

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** June 2016 – O-102

**DATE:** June 20, 2016

**TO:** Committee of Bar Examiners

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

**SUBJECT:** **Status of Task Force on Admissions Regulation Reform Proposals**

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## BACKGROUND

In February 2012, the Board of Trustees approved the appointment of the Task Force on Admissions Regulation Reform (TFARR) that studied whether additional admission requirements should be instituted. The TFARR concluded that:

“...a new set of training requirements focusing on competency and professionalism should be adopted in California in order to better prepare new lawyers for successful transition into law practice, and many of these new requirements ought to take effect pre-admission, prior to the granting of a law license.”

A second Task Force was appointed with the charge to propose implementing rules for three new requirements – either pre-admission or one year post admission. These included:

1. Additional skill-based MCLE for newly admitted attorneys;
2. 50 hours of Pro-Bono either during law school or within one year admission; and
3. 15 units of experiential training during law school/pre-admission.

The second Task Force prepared recommendations for new rules and amendments to existing rules, which the Board of Trustees adopted in principle in 2014. The Committee of Bar Examiners (Committee) considered the proposals and submitted comments during the public comment period. There were proposed changes to both statutes and Court Rules, which would have required the approval of the Supreme Court and the Legislature. At about the same time, there were significant changes being made to the State Bar’s leadership, including the departure of the Executive Director.

New executive leadership has been in place since the fall of 2015 and it has, in consultation with the Directors of the potentially affected departments of the State Bar,

prepared modified proposals that were discussed with the Board of Trustees during its May 2016 meeting. After additional consultation with the two TFARR Task Forces, the modified proposals are scheduled to again be considered by the Board of Trustees during its July meeting.

## **DISCUSSION**

The most current versions of the proposals are discussed in the Board of Trustees' May meeting agenda item, which can be found online at:

<http://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000014907.pdf>

As discussed in the agenda item, the revised proposals are:

1. "Attorneys will complete a New Attorney Training MCLE program during their first year post-admission. This curriculum will be developed by the State Bar, and will be no more than ten hours in total length. These ten hours will not be in addition to the currently required MCLE hours for active members of the Bar. Instead, up to ten of those currently required hours will comprise New Attorney Training, and this training will be prescribed for completion within the first 12 months of admission to the California Bar."
2. "As a requirement for admission to the California Bar, every applicant must provide 50 hours of pro bono legal services. Attorneys, domestic and foreign, admitted in good standing in another jurisdiction, are exempt."
3. "As a requirement for admission to the California Bar, every applicant must complete 6 units of practice-based, experiential learning. Attorneys, domestic and foreign, admitted in good standing in another jurisdiction, are exempt. Where an applicant has been a student at a law school in California, law schools will certify satisfaction of this requirement. In all other instances, the State Bar will handle the certification process, working directly with the applicant."

During the Board's May meeting, there were several original TFARR members who spoke during the meeting and who were adamantly opposed to variations of TFARR's original proposals. The Board of Trustees asked staff to consult with TFARR's two Task Forces and return in July with its recommendations.

It should be noted that relative to proposal #2 above, there is current legislation (SB1257 – Block) that could essentially implement a 50-hour Pro Bono requirement, if ultimately approved by the Legislature and signed by the Governor.

This report is being made to the Committee as, if any pre-admission additional requirements are ultimately approved, it will be up to the Committee, and the State Bar's Office of Admissions staff to implement them.

## **RECOMMENDATION/MOTION**

No action is necessary.