ways from that of Florida and South Carolina. I worked at my dad's law firm (usually 3 lawyers) in Florida growing up in College and mostly during law school. That helped some and I do think working as stated in the report should play a role in admission. But for a person not in the top 50% of their law school class, getting a job to get that experience may not be easy. Furthermore just changing the model of law school is a great idea as it will better prepare prospective lawyers but will create a much bigger problem for out of state lawyers. I really don't think the Harvard's or Yale's or even the top public university's are going to change from their time tested models easily. If you diversity in our Bar and don't just want home grown lawyers I think a Bar Exam is essential. However that may not be only criteria. How about a hybrid model: Scores above X receive automatic admission while scores below that require the work experience as mentioned. Additionally scores below another level must retake the bar exam. That seems equitable and a better approach than either of the other approaches which completely eliminated the Bar Exam. Thanks for considering my thoughts.
Comments (ATE)	Rachel Kittson-MaQatish		2021-07-22 11:50:46	If the OEP and SPP are used as an alternate rather than an addition to admission I am not really concerned. If they are used as an addition to admission, I worry about the additional barrier. Licenses Professional Counselors use a program where they are interns until they obtain a certain number of hours - which can be up to two years of practice. While they are interns they are often paid less with heavy loans. This decreases the number of practitioners. As a prior owner of a general practice firm, hiring was one of our greatest difficulties. It was the largest risk we had as a business owner, but potentially the greatest reward. The investment from supervising and training a new attorney is large. For smaller firms some financial assistance programs can reduce this barrier. Increasing the supervision time and record keeping could make it too cumbersome. In the Licensed Professional Counseling world they have paid supervisors- counselors who are not necessarily employed at the practice firm, but provide direct supervision to intern counselors at various firms or to interns who work independently. This is an additional cost for the new graduate or the firm they work for may take this on. It would be quite interesting to have a group of lawyers who were paid to supervise new lawyers. When a lawyer is nearing retirement age, he or she could take on paid supervision of new lawyers, to be accessible when they have questions, and to point them in the right direction. It would have to be managed to avoid conflicts and it would be nice if it was not cost prohibitive, or was somehow paid in part by bar membership fees, PLF funds, or plan B judge time. Retired Judge Murphy (Linn County) is doing something very similar (volunteering I believe) for a new attorney and I can't help think how marvelous this attorney's career will be from having such support in the very beginning of the attorney's career. Just my morning thoughts. Take them for what you find them worth.

Comments (ATE)	Bob Joondeph		2021-07-22 11:53:10	I support the use of both new alternatives but think it essential to measure their effectiveness in achieving their goal. That will mean clearly defining the goal, creating a means to collect data and other empirical evidence of quality and equity. This change will create a golden opportunity to do that research, one that will be lost unless planned for, funded and executed as part of the change.
Comments (ATE)	John Andon		2021-07-22 11:58:35	I am not in favor of this change. By passing the bar exam, new attorneys demonstrate: (1) a breadth of knowledge in multiple areas of law, (2) that they have the ability to pass an exam under pressure which measures their knowledge of the law. These alternate pathways do not satisfy either of the above and will provide a "back door" into an already over-crowded profession. There is a reason other states are not doing this, and Oregon is not going to look good if it adopts this.
Comments (ATE)	Stephen F. Cook		2021-07-22 12:00:07	I've long thought that adding some sort of experience-based training as a requirement for being granted a full license to practice made sense. Although I passed the bar exam, I felt I was not truly competent to practice (without a lot of supervision) until I had worked several years under the tutelage of experienced lawyers at a law firm. I'm nervous about the idea of offering an experience-based path that is instead of, not in addition to, passing the bar exam. While passing the bar exam does not guarantee competence, not passing it raises serious questions about whether one is, or can become, competent to practice law. As an attorney myself, I would be very reluctant to hire a lawyer who got a license through an experience-based path who did not also pass the bar exam. In addition, I'm skeptical of the proposed experience-based paths I read about in the OSB President's email, such as a path that requires just 1,000 to 1,500 hours of work under a licensed attorney. In my experience, that's simply not enough. If I was to consider supprting an experience-based alternative to the bar exam, I would want to see around 3 years of supervised work, not less than a year's worth. Finally, I wonder what these proposals are supposed to accomplish? What problem, if any, are we trying to fix? Do we really feel there are folks who cannot pass the bar exam who our society still needs as lawyers? I have not noticed any shortage of lawyers even with the bar exam--in fact, there appear to be far more licensed lawyers than there is a need for lawyers, some of them not truly competent. So, why would we try to further increase the numbe of lawyers, while potentially inflicting on the public even more not very competent lawyers? This feels like a solution searching for a problem.
Comments (ATE)	James A. Chaney		2021-07-22 12:25:00	The Bar's proposals appear to be well thought-out, and I think they will address a significant need to broaden the membership of the legal community while better preparing law school graduates to enter the profession. I'm familiar with the hurdles faced by non-traditional graduates, in part through as a member of Oregon's architect licensing board, now serving my third term. For architects, extensive data shows that the very rigorous exam process in architecture is a much greater hurdle for graduates who are from minority or low-income backgrounds, or who are women. That is true regardless of whether the examinee is a recent graduate, or has waited to take the exam until after completing the mandatory 3-year (or more) internship. Both nationally, and in Oregon, alternatives are being explored to be able to offer qualified individuals an alternate paths to licensure. In the same manner, the alternatives proposed by the Bar, have the potential to expand the opportunity for qualified individuals to be able to practice, that otherwise would not be able practice. The potential benefit will be for clients as well as those licensees, by providing a more diverse pool of lawyers to choose from. As a lawyer who came to the law on a non-traditional path--entering law school in my mid-50s after a business career in construction--one thing that struck me immediately was how little real diversity of views there is among lawyers regarding the practice of law. That's certainly not true in the fields of design and construction. I believe that bringing in new attorneys from more diverse backgrounds will have the potential to make the profession more of a rich and open forum, and less like a membership in a club.
Comments (ATE)	Joshua Marquis	http://www.coastda.com	2021-07-22 12:28:55	I have grave concerns about the continued "dumbing down" of the admissions process, particularly in Oregon. As a lawyer in practice for 40 years, I am concerned, NOT because of the competition (I retired after 25 years as an elected district attorney in 2019) and while I maintain Bar membership I only do pro bono work. Nor do I feel somewhat "better" than recent applicants or disconnected to the process. When I first took the Bar Exam in 1980, the criminal law question caused me to fail. I re-took the exam 6 months later and passed. Then 15 years later I was asked by the BBX to write and then grade the Criminal Law essay. As the principal in a small (6-7 lawyers) office, I was personally involved in the hiring and training of scores of applicants. First I think the idea of providing practical based training, essentially real-life internships in law offices is an excellent idea. I think the practice of law is a craft, and practical skills are as important as the underlying rules. I think allowing law student to substitute some course work with practicum clerking is a good idea. But that presupposes that the mentor is capable of teaching the intern, and I'm not sure just 6 years of practice and no formal discipline is adequate (does that mean someone with three "letters of admonition" is OK to mentor?) But most importantly, substituting "reading the law" for a bar exam is a terrible idea. Those so licensed will be considered second-class lawyers, just as the wholesale admission of all graduates in 2020 was a terrible idea (yes, I know it was the Court, not the Bar). Alternative means of arriving at the Bar Exam are fine. Allowing people who still aren't competent to practice, in the name of "equity" is an insult to all the lawyers who are competent, according to national standards. Those admitted under such a proposal will be seen as second class lawyers, unlikely to be granted reciprocal admission, and continuing the patronizing concept that after two winning both Bachelor and JD degrees, that some applicants still need to be considered differently. I recognize these are not popular current beliefs, but I hope the Bar will consider them.
Comments (ATE)	Wesley T. Miller		2021-07-22 12:31:09	Creating non-traditional pathways to a law degree is fine but EVERYONE admitted to the Oregon Bar should have to take and pass the Bar Exam and Ethics exam. No exceptions!
Comments (ATE)	Lauren A. Goldberg		2021-07-22 12:32:06	I empathetically support the adoption of the ATE Task Force's recommendations. Both the OEP and SPP, as developed by task force, would provide much needed experience to potential new attorneys, creating a field of better qualified attorneys, once admitted, overall. As - if not more - importantly, the two proposed programs would remove equitable barriers that have historically precluded many from the practice of law. Considering the foregoing, I respectfully ask the Court to adopt said programs.
Comments (ATE)	Daniel Yeager		2021-07-22 12:45:45	The Alternatives to the Exam Task Force (ATETF) correctly identifies a minor inefficiency in Oregon bar admissions - the Oregon State Bar exam. For most candidates, the bar exam causes both a delay in being hired after graduation as well as the added expense of bar prep. classes. This delay and cost might be warranted should the exam test on Oregon law or have a significant correlation with knowledge required to practice law in Oregon - sadly it does not. The purported rationale for the current proposal is "to increase accessibility and equity in the profession by removing unnecessary barriers to entry." Tuition at The University of Oregon is $42,024 (in state), $47,130 at Willamette, and at Lewis and Clark an eye-watering $51,582/year. Ultimately, with living expenses and assuming no scholarships or savings, each candidate has the pleasure of graduating with over $200,000 in debt. Perhaps the primary unnecessary barrier to entry into the legal field is not actually the cost of preparing for the bar exam? The ATETF concludes that law schools are shifting to a more hands on approach to legal eduction (clinics, etc) rather than the more traditional academic approach. Presumably, the rational is very little of what one learns in law school has any practical application to working in law post graduation. The ATETF, comprised in part by law school representatives, fails to even consider the obvious solution to the problem identified. Oregon should adopt a pathway to bar membership similar to what is described as the "Supervise Practice Pathway," but NOT require law school graduation. If necessary that candidate should be required to pass a bar exam specific to their field within the state of Oregon and the hours required could be more robust. This apprenticeship approach was once common in the US, but now California, Virginia, Vermont, and Washington are the only states that allow candidates to sit for the bar without completing law school. This approach would allow the candidate to earn at least a small wage while learning the law, but most critically that candidate would not graduate with a $200,000 debt. If the ATETF is serious about removing barriers to entry perhaps they should consider demolishing the ivory tower rather than building gilded stairs to it.
Comments (ATE)	Jennifer Hunking		2021-07-22 12:55:35	A concern with both proposed new programs compared to the traditional bar exam is that neither is anonymous. There is potentially a tendency, even an unconcious one, to favor certain candidates over others when the candidate is known. That tendency may result in discrimination against some candidates or passing a marginal candidate based on factors not related to competency. The traditional exam is not perfect but the anonymity part has value.
Comments (ATE)	Elizabeth Inayoshi	http://www.eijlawoffice.com	2021-07-22 13:19:41	I support these new proposals. The current bar exam is a high-stakes exam that does little to determine a lawyer's readiness to practice. Much of what passes for bar exam preparation is simply intensive training on how to take a test - any test-- successfully. If a person has not studied a particular topic -- for instance, secured transactions -- a 4-hour bar review class may provide enough information to select a "right answer" on a multiple-choice question, or enough information to answer a very rudimentary essay question. But it will certainly not indicate that a person is competent to practice in that area of law. In certain areas of law -- such as employment law -- the bar exam tests nothing at all. For those of us who choose to practice in such areas, the tests proves absolutely nothing about our competency. The bar exam, in fact, winnows the field by blocking those who have focused on a non-tested area, run out of money, have to work to support themselves, or have test anxiety. It also provides monopoly profits to a few exam review purveyors who have effectively convinced many people that passing a two- or three-day exam proves something that surviving three years of accredited law school does not. I was fortunate in that having worked decades in high tech before law school, I could afford the school tuition, the bar review tuition, and not working throughout the process. I passed the bar on my first try. But many people do not have my privileges, and fail the bar not because of lack of ability (I know people who are far better attorneys than me who failed the bar the first time) but lack of resources or anxiety. Will these new programs avoid these issues? They certainly make steps in the right direction. Law school classes rely heavily on appellate cases to learn the foundational law. But unless a student can get into the very small clinic classes, can find the right externship, or succeed in getting one of the relatively few summer positions, the student will walk out without any practical notion of law practice. If the student goes into litigation, the student will have little if any notion of how to write and file a complaint, argue motions, take depositions, select a jury, make an opening or closing argument, etc. If the student goes into a transactional area, the student will have little to no experience in interviewing a client, writing a contract or will, negotiate a lease, etc. These new approaches promise to provide students with far more practical experience prior to practicing law, making them by definition better attorneys for their clients. However, I do have concerns that the only firms capable of taking on these students will be large corporate firms. The students who wish to represent plaintiffs, for example, will likely have far fewer firms with which to work, simply because the firms will have fewer resources to pay for and closely supervise apprentices. Access to justice will only happen if students can also afford to get experience in representing the individual, the indigent, and the injured. I do not have a ready suggestion on how to resolve that issue, but believe the Bar should work on ways to meet such needs.
Comments (ATE)	Darleen Ortega		2021-07-22 13:32:35	This work is long overdue and I welcome it. However, I fear it will be compromised by the Bar's unwillingness to question the bar exam itself. I cannot find any willingness in any of the reports to ask the very important question of how the bar exam actually tests for the list of criteria you are applying with such rigor in creating alternatives--and without doing that, you compromise those alternatives by perpetuating a sense, for those who will want to believe it, that the alternatives are somehow inferior to the bar exam. You risk stigmatizing those who take a pathway that is actually better tailored toward establishing minimum competence--especially with the message lurking here that you are doing it to create access to justice and diversify the bar. The suggestion that people from historically excluded and disenfranchised communities are somehow not smart enough to enter practice by the superior route of the bar exam will persist with this approach. The same rigor should be applied to reexamining the bar exam itself, and tinkering with the score without asking the more serious questions of the exam itself is a major gap in the bar's work so far. The fact is that that the bar exam does very little to assess minimum competence; it assesses ability to regurgitate memorized information in a timed format, which would be malpractice in functioning legal work. The lower performance on the test from historically excluded groups is a problem with the test and its construction, not a sign of deficiency among the members of those groups. As you proceed to consider alternative approaches, please involve the few of us (including J.B. Kim and myself) who have spent significant amounts of time with folks who have had to retake the exam and have a sense of how inaccurately the bar has been assessing their readiness for practice. That experience is underrepresented in your reports so far and increases the prospects that you will inadvertently replicate the existing inequities even while engaging a long-overdue effort to address them. The reference to "false negatives" and "false positives" does not begin to capture the impact of the inaccuracy of the bar exam in assessing minimum competence to practice law. Judge Darleen Ortega Oregon Court of Appeals
Comments (ATE)	Benjamin Cramer		2021-07-22 13:49:02	I applaud the work of the Task Force and am generally in favor of alternative models for admission beyond the Bar Examination. My concerns relate to ensuring the EAP work product completed and examined by the BBX - in both the OEP and SPP - are that of the applicant. Among other things, because of ABA requirements and U.S. News ranking pressures, law schools are understandably interested in getting their graduates admitted to a Bar. Similarly, a supervising attorney working with an applicant will likely develop an interest in that applicant being admitted. I fear that these pressures could lead to significant assistance in the EAP work products - such that the resulting EAP is no longer the work product of the applicant. Blind grading the law school environment can assist in these matters - though blind grading also has its own challenges. Similarly - an MPT style question provided at the conclusion of both the SSP and OEP could also serve as a means to ensure it is the applicant's own work-product that is being evaluated - though I know the goal is to get away from an "examination" approach. The proposed SSP and OEP are great starts. I'd like to see some structure/assurances that the BBX will be analyzing the applicant's own work product - not product substantially edited/revised by faculty or a supervising attorney. The revision process is essential to the learning process - but the BBX's responsibility is to serve as a gatekeeper of competence for the public. Finally, it will be incumbent on law schools to maintain a sufficient level of rigor and academic excellence once the "hurdle" of the bar exam is removed as a metric. Though law schools don't only teach towards the Bar exam, the Bar exam has served as a uniform metric to evaluate the education received at a school. Having worked for a law school seeking to implement the ABA Standards, the Bar exam did provide some basis to ensure that the content/instruction received was sufficient. By removing that evaluation metric, it will be important for the law schools (and BBX) to find other ways of ensuring their instruction is sufficiently rigorous. This is especially true given that the BBX looks to an ABA-Accredited JD as a requirement to participate in the UBE, SSP, and OEP - and the ABA Standards now look to bar admission (not passage) as an evaluative metric when accrediting JD programs.
Comments (ATE)	Brad C Stanford		2021-07-22 13:54:39	Great idea. I like where you're headed. I support both options.
Comments (ATE)	Richard Greene		2021-07-22 14:30:43	I do not support the recommendation of the task force to create non-test based ways of becoming a practicing attorney. As the report indicates, maintenance of the "programs" that result in a student becoming a lawyer will be very difficult, and, importantly, may vary between schools. There needs to be some leveling function that tests all potential lawyers for basic competency. Showing a "portfolio" of work sounds very subjective - think home schoolers graduating from high school without a transcript. (My kids were home schooled, but we went into a more traditional school for high-school because of the subjectivity of the "portfolio" approach). The public needs to know that their lawyers have had some level of vetting before they are unleashed. Most professionals with a license require some level of testing. Medical Drs, psychologists, electricians, engineers. Are we to become the only profession where you go to school for 3 years and, provided you have a binder of material, become a lawyer? I do support, though, any proposal that maintains an examination (even if not the traditional Bar Exam) that occurs at the end of the program. Thus, either the OEP or SPP option would be acceptable if it is concluded with an examination that the Bar believes would be sufficient to practice law.
Comments (ATE)	R P Joe Smith		2021-07-22 16:06:52	I have long thought that an internship under tutelage by successful practitioners is an excellent way to bring a law school graduate to the minimum competence expected of a new member of the bar. There are however two issues that should be addressed. First, the possibility -- perhaps even the likelihood -- that an internship will be very focused on the nature of the supervising lawyers' practice. !500 hours devoted to representing business clients won't assure an ability to help someone seeking a divorce, or preparing a will -- yet that intern, if admitted to the bar, could on the next day become a solo practitioner, and could lawfully accept a client for either of those...and much other. I don't have a ready answer on dealing with this, but it deserves careful consideration. Perhaps a requirement to limit practice to experience, until some minimum CLE in other areas? Second, and in my judgment more important; no matter what area a lawyer chooses, she/he should have a good understanding of ethics, conflicts, and perhaps even court procedure. Suggestion: if internships become a way, there should still be an exam showing appropriate knowledge -- indeed, awareness! -- of the first two, and perhaps the third.
Comments (ATE)	Karl Mullen	http://mullenlawfirm.org	2021-07-23 07:02:15	There seems to be no reason for alternative programs except to allow people to become lawyers who cannot pass the bar exam. But the bar exam has basic questions about basic issues of law - just enough to show you have the minimal competence required to protect the public. Presumably if you cannot pass it then you do not have the minimal competence needed. If it is testing more than minimal competence, then make the test easier. If not, then why let people avoid the test?

Comments (ATE)	Tom Harbolt		2021-07-23 15:40:39	I am not supportive of these changes. It comes as no surprise that the Committee is recommending what the Supreme Court is asking for. I am not convinced the system is broken. The Bar Exam is uniform. Preparation is not. This will lower the bar it make preparation dependent upon the person providing the guidance, which will not be uniform. The exam is testing minimum competence. If someone doesn't have the minimum competence, I don't understand why the Bar would take it even lower. The state's law schools do a good job of preparing lawyers. If the pass rate is not sufficient, put the burden on the law schools to do a better job. At a minimum, if the State adopts these ill-advised alternatives, I would expect that people would fail the alternatives at the same rate as the Bar Exam. If not, they are dumbed down alternatives. Lastly, again, if these ill-advised alternatives are adopted, I recommend that a prospective employer be able to know what route a student took to becoming a member of the bar. If it is the same "don't ask, don't tell" mockery that the State adopted for the non-exam takers during the pandemic it will be very difficult to believe the alternatives are nothing but an easier route to Bar membership. If someone can't pass a Bar Exam, prospective employers ought to know. It should not should be hidden from them.
Comments (ATE)	David LEFKOWITZ		2021-07-24 07:31:28	I especially support the mentor alternative. In my experience as an Oregon attorney since 1989, I and almost all the attorneys I have known, practice in only one or two specialized areas. Providing the mentor alternative would free law students to focus their studies on their intended specialty, instead of (like me) taking many classes on areas of the law tested by the bar, but would never practice. Thank you.
Comments (ATE)	James Oberholtzer	http://www.oberholtz.com	2021-07-24 10:31:29	I am concerned that the OSB is considering alternatives to the bar exam. The law schools in Oregon are responsible for preparing the law students to become attorneys. They know the students best and over three years. They are trained and experienced dealing with the students. They know how to do the tough job of working with struggling students and telling some that they simply cannot make it. This system is much better than the suggested alternatives. I was educated in the law in Virginia and have passed the bar exams in Virginia, Illinois and Oregon. Each was a positive educational experience. I am still constantly surprised about the modest level of knowledge of the law of some attorneys in Oregon. Rather than seek alternatives and more flexible standards, I think Oregon should raise standards and expect more from the Oregon law schools and the Oregon law students.
Comments (ATE)	DEAN HEILING		2021-07-24 10:58:34	I received my JD from Willamette University College of Law in 1971. The bar exam was intense, but I managed to pass it. Surprisingly, several classmates who smarter and more mature than I failed the exam. I started my practice in Winston, Oregon, and quickly found out that nether law school nor the bar exam prepared me for actually practicing law. I learned the trade by trial and error, leaning heavily on experienced lawyers in Roseburg who would walk me through the steps for each case I took in. It was a sharp learning curve. Over the years I have continued to be a student of the practice of law, and after 50 successful years, although I am formally "retired," I am still a member of the Bar and I still strive to learn and improve. Law school taught me the basics. It was, of course, absolutely essential to becoming a lawyer. But the Bar exam did nothing to further my legal education or establish my fitness to practice law.
Comments (ATE)	Elizabeth Godfrey		2021-07-24 11:28:18	I write as a consumer. When I hire an attorney now, I am at least sure that they have passed the Bar. The standard that assures me they are qualified to represent me. It's basic consumer protection that I expect from attorneys, medical doctors, CPAs, veterinarians, and multiple other professions. To encourage more people to become lawyers, reduce the debt burden they incur from law school. Don't do away with the Oregon Bar Exam.
Comments (ATE)	Joanna M. Wagner	http://joannawagnerlaw.comcastbiz.net	2021-07-26 12:35:06	I highly doubt that "diverse" persons fail to follow through with law school because they will ultimately have to take a bar exam. The problem with a non-diverse bar, if it is a problem, is probably lack of diversity in the law school pipeline to begin with, and lack of support systems along the way for finishing school successfully. Law school builds off of a successful college experience, which is in turn built off of a successful high school experience. What about focusing on capturing legal talent in high school, and improving high school student performance, instead of letting bar applicants skip the bar exam? Law school and the bar exam prep attorneys for the sheer drudgery and extreme performance pressure of the profession. I am in general civil practice. There is no practice area that is a cakewalk. It will do no good for the public to have access to "more" lawyers or "diverse" lawyers who just cannot perform at these levels. It would be like allowing a firefighter to be a firefighter without passing a physical exam -- because such an exam would prevent access to the profession by more people.
Comments (ATE)	Cynthia Thornton		2021-07-26 16:20:57	Thank you for requesting feedback on changing the admissions requirements. I disagree with the proposal to provide different admissions standards for some individuals. The primary goal for having minimum requirements is to protect the public. This should remain the priority. The practice of law has become more complex - not less. The Bar Exam is a rigorous test as it should be. I don't believe 1 or 2 years of practical experience can be as thorough as the Bar Exam nor is having a two tier system equitable.
Comments (ATE)	Kristina Kraaz		2021-07-29 13:10:43	I am commenting in full support of the ATE Report recommendations. The OEP and SPP options will not only open the practice of law to many deserving and qualified applicants, but they will prepare the next generation of attorneys for practice in ways that studying for a two-day exam cannot. Too often, the function of the Bar Exam is to reward those who are "good test-takers" rather than to assess an applicant's actual competence. Being a good test-taker is not a skill that actually relates to the successful practice of law; skills gained during experiential learning courses and externships, etc., ARE relevant. I also echo other public comments that encourage the Court to prohibit attorneys from advertising (or asking for employment purposes) about the manner in which an applicant was admitted to the Bar. If the OEP and SPP options are implemented, they should be considered on an equal basis as admission via the MBE. Finally, I encourage the Court to implement the ATE Report's recommendations around equity. The Court and Oregon Bar should consider ways to track participation and success in these alternative options, as they are implemented, to ensure that they are being implemented equitably.
Comments (ATE)	Aubrey Olson		2021-08-02 16:47:33	I fully support both alternatives to the bar exam. These alternatives will not only help determine if new attorneys meet minimum competence, they will help them have higher competence and a better chance at obtaining employment. They will also lower barriers for many people to enter the field. The current admission process is a difficult barrier to cross, and not just intellectually. For me, I almost didn't make it due to the financial barrier. I was a single mother when I went to law school, and I was able to support myself on part-time work and student loans. However, federal student loans do not cover expenses after law school during the period of time to prepare for, take, and wait for results of the bar exam. Income from part-time employment was not enough by itself, and I could not get a private bar study loan. As a result, I could not afford to take the bar exam. I ended up taking a full-time job, but I was under-employed and unhappy. After 3 years, I was able to take a self-guided bar study course in my spare time (it took 6 months), and I had enough paid leave saved up to take off the 4 weeks prior to the exam. Somehow, I passed on the first try. Good thing, because there would not have been another one! It took me another year to find my first job as an attorney. Had these alternatives been available for me, I would have been able to hit the ground running in law school. I would have graduated with a much higher level of competence, been better prepared for the real world of being a lawyer, and had more opportunities for post-graduate employment. I have had many conversations with co-workers in which we agree that neither law school nor the bar exam truly prepared us to be lawyers. I think it is time for that to change.
Comments (ATE)	Stephen F.		2021-08-02 17:45:03	I wish I could post an attached image to this note to convey my point all the faster. Outright imbeciles are apparently routinely admitted into top law schools. See link: https://www.sayanythingblog.com/entry/who-got-the-128-ut-law-admits-students-with-bad-lsat-scores/ I live in NYC, I love it here and always have. Though I can best put it this way, if the state of Oregon drops the bar exam then it could very well obtain my labor tax dollars in return for doing so. After all, if the best and brightest within the domains of linguistic analyses and hence legal analyses are to be truly sought, count me in. I would move clear across the continent for an opportunity like this. If. Stephen F.
Comments (ATE)	Carlisle M. Pearson		2021-08-04 10:37:32	Alternatives to the bar exam such as those proposed here are a necessary step to ensure equity in legal licensure. Experiential learning is infinitely more valuable than studying for an exam and, I believe, produces lawyers with proven competence to practice, as opposed to lawyers who are simply able to pass an exam that does not adequately mirror what it's actually like to be an attorney. The bar exam rewards applicants who: (1) have a learning style that complements exam-taking, while numerous learning styles exist among talented individuals; (2) have the financial stability to pay for ~$2,000 bar exam courses, not work for months while they study and wait for their exam results, and, for those with exam accommodation needs, pay for the $1,000+ in bills from medical/psychological treatment providers for gathering the exorbitant amount of information the Oregon Bar requires of applicants in order to even apply for an exam accommodation; (3) don't have other responsibilities such as child care or elder care; (4) come from privileged backgrounds with significant resources of all types; and (5) are neurotypical, i.e., not having cognitive/psychological variations (such as OCD, PTSD, autism, ADHD) that can impact a person's ability to study for an take an exam of this magnitude, which they would never have to do in practice.
Comments (ATE)	David A. Friedman		2021-08-04 16:42:30	August 4, 2021 Dear Chief Justice Walters and Members of the Court: I write in full support of the adoption of the BBX recommendations to develop alternative pathways to attorney licensure. I am currently serving as an associate dean at Willamette, but I remain a full-fledged member of our teaching faculty. I have taught at Willamette University College of Law since 2006. From 2006-2008, I taught exclusively in the Clinical Law Program, supervising law students as they worked with live clients. During that period, I also taught students in our externship program, visiting students and their supervisors on site. Since 2008, I have taught a variety of courses, most of them "traditional" Socratic podium-style classes. I have taught first-years Contracts, Torts, and Introduction to Business Law, and for upper-level students, Sales, Business Organizations, Consumer Law (as a writing seminar) and Advanced Negotiations (as a simulation course). In sum, I have taught in every format discussed in the Oregon Experiential Program proposal: doctrinal, clinical, field placement, simulation, and writing seminar courses. For additional context, I successfully passed the New York bar exam in 1999, and sat for and passed the Oregon bar exam in 2006. Before Willamette, I worked for an international management consultancy for over a decade, where I was a legal client, so I have perspectives from multiple sides of the table. In my view, the BBX proposal will empower law schools and legal educators to develop innovative curriculum and rethink old ways of pedagogy to improve the training of new lawyers as we enter the middle of this century. Law schools should always aim to serve the public by advancing our understanding of law through research and scholarship and by training new lawyers. As such, faculty play a crucial role in promoting the public good, which is why the American Bar Association accreditation process expressly entrusts faculty with the responsibility to design and implement curriculum. Law schools are not the agents of change that they should be, however, and I'm not singling out our three Oregon law schools, but legal education generally. If you look at how we teach law, a few things have changed in recent years, but most of it has not. My law school real estate transactions professor, Quintin Johnstone, taught at Willamette in the late 1940s. Professor Johnstone taught for over 60 years, and by one account, had taught the most students in the history of Yale Law School. He kept teaching Professional Responsibility well into his 90s and was also heavily involved with service to the Connecticut bar and very well-attached to practice. I had the chance to interview Professor Johnstone in 2009 and published our conversation in the Willamette Lawyer. I asked him about what changes he had witnessed in the classroom over the course of his decades at the podium. His answer: "The absence of change has been remarkable—with the exception that the students rely on laptops in the classroom." In light of how dramatically the practice of law has changed in the post-war era, I found this observation stunning. More important than this anecdote, however, is the abject failure of the American Bar Association to effect even modest change over the past several years with the experiential learning that the Task Force report has identified as a critical component of legal education. In 2015, the ABA promulgated an accreditation rule mandating all law schools to require six credits of experiential learning from all graduates. What effect did this rule have on law school curriculum nationally? Robert Kuehn of Washington University Law School and the Center for the Study of Applied Legal Education (CSALE) described the impact of this heralded change as "more of a whimper than a bang." As he tracked, based on CSALE's Annual Survey of Applied Legal Education, "The number of clinic seats available per J.D. student in 2014 was 0.27 and still only 0.28 in 2020; field placements decreased from 0.26 in 2014 to 0.24 in 2020; and seats available in simulations likewise decreased over the six-year period from 1.22 to 1.12 per student." In other words, after this heralded change, made with much self-congratulation, we have seen no actual change. The ABA has been entrusted with law school accreditation (or standard-setting) since 1921. The bar exam has been used to hold law schools accountable for the content of their education for a little bit longer. But the absence of change remains a troubling theme on both counts. If the ABA has failed to incentivize or compel law schools to innovate to keep up with the needs of the profession and the public, the courts and state bars are now left with that challenge. It is hard to blame law schools completely for their failure to respond to accreditation changes, when the ABA also requires law schools to meet tightened bar passage standards. Law schools are institutionally obligated to train students to march through a curriculum that will ultimately provide the foundation for passing a standardized test—because state licensure so requires. Courts and regulators now have the opportunity to incentivize law schools to do what they should want to do—give lawyers the intellectual and practical foundation upon which to start law practice. Currently, in my Article 2 Sales class, I am charged with ensuring that my students know the tricks of how to answer multiple choice questions about commercial law. That's the bar's current mandate to me. And there are many tricks and traps to those Sales questions - I've seen them all. But the course becomes a bit less useful for training lawyers with every minute I spend on test tricks, test gimmicks, and traps that they will not encounter in practice. Imagine how much more students could learn if law schools and law professors were provided with the right incentives. I personally imagine how much more I could do, given that I have taught classes in all of those other formats. Right now, the Oregon Supreme Court has the opportunity to challenge law faculty to choose the way that they can best innovate to serve their students, the legal profession, and, more importantly, the public. Ultimately, law schools and their faculty must be reminded about whom they truly serve. Change is hard, no doubt. But other incentives and requirements have quite simply failed to yield the innovation we need. Turning to another point, the ABA released its annual National Population Survey this summer. The state censuses are striking. Washington's lawyer census increased by 13.6% since 2011. Idaho increased by 13.4% during that time frame, Nevada, 11.1%, and California, 6.7%. By contrast, Oregon's lawyer census increased by a paltry 0.8%. The Task Force report makes the case that Oregon needs more lawyers--and better lawyers. Oregon law schools are most likely to produce them. If the OEP and the accompanying innovation makes Oregon a more attractive place to train for a legal career, the state and the public will benefit. If other law schools outside the state are incentivized to train lawyers in a way that complies with BBX standards for the OEP, that is healthy, too. That is why the two other pathways, supervised practice, and the traditional bar exam should be opened and maintained to ensure that multiple avenues of licensure are open. The stagnant growth of the Oregon bar is a problem that will soon become a crisis, unless there is intervention. Any moves that attract more talent to the Oregon bar will already take years to ripple through the ranks. "Demography is destiny," as they say, and the underlying demography looks grim. Four-year colleges anticipate a decline in enrollment beginning in 2026 that will run through at least 2035, due to the "baby bust" in the aftermath of the Great Recession. Nationally, college enrollments may drop by 9% during this sustained period. This means that the pool of potential law school applicants will shrink as we move forward in time, so strategies for addressing this problem must be put in place now. Continued stagnation of membership growth in our state bar will only make access to justice, at all levels, more difficult to attain. Before concluding, a few important and related points must be acknowledged about the bar exam, particularly about why we must be concerned about the exam having a monopoly on professional licensure. AccessLex studies reveal that "household income [is] positively associated with first-time bar exam passage," as is receiving financial support from family and friends, and receiving support from a law firm employer. Taking the bar exam and waiting for results requires finding a way to pay for preparation and subsistence without the availability of federally-subsidized student loans. The studies show, unsurprisingly, that time invested in studying for the exam yields positive results, but not every bar taker has the luxury of dedicated time. Those who work to support themselves or their families during the bar exam study period also perform worse on the exam. To my mind, then, the bar exam measures privilege, rather than the knowledge and analytical skills required to take the test. Perhaps related, the ABA recently reported that the national bar pass rate for White examinees was 22% higher than Black examinees. That fact is stunning and should cause everyone who cares about the profession and the public to pause. The national lawyer census also tells us that Black lawyers constituted only 5% of the profession in 2011. The most recent data tells us that this number remains at 5% fully 10 years later. The census numbers for other BIPOC attorneys look troubling, too. If we are serious about changing the profession, and growing the profession, one area to look at closely is whether our current licensure gateways are obstructed by avenues of privilege. Ultimately, the profession is stuck-- we can't get more diverse without demonstrating that the profession welcomes and values diversity. And the demographics of our country tell us that the profession cannot grow at all, or keep pace at any level, without demonstrating inclusion-- and encouraging more talented people to enter. We need to encourage more good people to be lawyers. Alternative pathways to licensure are not a panacea for the ills that the profession suffers. But the current structure has led to some serious ills, and the future may not be bright for the public unless the profession and law schools are willing to reinvent their approaches to licensure and education. In conclusion, this BBX proposal would serve to incentivize law schools to train lawyers in the way that the profession wishes they would be trained. Better-trained lawyers will better serve the public. A more diverse profession, open and welcoming to all, will better serve all. I urge this Court to adopt these proposals because they will serve Oregonians well. They will also serve a profession with a troubled public image well—it's not as if a century of administering the bar exam has helped us look good. This proposal elevates standards rather than eliminating them, and that should be communicated to the profession and to the public with clarity and pride. This Court has an opportunity to reshape the profession here in this state, and lead the way nationally, in the best sense of Oregon tradition. Respectfully submitted, David A. Friedman Professor of Law and Associate Dean for Strategic Initiatives Willamette University College of Law OSBAR #063292
Comments (ATE)	Beth Gibson		2021-08-07 10:33:05	Colleges are getting rid of the SAT. Other tests like the bar exam are antiquated as well. All it tests is that you know how to take a test. Completion of law school should be enough. You should also examine allowing paralegals to practice certain types of law, such as domestic where it is mainly just filing papers with the court. This would reduce costs to the client.
Comments (ATE)	Donna		2021-08-07 14:51:40	KEEP the bar exam. The exam weeds out folks who are not yet ready to become lawyers. Without an exam there could be an influx of folks who didn't study in law school because they didn't have to pass the bar. We do not need unqualified and unprepared lawyers.
Comments (ATE)	Bob Y.		2021-08-08 00:41:31	In engineering fields, you can get a job after you get your degree, and you don't need to pass a licensing exam, i.e. a Professional Exam (PE), unless you intend to progress further and certify engineering drawings. You can still work as an engineer without taking the test, which makes the degree worthwhile and is a key reason why almost all engineering graduates find jobs, even with a bachelors degree. The difference between engineering and the bar exam is that if you study the major courses that you took during the four-year bachelor program in engineering, you can easily pass the PE exam, because the PE exam tests you on what you studied in school and is straightforward. As a matter of fact, the PE exam is partially open book. However, the bar exam seems to test you on details and even entire topics that you have not been educated in during your law school years and in fact it is a test that tries to trick the students with distractor questions and answers in many fields of law that many students will never practice. The problem is that the school curriculum and the bar exam are structured by two entirely different viewpoints and purposes. The bar requires you to memorize a lot of things that do not have relevance to the real practice of law, and the reality is that good practicing lawyers look things up often instead of relying on faulty or deficient memory, and the fact that laws and details often change, is not appropriate for memorization. Especially in today's world where resources are digital and readily available.
Comments (ATE)	Jackie		2021-08-08 00:42:55	I am an educator and hearing from many students that law school is not worth it, why take on the huge debt if only the bar exam counts in being able to work as a lawyer. Practicing in the field is obviously more important to be ready as a lawyer than a two-day bar exam because one exam can't prove your ability to be a good lawyer. It tests too many subjects, most of which are not even relevant or tested relevantly for working lawyers.
Comments (ATE)	Steve		2021-08-08 00:43:38	Getting a degree in law means you are ready to work as a lawyer. If not, why do the law schools give students a law degree and charge all that money? The bar exam assumes that law schools can't educate students to be a lawyer. This is a scam and insulting to institutions and more importantly the students who worked hard for many years and took on major debt. Does the legal community expect that they should go work for minimum wage with a law degree? Everyone knows the real training is done on the job and only in one or two fields that the bar exam may not even test. Preventing law school graduates from being able to work as a lawyer defeats the whole purpose of legal education. The bar exam is an outdated barrier preventing more and more people from entering the legal profession. Most courses in law school are electives, but the bar exam ignores that fact.
Comments (ATE)	Frank		2021-08-08 00:44:53	The structure and content of the bar exam is simply not relevant to today's practice of law, which is also different for every lawyer. This is also evident in different states having different and arbitrary cut off scores, which implies that the bar in certain states is inferior to other states. This totally defeats the purpose of a "uniform" bar exam that should be equally valid in any state. Don't forget that state bars are PRIVATE organizations that are not regulated by any public body and are first and foremost a business that rely on such exams for massive PROFIT. They obviously have a financial conflict of interest which very much goes against the concept of legal ethics.
Comments (ATE)	The voice of reason		2021-08-08 01:01:29	I'm writing to address the poorly argued and emotional responses posted from critics of these important proposals which I was shocked to read coming from practicing attorneys or people outside the field. As someone who has passed both a bar exam and the medical boards (which are much harder than any bar exam, by the way!) I do not take the arrogant/selfish approach of "you have to suffer through a bar exam because I did" or "there won't be jobs for graduates if there isn't a bar exam" or subscribe to the crazy notion that the bar exam somehow measures your competency and skill as a lawyer. Any lawyer will tell you that practical experience and on-the-job training early in their career taught them what they need to know, and not a two-day exam or even three years of mostly theory from mostly non-practicing lawyers in law school. In fact, many Oregon law school instructors who have JDs have never taken the bar exam in Oregon! You won't find their names in the Oregon State Bar directory. So how can they prepare you for the bar exam if they never took it themselves? This means that there is a total disconnect between law schools and the bar exam. Many hours under the supervision of an experienced attorney doing practical and everyday lawyer tasks is what will make you a competent and good lawyer. It is crazy to think that taking a commercial prep course and a two-day exam (which you shouldn't have to do in the first place if law schools did their job right) can somehow magically make you competent. It is shameful that law schools have no incentive to help their students actually find work as lawyers. They take the approach of pay us the tuition money, which come from loans not backed by the school, and once you graduate, you are totally on your own to actually be able to work as a lawyer. The proposals for alternatives to the bar exam which are under consideration are much overdo and the first real attempt at reform of a dysfunctional and outdated system in this country.
Comments (ATE)	Mary Ann Hill		2021-08-08 09:23:46	You remove this requirement, you lower the level of knowledge required to practice law in our state. Standards and a quest for the very highest standards should be a requirement or your credibility is greatly diminished. Once you lower the standard for any one person or group of people you diminish the quality of law practiced by everyone. When the consequences of removing this required step, taking and passing the Unified Bar Exam, are realized, it will be very hard or impossible to go back. Being an apprentice should come after passing the bar!
Comments (ATE)	Preston Byrne	http://prestonbyrne.com	2021-08-08 15:34:17	I am a solicitor in England and Wales and a U.S. attorney-at-law admitted in Connecticut and New York. For my first bar admission, in England, I completed a two-year apprenticeship following law school, much along the same lines as your task force's proposal. For admission in the U.S. I sat the Uniform Bar Exam. As one of very few Americans to have been admitted via each pathway, I feel I have a unique perspective on the question of which admission pathways are best and, although I am not a member of the Oregon Bar, hope you will nonetheless find this perspective helpful. 1.) Questions Presented The Task Force asked two questions in its inquiry: (a) whether consumer protection will be maintained by its proposals and (b) whether the proposed model will "increase... equity in the profession by removing unnecessary barriers to entry." It proposes (a) a curriculum based "experiential pathway" of extra coursework, or OEP, and (b) a supervised practice pathway to achieve these goals. The answer is that these two proposals will achieve neither objective. 2) Consumer protection will not be facilitated by either proposal As to the first question, lawyers, like doctors, must fuse practical competence with intellectual competence. A heart surgeon may have outstanding manual dexterity, but failure to match skill with the hands with wider medical knowledge necessary to treat the whole person – failing to demonstrate an ability to master of the basic corpus of medical knowledge required to pass the boards – should be disqualifying. So it is and should be with law. For 170 years, in the United States we have administered examinations as a substitute to test not for legal competence but for intelligence and grit, out of recognition that lawyers possessing these qualities will better serve the public and make fewer mistakes. In any given year up, 20% or more of the country's juris doctor graduates fail to master the material. This translates into failure on the bar exam on the first attempt. The pass rate varies widely by state and by date of administration; California's Feb 2020 bar pass rate was a mere 26%, for example, where its July 2019 pass rate was (a still very low) 50%. Although this increases to 90 per cent. on a two year timeframe for ABA-accredited graduates on a national basis, we should assume a lower pass rate overall, and a considerably lower pass rate for schools without ABA accreditation. I therefore think the first question answers itself. Possession of a JD degree is not and never has been, on its own, enough to demonstrate suitability for admission. 3Ls rarely flunk out. Like clockwork, however, 20% of them (or more!) routinely fail the bar exam. Reshuffling coursework requirements, as the OEP would permit, is more of the same – students performing supervised academic work in open-book and open-note settings, without any additional burden. The filtering function of the bar exam would be totally undermined. Supervised practice is less of an issue on the competency front. The main problem re: competency is a lack of standardization. Its issues on equity, however, are disqualifying. I will get into those issues momentarily. 3) Neither proposal will address the most significant systemic inequities in bar admission As to the second question, the question *we* should ask is not "should we abolish the mandatory bar exam because it is unfair?" Life is what it is; it often feels unfair. Denying a candidate entrance to the legal profession after three years of law school will feel unfair. If memory serves, in the July 2018 exam administration in Connecticut there was a test taker who failed the exam for the 13th time. That must feel unfair. But it may be the right thing for the profession, and even the candidate. The question we should ask is whether the bar exam is the least unfair option to ensure that individuals possessing the requisite intelligence, character and drive to be lawyers, become lawyers, so that there may be adequate competition for legal services at the same time as the public is protected and the administration of justice remains efficient. I note the proposals to abolish the bar exam emanate principally from the law schools. Arguments made by law school proponents, including Willamette's dean, claim that the $3 thousand to $4 thousand dollars saved in bar prep fees would widen access to the profession. Left unsaid by the law schools is that the law schools themselves are the single most time-consuming, expensive, and inequality-inducing obstacle to admission as a lawyer in the United States. Federally subsidized loans, combined with the fact that universities use law students to subsidize their operations, results in U.S. legal education being more expensive than anywhere else in the world. In the rest of the world, tuition for a full year is closer to what U.S. students pay for a bar prep course than what they pay for law school. At the *private* English law school I attended, tuition is currently £9,000, or $12,500, per year. Compare this to Willamette, which charges $42,000 per annum. The law schools could operate leaner and charge less tuition. That they do not is a matter of choice, in an environment where credentialism matters for employment prospects and their customers have access to an abundance of federally-guaranteed loans. Under the circumstances, law school-endorsed proposals to put themselves in the driver's seat for admission decisions, substituting themselves for the bar exam, is New York City-taxi-medallion levels of rentierism, and serves no one's interests but the schools'. Neither proposal does anything to address the obvious, glaring inequity of forcing unemployed twentysomethings to incur a quarter-million dollars of debt to attend these institutions for three years and obtain professional licensure, when overseas licensure is regularly accomplished at a fraction of the cost. Having obtained law degrees on both sides of the pond, I can assure you there is no material difference between the goods on offer. Proposals for supervised apprenticeship will not lead to less inequitable results, either. England and Wales continues to operate a traineeship model, but not for much longer. It recently decided to institute bar exams – properly, "Solicitor Qualification Exams" – largely due to the fact that apprenticeship requirements have made it nearly impossible for law graduates who miss an apprenticeship contract straight out of school, or who get one bad grade on a component of their academic tests, to progress to admission, as they get beaten to jobs by other qualified candidates who lack those on-paper deficiencies. This problem is particularly acute in economic downturns where the market for entry level law jobs contracts. If the bar exam were phased out in favor of supervised practice, Oregon would suffer from the same issue. To sum up, the OEP and supervised practice pathways will not accomplish the aims stated in the report. They will likely make matters worse. OEP gives no indication that it will replace the bar exam's filtering function. It's basically just a JD with a slightly heavier emphasis on clinical work. The supervised practice model is failing abroad and I see no reason why it should not fail in Oregon, too. A better proposal, one which would actually reduce inequity by a significant distance, is one the Supreme Court will not hear from the law schools: abolish the law school requirement entirely and allow any person with a college degree, from anywhere in the world, to take the bar exam, MPRE and state law tests e.g. NYLE, permitting test takers to prepare themselves for the exams in any way they see fit. Under that regime, some would go to law school. Others would not. The law schools would lose their position as monopolist gatekeepers, driving down prices, and bar takers could either (a) go to law school, (b) self-study or (c) read law as an undergraduate discipline, as is commonplace in other countries. This one change would permit new lawyers to start their careers without a penny of additional debt, and reduce the current cost of admission by as much as 98.8% without lowering standards one iota. Yours sincerely Preston Byrne
Comments (ATE)	Tony Garcia		2021-08-09 09:22:09	I'm concerned that the SPP would benefit those with connections to attorneys and further racial & economic inequities within our membership.
Comments (ATE)	Michael Sullivan		2021-08-10 15:37:39	I have been a member of the Oregon State Bar for over 47 years. I was also a Judge for 24 plus years. I oppose both the implementation of the Supervised Practice Pathway and the Oregon Experiential Pathway. Attorneys should be able to demonstrate a basic level of knowledge of the law before representing others. The fairest way to do this is through anonymous testing. Given the current economics of running a Law office I fail to see how a practitioner can take the time to adequately supervised the legal education of a graduate student in the SPP. How does the Bar assure an adequate supply of volunteers to supervise in the SPP? How does the Bar assure the attorneys who are supervisors are of sufficient caliber to teach Law students? How does the Bar assure the supervisors have adequate teaching skills? Who will pay for the additional necessary resources for this program to operate? In terms of the OEP, is it appropriate for the Law School to determine if their graduates are of sufficient competence to practice Law here in the State of Oregon? Is this a built-in conflict? Who pays for these additional resources to run this program (OEP) at the Law School? Do all the students pay or just the student involved. Does the Bar pay or does the Law School subsidize our admission process? One need only look to Oregon's recent decision to do away with the requirement that those graduating from High School no longer have to demonstrate they can read and write a. This decision has undermined the confidence the public has in our Education System. I realize some students have a harder time taking tests than others. On the other hand, I strongly believe it is more important to have an anonymous testing system that is fair to all and assures that new attorneys have adequate basic legal knowledge. To do anything less does not protect the public. There will be some who read my comments and think I don't understand the difficulties others encounter. Rather than go off on a tangent, I will only state I have had obstacles as well. Ultimately, I believe these proposals if adopted will undermine the confidence the public has in the Oregon State Bar and ultimately the Justice System. Second, there will be some attorneys who are admitted to the practice of law that simply do not have the necessary legal knowledge to recognize legal issues. Third, Bar Members will be saddled with significant monetary and time requirements that are not necessary. If the Supreme Court is determined to authorize a new program, I would submit the OEP appears to be a stronger proposal than the SPP. The Law Schools here in Oregon are all accredited, have Professors who are trained to teach, are familiar with standards, have experts in different areas of the law, can monitor the progress of the students and can more easily be audited as to the outcomes.
Comments (ATE)	Jan Kitchel	http://kitcheladr.com	2021-08-11 13:53:35	I believe a rigorous bar exam remains necessary. There are too many law school grads who know little to no law, and too many law students who don't bother to learn it. Having a broad knowledge of law is necessary in any legal practice.
Comments (ATE)	Carmino Ferrara		2021-08-11 14:15:55	Lowering the standards for lawyers is a terrible mistake. The practice of law takes commitment, dedication and discipline, all traits necessary to dedicate oneself to passing the Bar exam. Merely associating with a practicing attorney will not demonstrate a recent graduate's ability to apply legal reasoning and logic to complex fact patterns. Although ensuring historically underrepresented communities is laudable, lowering standards is never a good enough reason.
Comments (ATE)	Michael Sullivan		2021-08-12 15:36:47	I have been a member of the Oregon State Bar for over 47 years. I was also a Judge for 24 plus years. I oppose both the implementation of the Supervised Practice Pathway and the Oregon Experiential Pathway. Attorneys should be able to demonstrate a basic level of knowledge of the law before representing others. The fairest way to do this is through anonymous testing. Given the current economics of running a Law office I fail to see how a practitioner can take the time to adequately supervised the legal education of a graduate student in the SPP. How does the Bar assure an adequate supply of volunteers to supervise in the SPP? How does the Bar assure the attorneys who are supervisors are of sufficient caliber to teach Law students? How does the Bar assure the supervisors have adequate teaching skills? Who will pay for the additional necessary resources for this program to operate? In terms of the OEP, is it appropriate for the Law School to determine if their graduates are of sufficient competence to practice Law here in the State of Oregon? Is this a built-in conflict? Who pays for these additional resources to run this program (OEP) at the Law School? Do all the students pay or just the student involved. Does the Bar pay or does the Law School subsidize our admission process? One need only look to Oregon's recent decision to do away with the requirement that those graduating from High School no longer have to demonstrate they can read and write. This decision has undermined the confidence the public has in our Education System. I realize some students have a harder time taking tests than others. On the other hand, I strongly believe it is more important to have an anonymous testing system that is fair to all and assures that new attorneys have adequate basic legal knowledge. To do anything less does not protect the public. There will be some who read my comments and think I don't understand the difficulties others encounter. Rather than go off on a tangent, I will only state I have had obstacles as well. Ultimately, I believe these proposals if adopted will undermine the confidence the public has in the Oregon State Bar and ultimately the Justice System. Second, there will be some attorneys who are admitted to the practice of law that simply do not have the necessary legal knowledge to recognize legal issues. Third, Bar Members will be saddled with significant monetary and time requirements that are not necessary. If the Supreme Court is determined to authorize a new program, I would submit the OEP appears to be a stronger proposal than the SPP. The Law Schools here in Oregon are all accredited, have Professors who are trained to teach, are familiar with standards, have experts in different areas of the law, can monitor the progress of the students and can more easily be audited as to the outcomes.
Comments (ATE)	Gracey Nagle		2021-08-16 10:00:59	I am writing in support of the bar alternatives proposed by the ATE Task Force, particularly the SPP. Prior to completing law school and sitting for the bar exam, I worked under the close supervision of an Oregon attorney in all aspects of representing a client. I can say without hesitation that I learned more about ethical and competent client representation from my attorney-mentor than I did from preparing for and taking the bar exam. If consumer protection is the concern, rather than the maintenance of a barrier that keeps out otherwise-competent lawyers, then a properly structured SPP can surely accomplish that goal as well as the bar exam. The legal profession would benefit from an option for post-JD training that is similar to the residencies that other professions require, rather than an exam. Such training may also be more appropriate for transactional, international, and policy lawyers who must now master vast subjects for the bar exam that have little to do with their eventual work. Thank you for considering these alternatives.
Comments (ATE)	Cody Gregg		2021-08-16 11:14:12	To whom it may concern, I have reviewed the ATE Task Force report in detail. I don't believe the report provides sufficient information to evaluate the likelihood of success of either of the proposed alternatives to the bar exam. Notwithstanding the inadequacies of the report, I support moving forward with an alternative licensure program similar to one or both of those recommended in the report. I don't feel that the report provided sufficient information for me to feel comfortable relying on its conclusions. There is no context given for the depth of study undertaken by the Task Force. And, while the report touches on some key aspects of other jurisdictions' programs, it omits important information that I would expect in a report recommending systemic changes to how we regulate admission to the OSB (i.e., what specific materials did the committee look at? What was it unable to look at that would have been helpful? What criteria were used to evaluate the documents it was given access to and the programs described within those documents? What pedagogical studies were/have been undertaken to evaluate whether alternative programs are successful at testing competency compared to the bar exam?). I think the lack of detail raises questions about the likelihood that the alternative licensure programs will lead to the outcomes that the committee projects. The report also contains many unsupported assertions. Much of the report was spent hypothesizing about whether alternative licensure programs can alleviate certain equity issues purportedly present in the current bar exam. Little to no empirical or anecdotal evidence was actually given for the stated conclusions. While I appreciate that the Task Force frequently couched their position with "we believe", I didn't feel like sufficient information was given about the Task Force and its process to justify my reliance on these beliefs. These same issues belie the report's conclusion that alternative programs provide a meaningful metric for determining whether a law student has obtained sufficient competence to practice law. Although I find the report to be troubling, I agree that there are people who fail the bar exam who may otherwise be capable of providing competent representation with additional training. Because of that, I would support moving forward with implementing the committee's recommendations as a part of a larger, multi-year provisional program to study the impact of alternative licensure on the Oregon State Bar. I would encourage the Oregon Supreme Court to adopt the alternative licensure programs proposed by the Task Force for a period of five (5) years, during which time the Court could evaluate the success of the programs. The one modification I would recommend to the committee's guidelines for the OEP is the addition of some sort of conflicts of law requirement to the required upper-level course list. Conflicts of law touches on important jurisdictional questions that can have a significant impact on the outcome of a dispute in many areas of law. It is an issue of great importance in litigation, T&E and transactional practices and the class provides a much-needed understanding of the framework underlying this complicated area of law. Respectfully submitted, Cody Gregg
Comments (ATE)	Arban		2021-08-18 09:54:29	This is a great step in the right direction. Taking the bar exam under a timed condition while memorizing law is not relevant to law practice. The law is constantly changing; students should always be encouraged to reference most current laws. Furthermore, writing essays and answering multiple-choice under tense timed conditions does nothing to make someone a more competent lawyer. Instead, it is just re-tests what has already been tested in every semester in law school final exams. There is also another state which does not require some students to take the bar exam. The Wisconsin bar has "diploma privilege" for in-state law graduates, which I believe dates back to 1870; they seem to be doing just fine. Oregan's proposal is very thought-out by providing prospective lawyers extensive practice and training before licensing, which is objectively better for society and the profession than requiring prospective lawyers to scramble and memorize law for timed essays and multiple-choice questions; that's what 3-years of law school is for. In my opinion, the bar exam is repetitive and counter-productive to advancing the career in today's world. Thank you for the opportunity to express my opinion on the matter.
Comments (ATE)	Eva Kripalani		2021-08-23 10:56:03	I fully support adoption of the recommendations to develop alternative pathways to attorney licensure. In my opinion, the bar exam does little if anything to ensure the competency of a lawyer to practice law. It seems to me that both the profession and the public would benefit from these alternative approaches.
Comments (ATE)	Paul Diller	https://willamette.edu/law/faculty/profile	2021-08-23 14:52:51	I have been a professor at Willamette Law since 2005, during which time I have taught many of Oregon's current lawyers, many of whom I can proudly say are now judges, legislators, and other public officials. I read with enthusiasm the Board of Bar Examiners' proposal of June 18, 2021, and think that there is much good in it. I offer the following comments neither in favor nor against but simply in an effort to help the Court and bar reach a conclusion that will benefit the entire legal community and state. 1) The report describes the current state of legal education in somewhat of a "straw man," inaccurate, and vague manner at times. The report asserts that law schools have been offering "the same set of bar courses that have remained static." This has certainly not been the case at Willamette, where our bar courses have changed substantially over the past several years as the content of the Oregon bar has changed with the shift to the Uniform Bar Exam. Administrative law and tax were once bar courses, but no longer are, whereas family law and conflict of laws are now "bar courses," and previously were not. Moreover, even within the bar subjects, Willamette law has changed what we consider a "bar course" over the years. Real Estate Transactions, for instance, was added to the "bar course" list in 2018 to buttress students' understanding of real property. We continue to examine our curriculum regularly to decide which courses and subjects should be required and what the appropriate amount of coverage (i.e., number of credits) is. In discussing the OEP, the report recommends "law schools adopt programs that include a curriculum broader and deeper than just litigation and business transactions; doing so via requirements like Indian law, family law, or civil rights …." At Willamette, as noted, family law is already a semi-required bar course, Indian law is offered regularly (usually every other year), and civil rights litigation has generally been offered regularly as well. I applaud the recommendation to rethink and explore the curriculum, but these subjects are being taught already. If the recommendation is to require them or a subset of them rather than make them electives, that should be spelled out in more detail. Also in the section describing the OEP, the proposal suggests "foundational courses" beyond required first year courses (although never discusses which exact first year courses it is assuming are taught). The report suggests two of the following upper-level courses: "state/local law," "constitutional or statutory interpretation," or "administrative law or processes." As someone who regularly teaches state and local government law (and has also taught state constitutional law many times), I wholeheartedly endorse more emphasis on "state/local law." Constitutional law is already a significant part of the Willamette experience, being a required 3-credit course in the first year (Con Law I) and then a 3-credit "bar course" in the second or third years (Con Law II). Is the proposal arguing for something different in the form of "constitutional interpretation," or just hoping to build on something like this existing framework? Along these lines, Willamette also offers a class in Legislation and Regulation ("Leg/Reg"). Presumably that would satisfy the "statutory interpretation" proposed requirement, as would our class in Statutory Interpretation? Some more clarity on what these prongs are looking for would be helpful. Many law schools nationally — although not Willamette — now offer Leg/Reg in the first year, often as a required course. Would a required 1L "Leg/Reg" course abnegate the need for an upper-level "statutory interpretation" or "administrative law or processes" course? Could it be part of that requirement? This is worth exploring further. 2) In discussing the OEP, the report suggests that it would encourage law schools to use more holistic admissions processes than just GPA/LSAT. I am pretty sure that Willamette is doing that already. In proposing a "capstone" project that would be assessed by a volunteer lawyer, I assumed that this was separate from a graduation writing requirement that the law school currently has and is required by the ABA, but it was not entirely clear. Frankly, the description of the capstone project was vague, and I wondered if it might be redundant of other projects law students already complete in their education. 3) With respect to the SPP, I wondered whether some students would have enough non-privileged work product to be graded by the BBX. Most non-privileged items — final briefs, motions, etc. — will be submitted to the court after review by an experienced attorney. What exactly will you be looking for or at? The student's first draft? Second draft after initial attorney feedback? This could end up being quite tricky to administer. It would almost seem easier to take a lawyer's word for it. 4) The proposal envisions many hours of volunteer time put in by Oregon attorneys to supervise both the OEP and SPP. I don't have a clear sense of the total amount of hours attorneys already volunteer to grade the bar exam and mentor students, but this seemed like it could be a much bigger ask than what is going on currently. If that is correct, I worry that these new pathways could take away from attorneys' ability to contribute to other pro bono causes. It could be a net win overall, but the tradeoffs could be real. 5) Forbidding attorneys with any public discipline from supervising a law student pursuing a non-exam licensure path seemed overly strict. I'm not sure if a mere censure (which is, of course, quite serious), perhaps from many years ago, should bar an attorney from supervising ability. This could have an outsized effect in small or remote legal markets that have relatively few lawyers. 6) It is useful in reports to define in more detail what is meant by "equity," particularly if it is serving as a driving force for the proposal. Most of us have a general sense of what the term means these days in this context (quite different from its traditional legal meaning, of course), but precision is helpful when it comes to details. Thank you for offering me the chance to comment.
Comments (ATE)	Richard Weill		2021-08-25 12:30:19	I was a grader for the BBX several years ago. I was beyond shocked. I gave several zero's on the exam question I graded. Of course, I know nothing about what those applicants were "going through" that day but from my experience as a grader, yes only one time...we must have some minimum standards. I would not do away with the Bar Exam.

Comments (ATE)	Jordan Barbeau		2021-09-18 15:22:23	I ardently support any method to examine competence that does not involve the bar exam. While the exam demonstrates your ability to memorize and analyze (as do law school exams), it provides no preparation for or evaluation of skills critical to most areas of law practice. For example, client management, client communication, litigation or negotiation strategy, and professional etiquette are not addressed at all, and these skills are not taught in law school courses either. When I was a student, I would have much preferred something like the two year experiential program being proposed; I gained far more knowledge and preparation from my clerkships and externships than I did from classes or bar prep.
Comments (ATE)	Nathan		2021-09-22 16:10:24	Doing away with the bar exam is a dangerous idea. Every profession from restaurant worker to CPA to medical professional requires an exam to demonstrate minimum competence. Attorneys should not be any different. The public must be assured that practicing attorneys have passed a minimum competence exam. Alternatives to pathways, such as apprenticeships will vary widely in quality, and give no assurances that an attorney understands basic legal knowledge. Without a bar exam, law students will stop taking certain fundamental subjects in law school.
Comments (ATE)	John E. Grant	http://www.agileattorney.com	2021-10-01 16:34:20	Dear Chief Justice Walters and Associate Justices, I write in my personal capacity to endorse the recommendations of the Alternatives to the Bar Exam Task Force. The recommended pathways are thoroughly researched and well-considered starting points for evaluating alternatives to the antiquated and inequitable bar exam. I have only two complaints with respect to the report. (1) One of the two areas of consideration of the Task Force was “Consumer Protection.” Indeed, this has been a major, if incomplete, driver of decision-making around Bar admissions for perhaps as long as there has been an admissions process. By relying too heavily on “consumer protection,” however, the Bar and the Board of Bar Examiners have inadvertently but significantly contributed to the access to justice problem in Oregon today (see the Oregon State Bar Futures Task Force Report and Recommendations (2017) and the Oregon Law Foundation’s Civil Legal Needs Study (2019)). At their core, the concepts of consumer protection and consumer accessibility are in tension with one another. For too long, however, the Bar and the BBX have focused too heavily on protection without considering how policies that increase protection also serve to decrease accessibility. Going forward, I urge the Court, the Bar, and the BBX to include consideration of access to legal services for Oregonians alongside, and as equally important to, consideration of consumer protection. (2) I was disappointed to see that there was no discussion in the report of continuing 2020-style diploma privilege as one of the alternative pathways to Bar membership. Indeed, given the considerations of the report around equity and fairness, coupled with the lack of any clear showing (other than the feelings and opinions of certain lawyers) that the Bar Exam contributes in any meaningful way to improve the quality of legal series in Oregon, diploma privilege would appear to be the quickest and least burdensome pathway for achieving the goals of the Task Force. Even so, the recommendations of the Task Force are sound and I encourage the Court to adopt them and move forward with implementation committees for each suggested pathway. Sincerely, John E. Grant