

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** October 2014 – O-101

**DATE:** October 15, 2014

**TO:** Committee of Bar Examiners

**FROM:** Gayle Murphy, Senior Director, Admissions

**SUBJECT:** **Response to Call for Public Comment on Proposals Submitted by Task Force on Admissions Regulation Reform**

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## BACKGROUND

In 2012, the Board of Trustees (Board) established a Task Force on Admissions Regulation Reform (TFARR). After several months of deliberations, the Task Force recommended changes to the requirements for admission to include:

- Pre-Admission: 15 Units of Practice-Based Experiential Training in Law School/Apprenticeship Option
- California's Proposed Recommendation for 50 Hours Pro Bono/Reduced-Fee Legal Services
- Post-Admission: California's Proposed Recommendation for 10 Hours Competency Training MCLE

Subsequently, the Board appointed a working group to draft and propose rules to implement these three basic concepts, which was considered phase two of the project. The TFARR has proposed recommended rules and amendments to existing rules, which the Board has approved for circulation for public comment. The proposals can be found at:

<http://www.calbar.ca.gov/AboutUs/PublicComment/201411.aspx>

The deadline for submitting public comment is November 3, 2014.

The matter of lawyering skills requirements is not a new one for the Committee of Bar Examiners (Committee). In fact, the Board of Governors (now Board of Trustees) in 1988 approved in concept a recommendation from the Committee as follows:

That effective after January 1, 1992, all applicants for admission to practice law in California be certified, as a condition to admission, as having acquired formal training in lawyering skills, including pre-trial, trial and other litigation skills, in one or more courses of a content and quality approved by the Committee of Bar Examiners.

In August 1988, the Committee submitted its response to a request from the then Board of Governors for a specific proposal to implement the 'Lawyering Skills' requirement, which in addition to specifying what Lawyering Skills encompassed, also recommended that a specific Lawyering Skills Course be required for admission, which course must be at least 3 semester units (45 hours) devoted to skills training. For various and assorted reasons, the new lawyering skills requirement never made its way into implementation.

## **DISCUSSION**

Section 60646 of the California Business and Professions Code states:

The board may establish an examining committee having the power:

- (a) To examine all applicants for admission to practice law.
- (b) To administer the requirements for admission to practice law.
- (c) To certify to the Supreme Court for admission those applicants who fulfill the requirements provided in this chapter.

In accordance with these statutory duties, it seems appropriate that the examining committee [Committee of Bar Examiners] have input into proposed new requirements for admission. It should be noted, however, that in the past two additional requirements for admission were established through the legislative process, which did not involve the Committee. These are the requirements that an applicant be in compliance with California court-ordered child or family support obligations pursuant to Family Code section 17520 and be in compliance with tax obligations pursuant to Business and Professions Code section 494.5.

As written, the TFARR rules and amendments proposed in its recommendations #1 and #2, which are detailed in the attachments published with the public comment notice, would impact the operations of the Office of Admissions, as it would be up to this office to maintain the associated records, determine whether the certifications from the law schools are accurate, establish a department to review apprenticeships and clerkships to determine if they meet the minimum criteria and keep track of pro bono hours (at least until an applicant is otherwise admitted).

There may be additional comments and concerns that the Committee may have, which can be discussed during the October 2014 meeting.

## **RECOMMENDATION**

That the Committee submit public comment if it so determines that such should be done.

## **PROPOSED MOTION**

Pending