

Comments-Export-2021-SSTF

Comments (SSTF)	Susan Carter	myrtlepointlaw@gmail.com		2021-06-28 18:06:32	I am not certain if this is a comment regarding the report, or something else. While I understand the concept of the UBE, making a bar license infinitely more portable, the UBE in Oregon is just silly. I practiced in California for many years, then returned to my home state, and the bar exam I took was completely Federal law. Oregon law and Federal law differ in so many vast ways it seemed like a complete waste of my time to study for a bar with little to no relevance to my practice. I do not think the UBE is the correct test for Oregon bar takers.
Comments (SSTF)	Jason Steen 993675	jason@dickisonsteen.com		2021-06-28 18:44:50	I completely disagree with a non bar passage path to license. I wonder why the OSB is on this "woke" crusade to diminish the tradition of the American Bar Exam. You will diminish our achievement and open the door to inferior practitioners. You have to pass the test to join the club. It was good enough for me. It's good enough for todays' attorney. Stop with your desecration of good and socially responsible tradition.
Comments (SSTF)	James K Walsh	jameskwalsh@hotmail.com		2021-06-28 20:03:11	I am totally against any alternatives to the traditional bar exam. This is a step in the wrong direction and not protecting the public.
Comments (SSTF)	Ryan Corbridge	ryan@corbridgelaw.com		2021-06-28 20:12:44	I passed the bar exam and so should you.
Comments (SSTF)	James Duncan	jduncan@johnthutill.com		2021-06-29 08:33:11	I think this is a fair assessment of the arbitrarily set high number of 274.
Comments (SSTF)	Stephanie Schilling	schilling.jd@gmail.com		2021-06-29 08:33:32	The standards should remain the same but bar preparation should be low or no cost to accommodate those for whom barri is not financially accessible.
Comments (SSTF)	K.C. Huffman	kchuffman@thorp-purdy.com		2021-06-29 10:39:39	I don't have strong feelings about this either way.
Comments (SSTF)	Theressa Hollis	theressah@fitzwaterlaw.com		2021-06-29 10:43:52	This change appears reasonable to me.
Comments (SSTF)	Mike Strachan	michaelstrachan0099@gmail.com		2021-07-02 17:07:24	I find the race to the bottom in nearly ever American institution based on the false premise of racial equity rooted in racist Marxist Critical Theory to be deeply disturbing. Replacing academic rigor and disciplined work ethic to turn out qualified professionals in a specific sector, with moronic racial quotas to instead turn out a sector filled with unqualified individuals there based on their ethnicity rather than merit, leads to dysfunction and overall public disservice and harm. Stop pandering to radical leftists. Stop cowering to those "Progressive" racist and sexist neo-segregationist on the left that seek to divide the American people into racial categories, and degrade and weaken our institutions. Their racist "anti-racist" false narratives cannot withstand scrutiny or debate. Do not allow our sacred judicial system to be degraded by these idiot leftists who impose their dysfunctional and subjective reality theories, seeking to bend our nation towards authoritarianism, undermine checks and balances, and create one party rule. Do not allow radicals to undermine our nation of laws. I would never spend any of my hard earned money on, or put my trust in, a half-assed lawyer. While we're at it, let's remove the rigorous training an engineer must go through, and let's watch our buildings and infrastructure fall on our heads. -Disgusted
Comments (SSTF)	Brian Oglesby	boglesby5309@gmail.com		2021-07-03 04:35:18	So we are clear, the idea is to drop the bar exam because blacks aren't getting the same passing rates as whites? The message your sending is that blacks are not smart enough to pass on their own merit. Where did personal agency go? Also, the black lawyer will now be required to tell everyone who goes to use his services that he did not pass the bar exam. This idea is a good example of the soft bigotry of low expectations. This idea only perpetuates the stereo type that blacks can't compete with whites on a level playing field. Passing the bar endows one with confidence. Take it away and all you've done is create a scared weak lawyer. I wouldn't hire a lawyer who didn't pass the bar. Would you hire a heart surgeon who didn't pass the final exam?
Comments (SSTF)	Natalya Amirova	Namirova2285@gmail.com		2021-07-03 07:07:32	I write this in opposition to the proposed change to the requirement for admittance to practice law in thr State of Oregon. This would absolutely desolate and destroy the institution of law. The State will have inadequate people practicing law which they are not qualified for. State examinations exist for a reason and if a student can dedicate and devote 3 years to law school, then they can find the time to dedicate to study for the Bar, like almost all of law schools students do in this country. This is an insult to all people who studied hard to get ahead instead of bring offered an open door based on their skin, rather than their ability. Implementing this will also lead to inadequate representation, inability to comprehend statutes and a higher rate of ABA complaints. I kindly request take into consideration the effects this will have on minorities and poor who cannot afford a Harvard lawyer or firm. I would also suggest doing a study to see the outcome of the 1000 attorneys who were admitted in 2020 without a bar examination. If their rate of disbaring is high, or how many aba complaints are filed against them, then the only choice would be to leave the Bar exam alone. Thank you
Comments (SSTF)	Mitchell Parker	m1tchellparker8@verizon.net		2021-07-04 03:30:19	Dumb down the profession by eliminating the requirements to achieve it. This takes us down a very bad road. Please don't do this. There is a reason why things are hard.
Comments (SSTF)	Brittany January	brittany.e.january@gmail.com		2021-07-05 23:06:53	This is a reasonable alternation for having a bar that both reflects the legal skills and understandings of the law to both produce the best lawyers and be the fairest way to have equal grading for all. Under the alternative systems, different teachers or attorneys have the responsibility and difficult job of having to grade students all the with budgets and time which are already stretched thin causing forum school or firm shopping. Let it be equal, in the same place, with the same tests. I do think there is a need for more practical skills for new graduates but not in lieu of passing the bar. We have doctorates just like doctors but they too need to pass medical exams when making decisions and taking actions which have major consequences on the lives of others.
Comments (SSTF)	Joan Howarth	joan.howarth@unlv.edu	https://papers.ssrn.com/sol3/papers	2021-07-06 10:36:26	Thank you for the opportunity to comment on the cut score decision before you. As you know, standard setting is a policy decision. I am writing to suggest that Oregon join Alabama, Minnesota, Missouri, New Mexico, and North Dakota in adopting a cut score of 260. Impressive new national research shows that higher cut scores are not linked to lower discipline rates. See Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards at pp. 25-29, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3707812 . We know from the California cut score analysis included in your report (Table 4 at pdf 84/122) and even more clearly from Examining the California Cut Score (at pp. 17-24) that the lower the cut score adopted by the Court, the smaller the racial and ethnic pass rate disparities will be. The 260 passing score works well in those five states. Why wouldn't it work just as well in Oregon? If the bar exam were an employment test, Title VII could make bar examiners show why they need to choose a cut score any higher than the score currently used without problems by five diverse states across the country. See Howarth, The Professional Responsibility Case for Valid and Nondiscriminatory Bar Exams, 33 GEO. J. LEG. ETHICS 931, 955-58 (2020), available at https://scholars.law.unlv.edu/facpub/1294/ . This cut score decision is a precious opportunity to remove unnecessary barriers to our profession. In this civil rights policy decision, Oregon should not be less focused on equity than North Dakota, New Mexico, Missouri, Minnesota, and Alabama. Thank you for your consideration. Joan W. Howarth Distinguished Visiting Professor, Boyd School of Law, UNLV Dean Emerita, Michigan State University College of Law
Comments (SSTF)	William P. Haberlach OSB # 680606	bhaberlach@charter.net		2021-07-06 16:58:01	I am not convinced we need a change.
Comments (SSTF)	Todd	toddsmith@clark.edu		2021-07-06 20:14:41	I write in full support of the Task Force's recommendation to lower the passing score for the Uniform Bar Exam. The bar exam is more a hazing ritual than it is a measure of competency, and it is well-known that it is rooted in classism and racism. It does not test whether someone is fit to practice law, but rather whether they are able to memorize a litany of random rules for a handful of subjects that most of us will never use afterwards. The bar exam benefits those who are privileged enough to afford bar prep materials and have the ability to study for 6+ hours a day for ~8-10 weeks. Even with such privileges, one must be lucky enough to not have anything derail their studies for those 10 weeks - be it sickness, emergencies, family matters, and countless other happenings that occur in every day life. In addition, it makes almost no sense to conduct the exam closed-book when practicing attorneys would be committing borderline malpractice if attempting to answer legal questions without looking it up or researching it. I can't help but wonder how many members of the Oregon bench and bar would be able to pass the bar exam if they had to retake it. A passing score of 266 was applied to the July and fall 2020 exams conducted during the pandemic (which we are still in) and there is no reason to keep the passing score at an arbitrary 274. Thank you for accepting public comments, and I hope you consider lowering the passing score.
Comments (SSTF)	Jesse Lohrke	Jesse@lohrkelaw.com		2021-07-07 09:18:58	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 the 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.
Comments (SSTF)	Rachel Marshall	rachelmarshall.esq@gmail.com		2021-07-07 10:10:40	I believe the Court should hear from consumer groups before making such a decision. If the concern is that the bar exam is racially prejudiced then the exam should allow for grading or other evaluation requirements that would account for or adjust for that. Every profession in Oregon requires some sort of proficiency exam for the protection of the public. Attorneys have vast authority to intervene in client affairs and to act as fiduciaries with respect to almost any client matter if hired to do so. That responsibility should carry with it a degree of proficiency that is measured with some sort of exam. You can't even drive a vehicle without an exam let alone handle potentially millions of dollars of a clients funds and their freedom from incarceration in some instances. Please do not drop the requirement. I've take two bar exams - the California Exam and then the Oregon Exam to become admitted here before there was reciprocity. I benefited greatly from the testing that I was put through and it has made me a better lawyer. The preparation is exhausting but taught me volumes.