

Guideline 6.9 Practice-Based Skills and Competency Training

~~Instruction should be available in the practical skills of drafting legal documents, trial and appellate advocacy, and in professional skills such as law office management, counseling, and negotiation.~~

- | (A) (1) A law school ~~shall~~ must provide the opportunity for students in the JD degree program to complete a minimum of fifteen (15) units of practice-based skills and competency training.
- | (2) A law school ~~shall~~ must provide the opportunity for foreign-educated LL.M. students who intend to qualify to sit for the California Bar Exam, to complete a minimum of five (5) units of practice-based skills and competency training.
- (3) Parts of any substantive course that are dedicated to developing skill-based competencies may be used to satisfy this requirement. Schools may record and report partial units in increments of no less than one-tenth (.10) unit.

(B) (1) For the purposes of this section, the term “units” also includes practical skills training achieved outside the classroom while working in school-approved “externship”, “internship”, “clerkship”, and “clinic” settings. In those setting, a “unit” is earned by meeting the hourly requirement that the school uses for granting credit for internships, externships, or other clinical experiences, or in the absence of a school requirement, completing a minimum of 50 hours of qualifying work as defined in subsections C through E.

(2) “Externship” or “Internship” is a school-approved placement during law school in a private, public, or nonprofit law office whether or not the applicant receives academic credit or compensation.

(3) “Clerkship” is a placement in a judge’s chambers during law school whether or not the applicant receives academic credit or compensation.

(4) “Clinic” is a course or program sponsored by the law school that provides students with a substantial lawyering experience supervised by a faculty member.

(C) Competency training must develop the concepts underlying a particular practice-based skill or subject matter, provide opportunities for individual student engagement in addition to traditional classroom discussion, provide for student feedback from a faculty member, and provide opportunities for student self-evaluation. Credit toward the fifteen-unit requirement may be given upon successful completion of training that includes, but is not limited to, the following topics:

(1) oral presentation and advocacy;

(2) interviewing and counseling;

(4) client service, professional civility, and professional responsibility;

(5) negotiation, mediation, arbitration, or other alternate dispute resolution methods;

(6) legal research and writing;

- (7) applied legal writing such as drafting of contracts, pleadings, or other legal instruments;
- (8) law practice management and law-related technology;
- (9) cultural competency and the needs of special populations;
- (10) collaboration, project management, and time-management;
- (11) accounting, budgeting, bookkeeping, and other financial analysis;
- (14) business strategy and market analysis;
- (15) pre-trial preparation and fact investigation, including discovery, e-discovery, motion practice, assessing evidence, or utilizing experts;
- (16) trial practice skills; and
- (17) transactional practice skills.

(D) Pro bono work completed as part of a law school program or through non-classroom experience may be counted toward the fifteen-unit practice-based skills competency training provided the work is consistent with the requirements of this subdivision.

(E) To qualify under this section, Externships and Internships must be supervised by a licensed attorney who has practiced law for at least two years and must provide the following:

- (1) an orientation session;
- (2) individualized supervision;
- (3) timely oral and written feedback;
- (4) diversity of tasks that provide the opportunity for learning skill-based competencies; and
- (5) opportunity for reflection.

(F) The fifteen-unit practice-based skills and competency training ~~shall~~will be phased in over three years and ~~shall~~will apply to students enrolling in law school on the following schedule:

- (1) students entering the JD program in the 2017-2018 academic year ~~shall~~must be provided the opportunity to complete five units of practice-based skills and competency training;
- (2) students entering the JD program in the 2018-2019 academic year ~~shall~~must be provided the opportunity to complete ten units of practice-based skills and competency training; and
- (3) students entering the JD program thereafter ~~shall~~must be provided the opportunity to complete fifteen units of practice-based skills and competency training;
- (4) students entering the LL.M degree program in the 2018-2019 academic year and thereafter, ~~shall~~must be provided the opportunity to complete five units of practice-based skills and competency training.