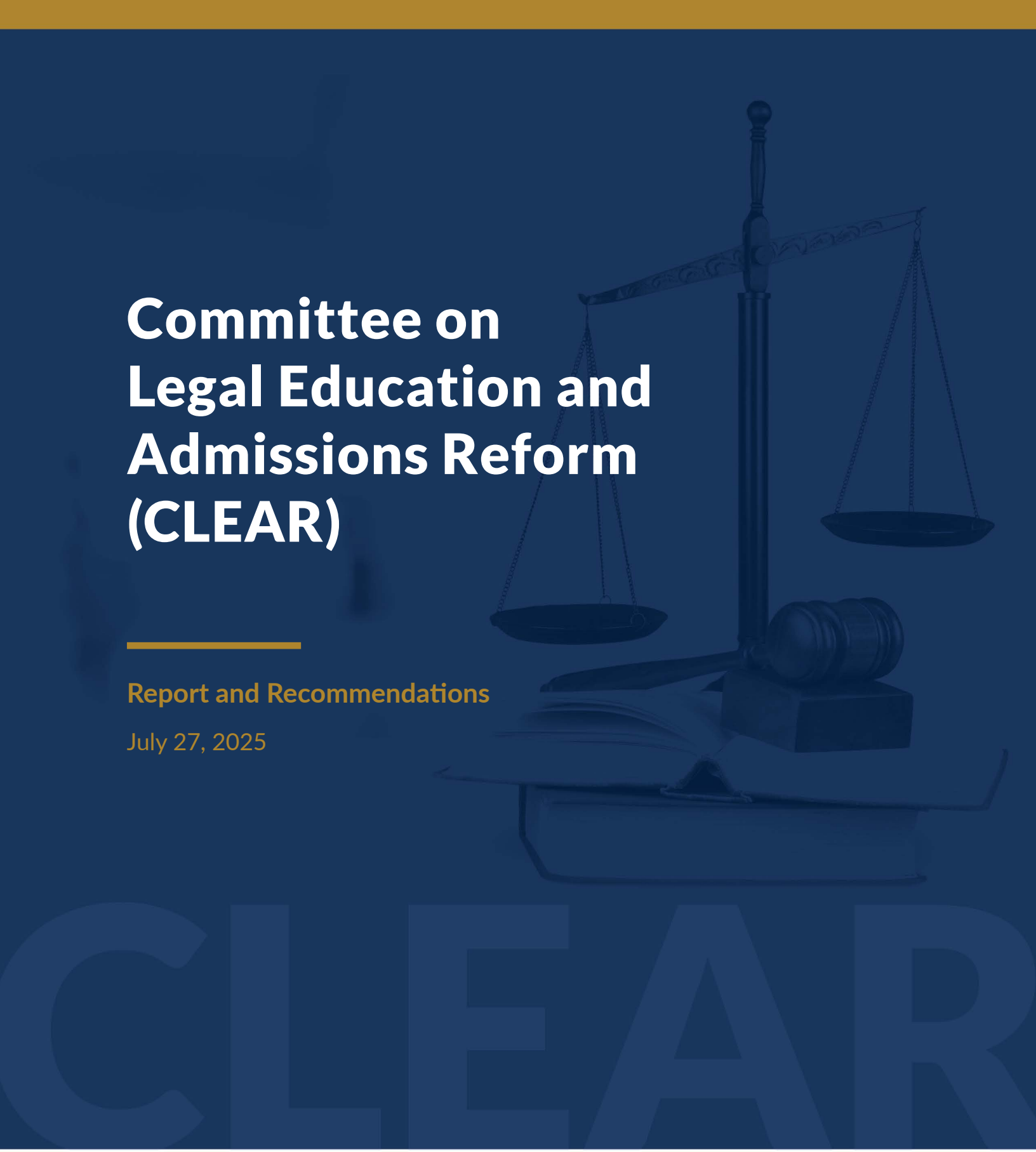


Committee on Legal Education and Admissions Reform (CLEAR)

Report and Recommendations

July 27, 2025

AccessLex INSTITUTE

COSCA Conference of State Court Administrators

Conference of Chief Justices 1949

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MEMBERSHIP AND PARTNERS

CLEAR's membership is comprised of chief justices and court administrators from a diverse array of states across the country. CLEAR was made possible through a partnership with AccessLex Institute, Thomson Reuters Institute, and the National Center for State Courts. The National Center for State Courts provided staffing for the Committee.

CLEAR Membership

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New Hampshire Supreme Court

VICE CHAIR

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EXECUTIVE SUMMARY

Overview

In alarming numbers, Americans cannot fully access our justice system. The consequences are directly felt by the people whose legal needs are not being adequately addressed. They are families and individuals in distress with their basic rights and needs hanging in the balance. The indirect consequences are also profound. State courts—where 70 million cases are filed every year and 98 percent of all litigation takes place—confront huge numbers of self-represented litigants every day. Meanwhile, public confidence in our courts and the justice system continues to decline.

The unmet legal need is staggering, affecting so many people who require help yet lack access to essential legal resources. Each year, tens of millions of people encounter difficult moments that intersect with the law: the care and custody of children and dependent adults, consumer issues, domestic violence, housing problems, probate needs, and many more. A significant portion of these people must address their legal issues without the support of an attorney. Many individuals are unaware of their rights or the existence of legal services, while others are deterred by high costs and complicated processes. This gap not only perpetuates a sense of injustice but also leaves many without the necessary tools to navigate legal complexities, undermining the very foundation of a fair and equitable justice system. Addressing this unmet need is critical to ensure that all individuals can secure their rights and access the legal support they deserve.

At the same time, the legal profession itself is undergoing profound changes. With fewer contested hearings, the growing use of artificial intelligence (AI) and other technologies, and declines in mentorship, new attorneys have fewer opportunities to hone their practice skills and learn from more experienced practitioners. The changing economics of practice sees clients less willing to pay for the training of new associates in private law firms and solo and small firm practitioners facing increasingly challenging financial realities. Public interest minded law students continue to face other serious barriers, from persistent negative perceptions of public interest work, to unclear career pathways, to lower salaries and higher debt burdens as compared with private practice. This is all while public trust in the courts has remained diminished, with many people expressing a lack of confidence in our judicial system.[1]

For the past eighteen months, members of the Committee on Legal Education and Admissions Reform have crisscrossed the country engaging stakeholders to better understand why the legal profession is not meeting the needs of the American people. The challenges faced by the profession are systemic and multifaceted; so, too, must be the responses. Breaking down the institutional impediments to reform will require the many actors and stakeholders to be better aligned around their shared goals of equal access to justice for all.

State courts are well-positioned to lead efforts for systemic change through innovation and reform. While there is already much groundbreaking work happening across the country, there is great potential for even more. We were repeatedly impressed not only by the level of engagement and enthusiasm for this undertaking, but also the desire for urgent reform. While the challenges facing the profession are great, the commitment to addressing them collectively and creatively is even greater. The recommendations outlined in this report offer a roadmap for how state courts can lead in advancing the profession and ensuring that access to justice for all is a reality.

Our Work

Against this backdrop, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established the Committee on Legal Education and Admissions Reform (CLEAR) in August 2023 to undertake a comprehensive examination of legal education, licensure, and entry into the practice of law in the United States. As the primary regulators of the legal profession in their respective jurisdictions, state supreme courts play a critical leadership role in ensuring that the public has access to competent legal representation. CLEAR's charge was to assess how legal education and licensure practices and processes can address the justice gap crisis and ensure public trust and confidence in the legal profession. While several states have been exploring and experimenting with licensing authorized justice practitioners (non-lawyers) in addition to lawyers, CLEAR's charge was restricted to the regulation of lawyers.

Over 18 months, CLEAR engaged in intensive factfinding to examine how legal education, licensure, and the training of new attorneys can respond to these challenges. This included:

WORKING GROUPS

CLEAR formed three working groups to examine the interrelated themes of practice readiness, bar admissions, and public service. Working Group members included law school deans, judges, public interest attorneys, clinical educators, academics, representatives from the private bar, public interest advocacy organizations, and others.

LISTENING SESSIONS

CLEAR also engaged directly with critical stakeholders from the legal profession, convening 12 listening sessions that brought together stakeholders from regional legal communities across the country to discuss how these issues manifest in unique ways in different places. At each listening session, CLEAR Executive Committee members interacted with these stakeholders to hear their stories and understand how issues of legal education, bar admissions, and access to justice gaps affect their work.

SURVEYS OF JUDGES, LAWYERS, AND LAW STUDENTS

CLEAR surveyed over 4,000 judges, 4,400 attorneys, and 600 law students, revealing widespread agreement that newly admitted lawyers often lack sufficient preparation in critical applied practice skills and a hunger for innovative pathways to licensure to practice law.

STAKEHOLDER INTERVIEWS

CLEAR conducted over 90 interviews with a diverse array of stakeholders from across the legal profession to gain in-depth insights into these issues. Interviews included college students seeking to understand the legal field, law students navigating their academic journeys, recent graduates working to pass the bar exam (sometimes after multiple attempts) or embarking on their first roles as new attorneys, clinical and doctrinal law faculty sharing their invaluable expertise, and supervising lawyers in a variety of professional settings.

NATIONAL CONVENING

CLEAR held the National Convening on the Future of Legal Education and Admissions in Cincinnati, Ohio, on March 14, 2025. The convening brought together representatives from CCJ and COSCA, AccessLex Institute, the American Bar Association (ABA) Council of the Section of Legal Education and Admissions, the Association of American Law Schools, the Law School Admission Council, the Law School Survey of Student Engagement, the National Conference of Bar Examiners, and the National Association for Law Placement. Attendees discussed the challenges facing the legal profession and identified shared goals to inform CLEAR's recommendations and to lay the foundation for future collaboration.



Aligning Stakeholders to Achieve Innovation and Reform

All this engagement revealed a pressing need to realign legal education and bar admissions with the realities of modern legal practice and public needs. It takes an integrated effort to create a new practice-ready lawyer. Just like interlocking gears that seamlessly turn together to power a machine, there are many stakeholders that must collaborate to produce practice-ready attorneys and address access to justice gaps. These include:

- **STATE SUPREME COURTS** (or a jurisdiction's equivalent highest court) serve as the regulators of the legal profession, setting bar admissions requirements including attendance at or graduation from law school (based on accreditation), the passing score for the bar exam, additional or alternative criteria for admission via innovative pathways, and conducting character and fitness reviews of candidates. State supreme courts also set portability rules, continuing legal education requirements, and other requirements for practicing lawyers in their jurisdictions.

  CCJ and COSCA serve as the associations of state court leadership, wherein state court leaders collaborate, share insights, and drive national progress in court administration.

- **ACCREDITORS** create uniform standards for law schools to meet the minimum education requirements for accredited law schools, including standards for experiential learning.[2] Most jurisdictions require graduation from a law school accredited by the ABA Council of the Section of Legal Education and Admissions to the Bar to qualify a candidate to be eligible for admission to the bar.

- **LAW SCHOOLS** and related organizations educate and train future lawyers. There are both public and private law schools, serving a wide range of geographic communities, educational priorities, financial means, and substantive and clinical specialties. Legal educators also report varying approaches to bar exam preparation and offerings of experiential learning (with or without client responsibility).

- **BAR EXAMINERS AND BAR ADMISSIONS OFFICES** protect the public by implementing policy decisions made by state supreme courts with respect to bar admissions. They develop, administer and score bar examinations and, in some jurisdictions, they have implemented and supervised innovative licensure pathways. They also enforce character and fitness standards for admission developed by state supreme courts.

  The National Conference of Bar Examiners (NCBE) produces the Uniform Bar Examination (UBE) which is currently used in most states and has developed the NextGen Uniform Bar Examination (NextGen) that will begin to be implemented in July 2026 and will fully replace the UBE in 2028.

- **THE PRACTICING BAR** not only teaches law students and new attorneys how to apply legal skills in practice, but its members also serve as models of the values and norms of the legal profession and form the legal community that will support them as they transition into practice.

  Legal employers and state and local bar associations often serve as organizational partners in the training of law students and new attorneys, from ba-sponsored mentorship programs to structured employer onboarding and training programs.

- **NATIONAL, STATE, AND LOCAL ASSOCIATIONS** of public interest organizations are also instrumental in the landscape of legal education and licensure. Public interest associations often work to engage policymakers and the broader public on the issues that affect their clients and the attorneys that serve them. They also educate law students about public interest work generally as well as specific practice settings within public interest.

There is ample basis to be optimistic that such alignment can, in fact, lead to better results. Using their regulatory authority over the bar admissions process, state supreme courts have created innovative admissions pathways directed at issues such as increasing practice readiness and enhancing practice in the public interest. In addition, state supreme courts have and can play a critical role in encouraging mentorship opportunities for law students and new lawyers by experienced lawyers and judges. State supreme courts can also convene stakeholders at the local, regional, and national levels to share insights on best practices, identify areas for improvement and collaboration, and develop additional innovative strategies to promote effective, scalable, and affordable legal training, assessment, and professional development.

> THEORY ISN'T ENOUGH. LAW STUDENTS NEED TO HAVE PRACTICAL EXPERIENCE OUTSIDE OF LAW SCHOOL."
>
> —*CLEAR survey respondent*

Key Definitions

CLEAR defined several key terms that underpin many important recommendations. Prior to this report, stakeholders frequently used these terms with differing meanings. One of CLEAR's goals is to establish a baseline understanding of these important terms and their definitions, as follows

PRACTICE READINESS

The knowledge, skills, and professional abilities that a new attorney must possess to practice independently at a novice level.

These competences fall into four broad categories:
(1) foundational knowledge and analytical skills,
(2) ethics and professionalism,
(3) communication and durable skills, and
(4) legal practice skills.

PUBLIC INTEREST

Includes civil legal aid attorneys, prosecutors, public defenders, government attorneys, and solo and small law firm attorneys who serve individuals' legal needs, particularly in underserved rural areas and for those with modest means.

Many practitioners in rural communities do a mixture of contract indigent defense cases, general civil and/or criminal practice, and significant pro bono service [3] Broadly speaking, public interest is "people law," meaning the practice of law accessible to and responsive of people's legal needs.

BAR EXAM

A written exam approved by a state supreme court that is used to assess a lawyer's minimum competence to practice law.

The most common exam currently in circulation is the UBE, which has been adopted by 41 jurisdictions. The UBE is comprised of a series of multiple choice, essay, and performance exams. UBE scores are portable. Each state sets its score for passing the exam, and a test-taker may seek admission to other UBE states, subject to satisfaction of other admissions requirements.

The NextGen has been developed to test both legal knowledge and a practical application of skills in a more realistic legal setting.

INNOVATIVE LICENSURE PATHWAYS

In addition to the UBE or other traditional written bar exams, many jurisdictions have adopted other methods for assessing competence.

Currently, at least 13 states have enacted, or are considering, innovative pathways to licensure (Figure 1). Others are currently exploring what may work for their jurisdictions.

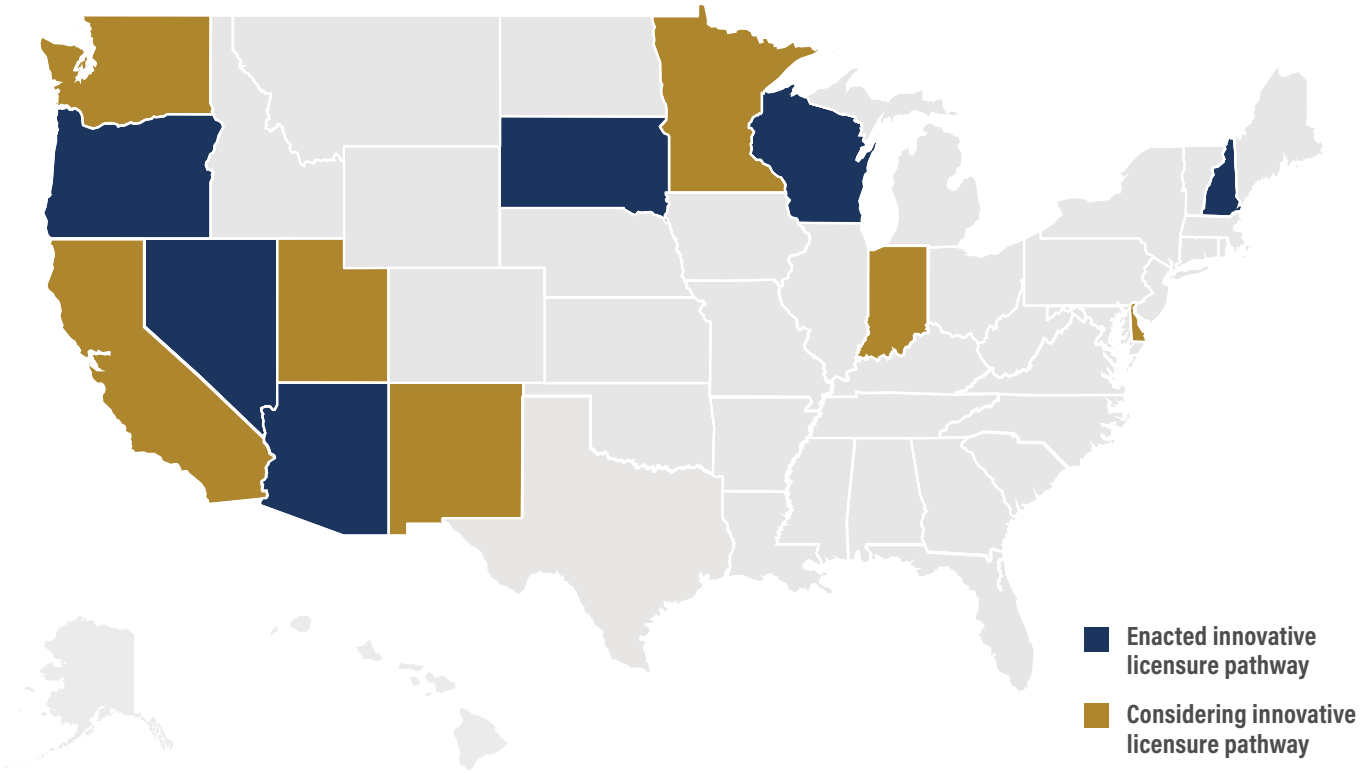
Many states are developing innovative licensing approaches that closely align with research identifying minimum competence in the legal profession, offering strong assurances of public protection. These models can assess essential entry-level skills in ways that traditional bar exams cannot. Experiential learning and field experience are recognized as the most effective methods for teaching practice skills, and these innovative pathways provide a new way to emphasize and evaluate a broader range of competencies relevant to legal practice.

The programs being implemented focus on three types: 1) curricular, 2) supervised practice, and 3) combined models:

- **Curricular Pathways** allow bar applicants to complete most, if not all, of the admission requirements while in law school. These options range from full diploma privilege to programs that require applicants to complete detailed curricular requirements and compile a portfolio of legal work that is evaluated by bar examiners.
- **Supervised Practice Pathways** allow applicants to demonstrate their competence while working under a licensed supervisor for a defined period.
- **Hybrid Pathways** combine written examinations with elements of curricular and supervised practice pathways.

A detailed landscape of programs nationwide is available on page 69.

Figure 1: Blue states have approved and enacted an innovative pathway to licensure. Gold states are in the process of considering innovative pathways to licensure.



Challenges Facing the Legal Profession

There are real and pressing challenges facing the legal profession that directly and urgently affect the people we serve. They should inform the scope of preparation new attorneys receive, the way we license, and the support we provide to new attorneys. The whole legal profession—from legal educators, to regulators, to the practicing bar—has an important role to play in equipping new lawyers with the skills, knowledge, and support they need as they begin their legal careers. These challenges include:

RISE OF SELF-REPRESENTED LITIGANTS

The justice gap represents a significant barrier to achieving equitable access to legal services. Many people find it increasingly difficult to obtai legal assistance due to a lack of available lawyers, rising costs of legal representation, and inadequate resources for civil legal services, prosecution, and criminal defense. Though family, probate and estate, housing, consumer, and criminal matters can be life-altering for those who experience them, most litigants are left to navigate a complex court system with inadequate or no legal assistance.[4] While attorneys play a central role in the adversarial legal system, too often we see "lawyer -less courts" where at least one party goes unrepresented and unassisted in highly consequential legal matters.[5]

INADEQUATE RESOURCES FOR PROVIDERS OF CIVIL LEGAL AID, CRIMINAL DEFENSE, AND PROSECUTION

Reports from across the country show that government agencies, public defender practices, and civil legal aid programs are losing their core assets—their attorneys who have dedicated their careers to public interest. Beginning in law school, students face numerous barriers to pursuing a career in public interest, from less predictable career paths as compared to private practice, to a perceived lack of prestige in many schools, to the prospect of managing educational loans on a public interest salary.

Each year, nearly a million people who seek help from civil legal aid providers are turned away due to the lack of resources to provide help.[6] Low-income Americans receive inadequate or no assistance whatsoever for 92 percent of their civil legal needs.[7] There are 1.3 million attorneys in the United States, but only 10,000 of them are legal aid attorneys.[8] Numerous cost-benefit studies show that legal aid services deliver far more in benefits than costs, but communities cannot reap these benefits without efforts to broaden the pool of willing and able attorneys to take on these important roles.[9] With the lowest salaries in the legal profession—less than half the median salary—civil legal aid organizations face intense competition with other public interest employers as they struggle to recruit and retain attorneys.[10]

Indigent defense systems nationwide are in crisis. With at least four of every five people accused of crimes unable to afford an attorney, public defender workloads are more than double the estimated reasonable capacity for effective representation.[11] These high caseloads are a major factor in public defender turnover and require public defenders to face the reality that they often cannot advocate effectively for their clients despite working long hours.[12] Adjusted for inflation, public defender salaries have remained stagnant for decades, with an average starting public defender salary of $59,700 in 2022.[13]

Prosecutors' offices across the country are also critically short-staffed. Although prosecutors have a higher average starting salary, e.g., $68,000 in 2020, they are still resigning at record numbers without new hires to replace them.[14]

> A PRACTICE IN A RURAL SPACE OFTEN LOOKS VERY DIFFERENT AND MANY OF US ARE SOLO ATTORNEYS THAT DON'T HAVE SUPERVISORS TO GUIDE US."
>
> —*CLEAR survey respondent*

SPREAD OF LEGAL DESERTS

The existence of legal deserts (often in rural communities) leaves many without any means to effectively navigate their legal needs. Although legal deserts are often most prevalent in rural areas, they can also be found in suburban and urban areas.[15] Over 50 percent of rural counties nationwide are considered legal deserts, with less than one lawyer per 1,000 people.[16] Rural communities not only struggle to find enough practicing lawyers, but also lack enough judges and government attorneys, leaving people living in rural communities with little access to critical legal infrastructure.[17]

Rural residents, who are more likely to stay in practice in rural areas, face barriers to accessing higher education and law school, while new attorneys who practice in rural areas often do not have the support that they need to balance the delicate economics to keep their practices afloat. Rural areas are served in large part by solo and small firm attorneys, who frequently combine their private practice with contract indigent defense, guardian ad litem, and sometimes prosecutorial work.[18] This rural legal scarcity is accelerated by consistent trends of rural attorneys who are retiring, but are not being replaced.[19] While the advancing age of the legal profession is even more heightened in rural areas, young attorneys also face other serious barriers to establishing lasting law practices in rural places.[20]

THE CHANGING LEGAL PROFESSION

The practice of law itself is changing, in both litigation and transactional work. With just 4% of state civil lawsuits and 3% of criminal cases going to trial, contested hearings are far less frequent than in the past.[21] New attorneys have fewer opportunities to hone the litigation skills that not only make them effective as court advocates, but also make them more effective in case evaluation, pretrial litigation, and negotiation.[22]

The rise of artificial intelligence (AI) is transforming traditional legal practices, diminishing many hands-on training experiences essential for skill development.[23] AI excels in tasks like legal research, writing, and drafting. It is effectively handling work typically assigned to associates, such as reviewing large volumes of documents and crafting memos.[24] While remote proceedings have enhanced access to courts for attorneys and clients, they also hinder new attorneys' training by reducing opportunities to observe experienced practitioners and learn courtroom procedures.[25] Although technology can improve efficiency and access to legal services, it is crucial that the training and support for the next generation of lawyers are responsive to these changes to ensure they can successfully navigate the evolving legal landscape.

Legal employers across the profession are reporting that they have less capacity to train new attorneys. The economic model of law firms, which once allowed for greater training costs and for new associates to gain practical experience working on client matters, is being replaced by a tighter market where clients are less willing to pay expenses related to new associate training.[26] This issue is further compounded by the struggles of public interest organizations, which are often overwhelmed with high caseloads, limiting their capacity to provide effective training and mentorship.

GENERATIONAL CHANGES AND AFTEREFFECTS OF THE COVID–19 PANDEMIC

The COVID-19 pandemic greatly hindered the educational and developmental skills of many students, creating significant disruptions that have led to gaps in knowledge and skill acquisition during crucial formative years.[27] At the same time, young lawyers face reduced opportunities for court observation and informal mentoring, exacerbated by the retirement of seasoned practitioners which has resulted in a loss of experienced mentors. This situation highlights the urgent need to address the long-term implications of these changes for this generation's readiness for both higher education and the workforce, emphasizing the importance of enhancing training and support.

MISALIGNMENT OF LEGAL EDUCATION, LICENSURE, AND LAW PRACTICE

Most law school graduates enter the legal profession, moving into diverse practice areas where preparedness is essential for effective client representation. In high-volume public defense, prosecution, solo and small firm practice, and civil legal aid offices, new attorneys must quickly adapt to their roles, often representing clients in court very soon after starting their careers. However, surveys reveal a concerning gap in practice skills; while new attorneys generally excel in areas like legal research and technology use, they often struggle with critical competencies such as client communication, legal writing specific to practice tasks, negotiations, and oral advocacy—skills that are typically developed through experiential learning opportunities like clinics and internships. Client contact is particularly important, as it helps new lawyers build the interpersonal skills necessary for maintaining effective relationships with clients and understanding their unique needs.

The role of bar licensure further complicates this issue. Noting that NexGen has yet to be implemented, the bar exam has not covered many practical realities of the profession. Although the bar exam is intended to assess minimum competence, many new attorneys and practicing lawyers alike believe it does not accurately reflect the skills needed for their daily responsibilities. Research indicates that extensive time dedicated to bar exam preparation is a key ingredient to passage, which proves difficult for candidates with other obligations, including job and caregiving responsibilities.[28]

These discrepancies pose a challenge to ensure that new attorneys are both competent and ready to engage with the communities they serve. Therefore, there is an urgent need for a reevaluation of both legal education and bar licensure to align them more closely with the practical skills required for successful legal practice.

THE ABSENCE OF COURT LEADERSHIP IN LEGAL EDUCATION AND ADMISSIONS

While there are, of course, exceptions, state supreme courts have not consistently or sufficiently led efforts around the regulation of the practice of law. This inconsistency has allowed others to fill the void, often without the consideration from or support by the judicial system. Collaboration across the legal profession is necessary to overcome entrenched structural impediments to innovation and reform, and state supreme courts must lead this effort.

CLEAR Recommendations for State Supreme Courts

RECOMMENDATION **1**

Lead collaborative efforts to realign legal education, bar admissions, and new lawyers' readiness to practice with public needs.

State supreme courts are uniquely well-positioned to lead efforts to create a legal system that better addresses the legal needs of the communities they serve. Because innovation and reform are often hindered by existing and entrenched institutional impediments, state supreme courts should take a leadership role in fostering innovation and reform to realign legal education, bar admissions, and new lawyers' readiness to practice, meeting the legal needs of the public they serve.

RECOMMENDATION **2**

Implement state-level strategies to improve practice readiness.

Due to the disconnect between the knowledge and skills most new lawyers have and those they need to be ready to practice, state supreme courts should lead in identifying and implementing specific strategies before and after lawyers are admitted to the practice of law.

RECOMMENDATION **2.1:** State supreme courts should increase opportunities for internships and externships, facilitate mentorship opportunities, and amend court rules to allow more students and recent graduates to appear under an attorney's supervision.

RECOMMENDATION **2.2:** State supreme courts should adopt CLE requirements to address practice readiness gaps, increase opportunities for law clerkships in state and local courts, and facilitate, encourage, and perhaps even require new lawyer mentorship opportunities.

RECOMMENDATION **3**

Encourage law school accreditation that serves the public.

State supreme courts should encourage an accreditation process that promotes innovation, experimentation, and cost-effective legal education geared toward lawyers meeting the legal needs of the public.

RECOMMENDATION **4**

Reduce reliance on external law school rankings.

In an increasingly competitive landscape, the emphasis on external rankings can often overshadow the core values and unique strengths of individual law schools and legal professionals. All stakeholders should reduce their reliance on external rankings, including those published by the U.S. News and World Report.

RECOMMENDATION **5**

Encourage experiential learning that involves client responsibility.

Because experiential learning is imperative to train lawyers, both in law school and upon graduation, state supreme courts should encourage innovations and reforms in experiential learning that encourage greater client responsibility, through clinics, internships, externships or other practice settings, and through licensing requirements established in collaboration with legal educators.

RECOMMENDATION **6**

Reform bar admissions processes to better meet public needs.

Because the bar admissions process—involving both a determination of competence and a successful character and fitness examination—plays a crucial role in the education and preparation of new lawyers, state supreme courts should encourage innovations and reforms to ensure that the bar admissions process aligns with the needs of the public they serve.

RECOMMENDATION **6.1:** State supreme courts should explore innovative pathways to licensure that enhance practice readiness and address access to justice.

RECOMMENDATION **6.2:** State supreme courts should develop passing scores for the NextGen UBE using evidence-based standard setting (psychometric standards).

RECOMMENDATION **6.3:** Because the bar exam causes economic and other hardships for many applicants, state supreme courts should consider allowing third-year law students to take the bar exam during law school, offering licensing exams in stages, and/or advocating for funding for applicants to cover preparation and living expenses during the study period.

CLEAR Recommendations for State Supreme Courts

RECOMMENDATION 6

(Continued)

RECOMMENDATION **6.4:** To support score portability—a current reality of the profession, and the expectation of lawyers in an increasingly interconnected world—state supreme courts should explore how to accept other jurisdictions' determinations of competence, whether by innovative or bar exam pathways.

RECOMMENDATION **6.5:** State supreme courts and their boards of bar examiners should engage in careful review of character and fitness requirements to streamline the process and focus on information that meaningfully predicts misconduct (as each state defines the term).

RECOMMENDATION 7

Support public service attorneys.

State supreme courts should work to support opportunities for lawyers to pursue careers in public service and to represent those currently underserved by the profession.

RECOMMENDATION **7.1:** State supreme courts should champion public interest lawyering by considering innovative pathways to licensure, supporting efforts to lower caseloads and support lawyer well-being, raising awareness and prestige of public interest careers, and advocating for strong public interest loan repayment assistance programs at the state and national levels and tax credit programs for public interest lawyers.

RECOMMENDATION **7.2:** State supreme courts should encourage all stakeholders to engage prospective and enrolled law students about the financial and professional implications of law school, especially related to salary, debt, public interest specialization programs and centers, and proactive individual assistance.

RECOMMENDATION **8**

Encourage rural practice.

Because rural areas face the access to justice crisis acutely, often experiencing a critical shortage of attorneys to meet the legal needs of the community, state courts should work with stakeholders to expand opportunities for cost-effective rural education by promoting distance learning, exploring innovative pathways designed to address rural legal needs, and encouraging internship, externship, and law clerkships in rural communities.

RECOMMENDATION *9*

Continue the work of CLEAR.

To assist state supreme courts with implementing the above recommendations, CCJ/COSCA should institutionalize the Committee on Legal Education and Admissions Reform (CLEAR) by establishing it as a joint standing committee of the conferences.

RECOMMENDATION **9.1:** CLEAR should continue to organize regular convenings among key stakeholders, regionally and locally, and among state supreme courts, bar examiners, and legal educators.

RECOMMENDATION **9.2:** CLEAR should facilitate and provide support to jurisdictions considering innovative pathways to bar admission.

RECOMMENDATION **9.3:** CLEAR should monitor the implementation of the Next Gen UBE and report to CCJ/COSCA about further refinement to the examination.

RECOMMENDATION **9.4:** Because score portability is a critical issue to the longevity and spread of innovative pathways, CLEAR should develop and recommend model standards and rules to state supreme courts.

What is CLEAR?

CLEAR's Charge

In August 2023, CCJ and COSCA passed Resolution 1, establishing the Committee on Legal Education and Admissions Reform (CLEAR). The resolution calls on CCJ/COSCA to examine how legal education and licensure practices and processes can address the justice gap crisis and ensure public trust and confidence in the legal profession. The resolution is attached as Appendix A. As the resolution states, CLEAR's charge was to:

> **Examine the current state of legal education in the United States to ascertain how changes to it are impacting the professionalism and competence of law school graduates.**

> **Consider the role of state supreme courts as the profession's primary regulators and their responsibility for new lawyer preparation.**

> **Determine what reforms should be considered to legal education to produce "practice ready" and ethical lawyers who clearly understand their roles as both advocates and officers of the court.**

> **Consider admissions testing requirements on legal ethics, promote and create ethics standards for new attorneys, and review the role of state supreme courts in training on those subjects as well as the procedural and substantive methods to enforce ethical standards.**

> **Assess what types of legal education programs might encourage law school graduates to pursue careers in public service or to represent those currently underserved by the profession.**

> **Examine the bar admissions process and recommend reforms that appropriately assess bar applicants' doctrinal, ethical, and practice-ready competence at a time when the legal profession is experiencing profound change, where such reforms may include alternative paths to bar admission programs and alternative testing approaches.**[29]

State Supreme Courts' Regulatory Authority

As the primary regulators of the legal profession in their respective jurisdictions, state supreme courts play a critical role in ensuring that the public has access to competent legal representation. State supreme courts' regulatory authority over the practice of law encompasses establishing admissions requirements, maintaining certain post-admissions standards (such as continuing legal education), and holding disciplinary authority.[30] As part of its work, CLEAR compiled a survey of the regulatory authority of state courts.

Though the primary purpose of bar admissions requirements is to protect the public, state supreme courts' regulatory authority in this space has a significant impact on legal education and training. Generall , state supreme courts have long relied on other entities, such as the NCBE, boards of bar examiners, and bar associations, to shape the substance of important aspects of the bar admissions process, including the content of bar examinations. Without undermining the value of those independent bar admissions entities, CLEAR marks an important shift, reaffirming the vital and unique role that state supreme courts must play to ensure that the profession is equipped to address the legal profession's challenges now and into the future.

This section discusses the key areas where state supreme court regulatory authority can align with solutions to bridge the justice gap and adapt to changing realities of practice.

LEGAL EDUCATION

Law school accreditation: National accreditation requirements have ensured uniform quality standards in accredited schools across the country. Currently, 49 states require graduation from an ABA-accredited law school.

Ability to take the bar exam prior to graduation: A handful of jurisdictions allow students to sit for the bar exam prior to law school graduation, a potentially useful consideration in designing licensure pathways that emphasize public interest.

Limited practice licensure for law students and recent graduates: Most jurisdictions allow for limited supervised practice by law students, providing an important opportunity to develop practice skills. Adopting these programs and extending them to the 2L year and the period between graduation and bar exam results may be one way to build a bridge from law school and experiential learning into a public interest career.

ADMISSIONS PATHWAYS

Bar exam: State supreme courts are responsible for determining the components of the bar exam and setting the cut score for passage.

Innovative licensure pathways: Supervised practice, curriculum-based pathways, and hybrid programs that incorporate innovative written exams are all being considered and implemented as licensure options to assess minimum competence without reliance on the bar exam.

Character and fitness Several jurisdictions have streamlined standards for character and fitness reviews, recognizing that some of the areas of disclosure can cause unnecessary work and have negative effects on applicants and result in avoidable delays in admissions.

Other admissions requirements: Many jurisdictions have local requirements for admission to practice, including required post-admission ethics, professionalism, and local law courses. Moreover, a few states have other requirements; pro bono (as in New York) and shadowing (as in Delaware) are examples of other pre-admissions requirements that could promote practice readiness and public service.

POST-ADMISSION REQUIREMENTS

Continuing Legal Education (CLE): Most jurisdictions have CLE requirements after admission to practice, allowing for the building of ongoing practice-ready skills and, in some cases, giving credit for mentorship and pro bono activities.

Portability and Reciprocity: Most jurisdictions allow people, whether based on a particular score on the UBE or after a defined period of practice in good standing in a jurisdiction that also used the UBE, to become admitted to practice law without taking another bar exam. Ensuring that portability and reciprocity rules are consistent with allowing parity between innovative and exam-based licensure paths is an important consideration as jurisdictions pursue innovations in bar licensure.



Chief Justice Gordon J. MacDonald and Justice C. Shannon Bacon lead a CLEAR listening session.

CLEAR's Process

Working Groups

CLEAR formed three working groups to examine the interrelated themes of practice readiness, bar admissions, and public service. Each working group was populated by a wide array of key stakeholders to study the relevant issues and make evidence-based recommendations in the form of working group reports to the CLEAR membership and Executive Committee. Each working group included members who were law school deans, judges, public service and private attorneys, clinical educators, academics, and representatives from national public interest advocacy organizations. A list of the membership of each working group is provided in Appendix B. The National Center for State Courts and the AccessLex Institute provided staffing for the working groups.

The working groups were convened in February and March 2024, and worked diligently through the spring of 2025. The working groups' efforts are reflected in this report and have deeply informed the recommendations herein.

Listening Sessions

CLEAR convened 12 listening sessions that brought together stakeholders from regional legal communities across the country to discuss how these issues manifest in unique ways in different places. A listing of the listening session attendees and key themes that emerged from each listening session is in Appendix C. CLEAR held the following listening sessions:

- Washington, DC: May 1, 2024
- Albuquerque, NM: July 15, 2024
- Chicago, IL: American Bar Association Young Lawyers Division Meeting: August 1, 2024
- Los Angeles, CA: October 23, 2024
- Rancho Mirage, CA: A2J Chairs Meeting: October 24, 2024
- Austin, TX: October 28, 2024
- Boston, MA: November 13, 2024
- New York, NY: December 6, 2024
- San Francisco, CA: Association of American Law Schools Deans Convening: January 10, 2025
- New Orleans, LA: February 1, 2025
- Lansing, MI: February 11, 2025
- Cincinnati, OH: March 13, 2025

Stakeholder Interviews

CLEAR also conducted over 90 interviews with a diverse array of stakeholders from across the legal profession to gain in-depth insights into these issues. Participants represented judges, new and experienced attorneys, public defenders, prosecutors, civil legal aid attorneys, solo practitioners and small firm attorneys, bar examiners, and law school deans, faculty, and staff. The interviews provided a wealth of information from across the country and, importantly, captured the variety of perspectives across and within these groups. A list of interview participants is in Appendix D.

Surveys

To supplement the existing research, CLEAR conducted two surveys in consultation with the Thomson Reuters Institute's professional survey staff; these surveys are discussed throughout this report, with detailed results in Appendix E. The first surve , the Judicial Survey, sought to gauge judges' perceptions of the practice skills (as observed from the bench) of newly admitted attorneys. The survey was conducted from early December 2024 through March 2025.

Before public release, the survey instrument was user tested by the Executive Committee of the National Association for Presiding Judges and Court Executive Officers. Many partner entities shared the survey with their membership, including CCJ/COSCA members to their judges directly, the American Judges Association, the American Inns of Court (Judicial Committee), the National Judicial College, and the National Association of State Judicial Educators. Over 4,000 judges representing all 50 states, the District of Columbia, and several territories responded to the survey. The survey made three key findings

Newly admitted attorneys need further training.

When asked whether attorneys in their first fiv years of practice should receive further training before they are prepared to practice in their court, 54% of judges responded that they "agree" or "strongly agree." When asked whether unprepared attorneys in their first fiv years of practice have negatively affected client advocacy, 60% responded that they "agree" or "strongly agree."

Newly admitted attorneys understand "big picture" legal concepts and act ethically.

When asked whether attorneys in their first fiv years of practice maintain core knowledge of the substantive and procedural law, 49% responded that they "agree" or "strongly agree," and when asked whether they observed attorneys in their first fiv years of practice acting ethically, 85% responded "most of the time" or "always."

New attorneys can struggle to apply litigation skills in practice.

When asked whether they observed attorneys in their first five years of practic appropriately applying rules of evidence, 67% responded "sometimes," "rarely," or "never," and with regard to applying local rules, 64% responded similarly. Additionally, when asked whether they observed attorneys in their first five year of practice competently conducting direct and cross examinations, 66% responded "sometimes," "rarely," or "never."

The second survey, the Lawyer and Law Student Survey, sought to gauge new and more experienced attorneys' and law students' perceptions of the practice skills of newly admitted attorneys, of bar admissions pathways, and of challenges related to public service. The survey was conducted from January through April 2025.

Many partner entities shared the survey with their membership, including CCJ/COSCA members to their judges directly, the American Bar Association, the American Inns of Court, the Federalist Society, the Legal Services Corporation, several state and local bar associations, and many law schools. 4,400 practicing attorneys and 600 law students participated in the survey. The survey made three key findings

Experienced attorneys report that newly licensed attorneys are well prepared to research and interpret legal materials and in their use of technology but are less equipped in other important practice-based competencies.

Attorneys who have practiced for more than five years reported that newly licensed attorneys are "very well prepared" or "extremely well prepared" as follows: Conducting research: 50%, interpreting legal materials: 31%, and using technology in legal practice effectively and appropriately: 61%. However, they also reported that newly admitted attorneys were "not well prepared" or only "slightly well prepared" in many other practice-based competencies, for example: Negotiating: 59%, communicating effectively with clients: 58%, navigating court processes to advocate for a client: 59%, and questioning and interviewing witnesses: 55%.

Attorneys do not view the bar exam as a test of the skills needed in practice.

More than half of all the attorneys sampled (controlling for years of practice) felt that the bar exam was not an adequate instrument to predict success in practice. When asked whether "the bar exam effectively tests whether an applicant has the necessary skills and knowledge to adequately practice law," 58% of attorneys with more than five years of experience responded that they "disagree" or "strongly disagree," while 68% of attorneys with under five years of practice experience responded that they "disagree" or "strongly disagree."

Attorneys and law students overwhelmingly support innovative licensure pathways as compared to the bar exam.

Attorneys with under five years of practice experience reported that they "support" or "strongly support" supervised practice licensure pathways (75%) and hybrid approaches (76%) over the traditional bar exam (27%). Similarly, law students reported they "support" or "strongly support" supervised practice licensure pathways (81%) and hybrid approaches (78%) over the traditional bar exam (30%). Attorneys with over five years of practice experience also report that they "support" or "strongly support" supervised practice licensure pathways (65%) and hybrid approaches (67%), albeit with comparably more support for the traditional bar exam (53%).



GIS Map

CLEAR also employed Geographic Information System (GIS) mapping data to better understand the geography of issues addressed by CLEAR. The GIS story map provides a summary of this data as well as a visual map through CLEAR's inquiry. The map captures data on access to legal education, courts, legal aid services, and attorneys across rural legal deserts and tracks the challenges faced by public service attorneys and the consequences of those challenges in different urban and rural communities.

National Convening on the Future of Legal Education and Admissions

On March 14, 2025, CLEAR held the National Convening on the Future of Legal Education and Admissions in Cincinnati, Ohio. In many ways, the convening was a culmination of much of the groundwork laid by the investigations and insights of CLEAR's working groups, which bore out that the whole legal profession bears responsibility and can play a meaningful role in ensuring that the profession continues to be a cornerstone of a well-functioning society into the future.

Long-term collaboration among the various stakeholders that have a role in educating, licensing, and supporting new attorneys as they enter law practice is key to building the legal profession of the future. The convening brought together representatives from CCJ/COSCA, the ABA Council of the Section of Legal Education and Admissions, the Association of American Law Schools, the Law School Admission Council, the Law School Survey of Student Engagement, the National Association for Law Placement, and the National Conference of Bar Examiners. Attendees discussed the challenges facing the legal profession and identified shared goals to inform CLEAR's recommendations and to lay the foundation for future collaboration. A full list of attendees is available in Appendix F.

CLEAR Research and Resources

The sections that follow provide in-depth information, research, and analysis of key components of CLEAR's work, intended to give interested stakeholders the benefit of CLEAR s extensive fact-finding process. This compilation reflects information presented to CLEAR from a broad range of interested parties, stakeholders, and its working groups. Although this information broadly provides support for CLEAR's recommendations, the Committee does not necessarily endorse every statement made in the sections below. These sections cover a wide range of issues as noted below and are meant to be utilized independently or read together, as needed:

Defining Practice Readiness and Minimum Competenc

- The Importance of Defining Practice Readiness and Minimum Competenc
- Past Studies on Practice Readiness
- The Components of Practice Readiness
- Surveys on the State of Practice Readiness of New Attorneys

Legal Education and Training

- Bar Licensure's Influence on Legal Educatio
- Law School Accreditation Standards
- U.S. News & World Report
- Law School Faculty
- Law School Curriculum
- Connections to the Practicing Bar and Entry into Practice

The Bar Exam

- The Components of the Bar Exam
- Reforms to Written Exams
- Considerations in Setting Passing Scores

Innovative Licensure Pathways

- Considerations Related to Innovative Licensure Pathways
- Innovative Licensure Pathway Options
- Curricular Licensing Pathways
- Post-Graduation Supervised Practice
- Hybrid Approaches

Other Admissions Requirements

- Character and Fitness
- Portability and Reciprocity
- Jurisdiction-Specific Pre-Admissions Requirements and Continuing Legal Educatio

Public Interest and Public Service Attorneys

- Law School Experiences
- Cost, Debt, and Salary
- First Years of Practice
- Rural Practice

Defining Practice Readiness and Minimum Competence

The Importance of Defining Practice Readiness and Minimum Competence

Defining the specific components of practic readiness is critically important. Without understanding what we expect new attorneys to do and know, we cannot meaningfully set goals for bar licensure, legal education, legal employers, or the practicing bar. Jurisdictions and law schools across the country show great diversity in their student populations, community's legal needs, and resources. With clear definitions of the components of practice readiness, individual jurisdictions and communities can find creative ways to set and pursue goals that respond to regional needs and opportunities and will best employ our resources to equip new attorneys to meet the public's pressing legal needs. Thus, defining practice readiness is an important step in more closely aligning legal education, licensure, and the skills needed in practice.

Shaping a precise definition of practice readiness, however, presents several challenges. Practice skills develop through law school, the early years of practice, and over the course of a legal career, creating difficulties in identifying any one moment where an attorney is considered "practice ready." Additionally, the specific skills that are most important in different practice settings can vary widely, with, for example, a public defender doing vastly different day-to-day work than a transactional attorney.

Despite these challenges, CLEAR developed a definition of practice readiness focused on the knowledge, skills, and professional attributes—such as thoroughness and preparation—that a new attorney must possess to practice independently at a novice level. In formulating this definition, CLEAR considers the terms "minimum competence" and "practice readiness" as synonymous, encompassing the "knowledge and skills new lawyers need to practice competently."[31] Aligning minimum competence with practice readiness allows actors that play a role in training, licensing, and supporting new attorneys to focus on the critical skills and knowledge that new attorneys need at licensing if they are to succeed as they transition into practice. Additionally, practice readiness is a dynamic concept that must be reexamined periodically to evolve with the changing legal profession. This dynamic concept of practice readiness will best help equip new attorneys to navigate the changing economic realities of law practice, clients' needs, and technological advances.

Past Studies on Practice Readiness

Over the last twenty years, numerous studies have examined the knowledge, skills, and abilities that lawyers (and particularly new lawyers) need to practice effectively.[32] These studies have surveyed and interviewed members of the legal community, including lawyers, law faculty, law students, and judges about the types of tasks lawyers performed, and the skills and knowledge necessary to accomplish those tasks. One such study also interviewed clients about the attributes they feel are important for an attorney to possess. Generally, these surveys found that lawyers rated skills (e.g., legal writing and analysis) as more important than the knowledge and memorization of specific legal concepts.[33]

Below are summaries of select major studies in this area, followed by a proposed definition of practice readiness taken from the common elements across these efforts. Though new attorneys enter vastly different professional contexts in their first years of practice, these studies have identified common foundational skills and knowledge that all attorneys should develop to help them be ready for practice.

SHULTZ & ZEDECK (2008)

In a 2008 study seeking to identify new law school admission criteria beyond LSAT scores and undergraduate GPAs, Shultz and Zedeck held individual and stakeholder group interviews to identify the competencies necessary for an effective lawyer.[34] They interviewed 133 people connected to the University of California (UC) Berkeley School of Law: 62 alumni, 10 law faculty, 51 law students, 4 judges, and 6 clients.[35] Stakeholders were asked what qualities they would look for in a lawyer if they were hiring one, and what qualities they would want to possess themselves in their legal career.[36]

Shultz and Zedeck distilled these responses into 26 lawyering effectiveness factors:

1. Analysis and Reasoning
2. Questioning and Interviewing
3. Organizing and Managing One's Own Work
4. Developing Relationships Within the Legal Profession
5. Community Involvement and Service
6. Creativity and Innovation
7. Influencing and Advocating
8. Organizing and Managing Others
9. Evaluation, Development, and Mentoring
10. Self-Development
11. Problem Solving
12. Writing
13. Negotiation Skills
14. Passion and Engagement
15. Practical Judgment
16. Speaking
17. Ability to See the World Through the Eyes of Others
18. Diligence
19. Researching the Law
20. Listening
21. Networking and Business Development
22. Integrity and Honesty
23. Fact Finding
24. Strategic Planning
25. Providing Advice and Counsel, and Building Relationships with Clients
26. Stress Management

FOUNDATIONS FOR PRACTICE

Institute for the Advancement of the American Legal System (2014)

In 2014, the Institute for the Advancement of the American Legal System (IAALS) surveyed over 24,000 lawyers from across the legal profession and all 50 states on "what new graduates need for success immediately after law school."[37] The study proposed a "whole lawyer" understanding of practice readiness as a broad "set of characteristics, professional competencies, and legal skills."[38] The surveys revealed 76 items that were "considered necessary immediately out of law school by at least half of respondents" sorted into five broad categories [39]

PROFESSIONAL

"Use efficient methods and tools to manage ones and the firm s professional workload with accuracy and utility,"[40] encompassing ethics,[41] professionalism,[42] and workplace[43] factors.

PRACTITIONER

"Research, synthesize, analyze, and apply skills in legal processes and actions,"[44] encompassing legal thinking and application[45] and legal practice.[46]

COMMUNICATOR

"Communicating in reading, writing, speaking and listening in a professional manner,"[47] encompassing basic communications[48] and emotional intelligence.[49]

PROBLEM SOLVER

"Solve long-term and immediate problems to the benefit of all stakeholders,"[50] encompassing capacity[51] and project management.[52]

SELF-STARTER

"Demonstrate leadership, responsibility, and initiative in work responsibilities with little supervision,"[53] encompassing meeting goals[54] and drive.[55]

IAALS is currently working on updating this study in collaboration with the Law School Admission Council (LSAC): "Foundations 2.0 will establish an evidence-based framework to unify educators, employers, and students around clear and consistent standards that will ensure students are as practice ready as possible upon graduation—and equipped to meet the eve-evolving needs of their client."[56]

THINK LIKE A CLIENT

Institute for the Advancement of the American Legal System (2019)

Building from the *Foundations for Practice* study, IAALS worked with Avvo.com, a website that publishes client reviews of attorneys, to better understand the perspective of clients.[57] IAALS analyzed 10 years of these reviews, finding that clients identify attributes well beyond traditional legal skills when they describe what is important to them. Clients pointed to five areas where they most frequently expressed what they value in an attorney:

COMMUNICATOR

Provides prompt responses and proactive status updates, explains the case, and is available to the client.[58]

LAWYERING

Possesses knowledge of the law, is effective in negotiation and advocacy, provides quality legal advice, shows dedication to the case and client, and provides quality in-court advocacy.[59]

TENACITY

Sees the case through, shows diligence and is detail-oriented, and displays a strong work ethic.[60]

BUSINESS

Produces the best outcomes, provides value, and has honest and flexible billing [61]

DEMEANOR

Behaves with integrity and honesty, is ethical and professional, shows kindness and empathy, and demonstrates courteousness and respect.[62]

NATIONAL CONFERENCE OF BAR EXAMINERS (2020)

The National Conference of Bar Examiners (NCBE) performed a practice analysis study in 2019 as part of its process for developing the NextGen Bar Examination.[63] This national study surveyed both newly licensed lawyers (practicing three years or less) and experienced lawyers who had either worked with or supervised those new lawyers.[64] NCBE asked respondents to rate the criticality for newly licensed attorneys of tasks, knowledge areas, and skills on a scale of 0 (Not Applicable) to 3 (High), and the frequency of those tasks on a scale of 0 (Not Applicable) to 4 (Weekly).

The 10 most commonly-performed tasks by newly admitted attorneys were to:

1. Identify issues in client matters
2. Research case law
3. Interpret laws, rulings, and regulations for clients
4. Research statutory and constitutional authority
5. Evaluate strengths and weaknesses of client matters
6. Evaluate how legal document should be construed
7. Develop specific goals and plans to prioritize, organize, and accomplish work activities
8. Conduct factual investigation to obtain information related to client matters
9. Research secondary authorities, and
10. Consult with colleagues or third parties regarding client matters.[65]

The 10 knowledge areas ranked most important were:

1. Professional responsibility and ethics
2. Civil procedure
3. Contract law
4. Rules of evidence
5. Legal research and methodology
6. Statues of limitations
7. Local court rules
8. Statutory interpretation principles
9. Sources of law
10. Tort law.[66]

Finally, NCBE asked respondents to rate the criticality of the skills and abilities needed by newly licensed lawyers, with the 5 skills and abilities ranked the most critical as:

1. Written/reading comprehension
2. Critical/analytical thinking
3. Written expression
4. Identifying issues
5. Integrity/honesty.[67]

BUILDING A BETTER BAR

Institute for the Advancement of the American Legal System (2020)

Researchers from IAALS held 50 focus groups with lawyers across 12 states and spoke with 200 participants: 159 junior lawyers with 1-3 years of experience and 42 supervising lawyers.68 IAALS asked participants about the legal knowledge and skills they used during their first year of practice, and when they learned them.[69] Four major themes emerged from the focus groups about the new lawyers' first year of practice:

- They relied on state and local law more than federal law.[70]
- They did not rely on memorization of legal principles.[71]
- They experienced a high amount of direct client contact.[72]
- They had varying levels of supervision.[73]

Through the focus groups, IAALS identified 12 "building blocks" of minimum competence needed by new lawyers to practice effectively:

1. Ability to act professionally and in accordance with the rules of professional conduct
2. Ability to interact effectively with clients
3. Ability to understand the "big picture" of client matters
4. Understanding of legal processes and sources of law
5. Ability to identify legal issues
6. Ability to manage a law-related workload responsibly
7. Understanding of threshold concepts in many subjects
8. Ability to conduct research
9. Ability to cope with the stresses of legal practice
10. Ability to interpret legal materials
11. Ability to communicate as a lawyer
12. Ability to pursue self-directed learning

The Components of Practice Readiness

Taken together, these studies show strong consistency in defining the key components of practice readiness that newly admitted attorneys should demonstrate. These skills and knowledge can be conceptualized in four broad categories: 1) foundational knowledge and analytical skills, 2) ethics and professionalism, 3) communication and soft skills, and 4) legal practice skills.

FOUNDATIONAL KNOWLEDGE AND ANALYTICAL SKILLS

a. **Understanding legal processes and sources of law:** Newly admitted attorneys need to understand how legal authorities—statutes, state and local rules, and case law—interact, how federal and state authorities apply in a legal matter, and the process through which matters move from trial to appellate levels.

b. **Understanding threshold concepts in a wide range of areas:** While memorizing substantive legal rules is not considered an important component of practice readiness, a broader awareness of many areas of law allows newly admitted attorneys to understand what areas of law are implicated by a given legal issue. These studies most frequently cited civil procedure, state and local procedural rules, evidence, contracts, torts, and professional responsibility and ethics.

c. **Ability to interpret legal materials and identify legal issues:** Newly admitted attorneys need to be able to interpret case law, statutes, and rules while linking them to sometimes complex client fact pattens to identify legal issues. Identifying, applying, and interpreting relevant law in light of legal issues identified i client matters are critical skills for newly admitted attorneys.

d. **Ability to apply strategy to overall client matters:** Client matters are rarely resolved through the application of one or a small set of legal principles to a given fact pattern. Instead, a newly admitted attorney needs to understand how the legal processes, client goals, and legal authorities apply to complex fact patterns to form an overall strategy. Additionally, the ability to understand the client risk associated with a given strategy and effectively manage risk is foundational across practice areas.

The blue areas in the chart below (Table 1) reflect the overlap of foundational knowledge and analytical skills between the five studies.

Table 1: Comparison of studies on foundational knowledge and analytical skills

	Shultz/ Zedeck (2008)	IAALS— FFP (2014)	IAALS— TLAC (2019)	NCBE (2020)	IAALS (2020)
Understanding legal processes and sources of law		■		■	■
Understanding threshold concepts in a wide range of areas	■	■		■	■
Ability to interpret legal materials and identify legal issues	■	■	■	■	■
Ability to apply strategy to overall client matters	■	■	■	■	■

ETHICS AND PROFESSIONALISM

a. **Ability to act ethically and in accordance with the rules of professional conduct:** Ethical professional behavior comes from both an understanding of the rules of professional conduct as they apply to real-world situations and newly admittee attorneys' ability to develop an ethical dimension to their professional identities.

b. **Ability to act professionally in a variety of professional contexts:** Newly admitted attorneys should understand the professional norms of courts, workplaces, and other stakeholder interactions. Behaving respectfully in adversarial situations, meeting deadlines, and arriving on time to meetings and hearings are important elements of professionalism that newly admitted attorneys must demonstrate.

c. **Taking ownership of work, showing diligence, and showing a strong work ethic:** Taking responsibility to clients for their work, showing attention to detail, and having a strong work ethic are critical aspects of a professional identity that will help new attorneys be responsive and effective advocates for their clients.

d. **Ability to pursue self-directed learning:** The levels of supervision vary among newly admitted attorneys, with some expected or needing to work nearly autonomously on consequential client matters. Though newly admitted attorneys cannot be expected to anticipate every issue they will face, the ability to be proactive and resourceful in learning is a necessary skill.

e. **Ability to manage a law-related workload responsibly:** Across practice settings, newly admitted attorneys often face high caseloads and/or high workloads. Without the ability to manage their workloads, newly admitted attorneys struggle with other components of practice readiness related to communication, professionalism, and legal practice skills.

The blue areas in the chart below (Table 2) reflect the overlap of ethics and professionalism across the fiv studies.

Table 2: Comparison of studies on ethics and professionalism

	Shultz/ Zedeck (2008)	IAALS— FFP (2014)	IAALS— TLAC (2019)	NCBE (2020)	IAALS (2020)
Ability to act ethically and in accordance with the rules of professional conduct	■	■	■	■	■
Ability to act professionally in a variety of professional contexts	■	■	■	■	■
Taking ownership of work, showing diligence, and showing a strong work ethic		■	■		■
Ability to pursue self-directed learning		■			■
Ability to manage a law-related workload responsibly	■	■	■		■

COMMUNICATION AND DURABLE SKILLS

a. **Ability to communicate effectively with clients:** Newly admitted attorneys often have significant client responsibilities and client contact. Clients report that they expect their attorney to communicate in a timely manner in the language they understand. The ability to build trust and confidence in a client is also an important attribute.

b. **Ability to recognize client needs and goals:** Newly admitted attorneys need to understand a client's overall goals and specific needs in their matters. Legal issues do not exist in a vacuum, and understanding their clients' end goals is a prerequisite to applying a legal strategy to further these goals.

c. **Ability to question and interview:** Newly admitted attorneys should be able to elicit relevant information from clients, witnesses, and other professional contacts. The ability to elicit relevant information to provide a full picture of a client matter is essential in conducting a meaningful legal analysis and applying strategy.

The blue areas in the chart below (Table 3) reflect the overlap of communication and durable skills across the five studies

Table 3: Comparison of studies of communication and durable skills

	Shultz/ Zedeck (2008)	IAALS— FFP (2014)	IAALS— TLAC (2019)	NCBE (2020)	IAALS (2020)
Ability to communicate effectively with clients					
Ability to recognize client needs and goals					
Ability to question and interview					

LEGAL PRACTICE

a. **Ability to conduct research:** Though knowledge of threshold issues in a wide range of areas is an important aspect of readiness, most other substantive knowledge can be gained by thoroughly researching a given legal issue.

b. **Ability to draft legal writing that meets professional standards:** Newly admitted attorneys may be expected to draft legal pleadings and briefs, discovery requests and responses, and other legal writing that is logical, persuasive, correctly formatted, and is appropriately supported by legal authority.

c. **Ability to provide effective oral advocacy:** Newly admitted attorneys need to provide oral advocacy in court proceedings and other professional settings that is appropriate to the audience, persuasive, and understandable.

d. **Ability to negotiate:** Negotiation is a key skill needed in both litigation and transactional work. The ability to pursue client goals while identifying potential opportunities for agreement between parties is essential across practice settings.

e. **Ability to navigate legal processes:** Newly admitted attorneys should be capable of applying procedural and court rules to practical situations, including meeting deadlines, filing procedurall appropriate pleadings, and requesting legally appropriate relief.

The blue areas in the chart below (Table 4) reflect the overlap of legal practice skills across the five studie

Table 4: Comparison of studies of legal practice

	Shultz/ Zedeck (2008)	IAALS— FFP (2014)	IAALS— TLAC (2019)	NCBE (2020)	IAALS (2020)
Ability to conduct research					
Ability to draft legal writing					
Ability to provide effective oral advocacy					
Ability to negotiate					
Ability to navigate legal processes					

Surveys on the State of Practice Readiness of New Attorneys

BARBRI (2015)

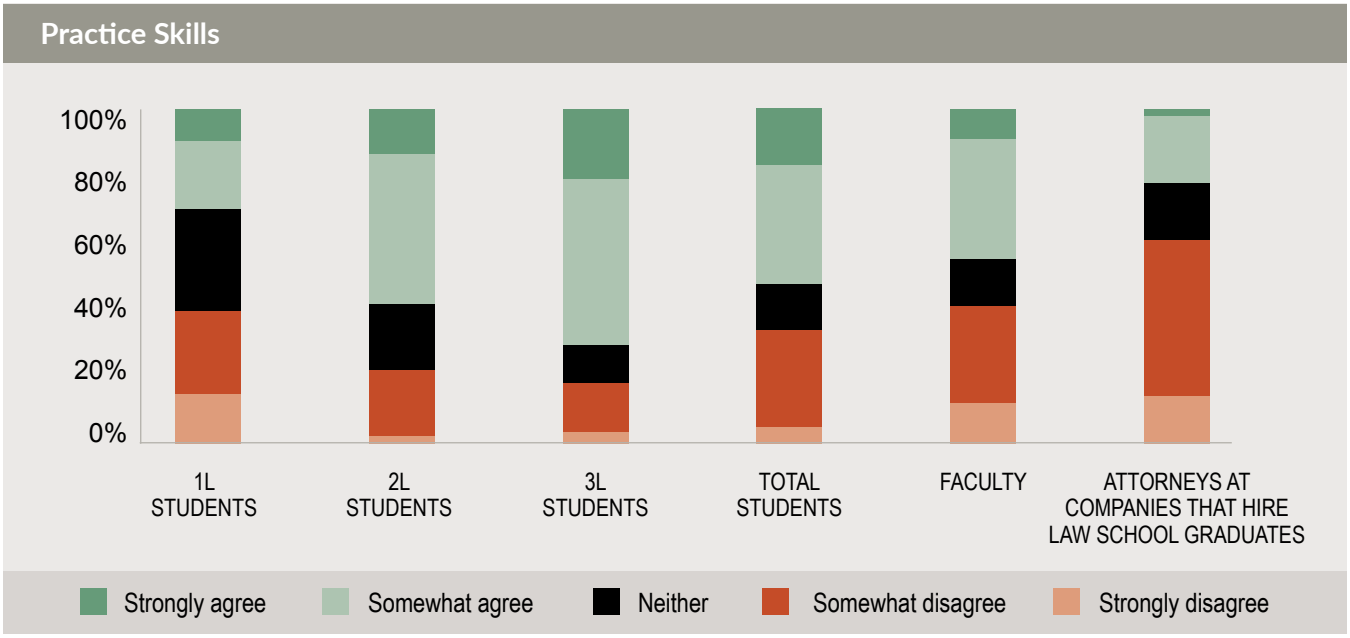
BARBRI commissioned the State of the Legal Field survey to better understand large-scale trends in the legal field—the drop in law school admissions, rising student loan debt, volatility in the legal hiring market, and changes in legal education. The survey asked around 1,500 (total) law students, law school faculty, and practicing lawyers who work with new attorneys to assess the readiness of recent law school graduates. The survey found that law students consistently rated their readiness higher than what faculty and practicing attorneys rated them, with 76% of 3L law students responding that they were generally prepared to practice law "right now," contrasted with just 56% of practicing attorneys who work with recent law school graduates. These differences grew as the survey probed deeper into specific practice skills, including legal writing, interpersonal skills, research skills, and teamwork skills:

71% of 3L law students believe they possess sufficient practice skills. In contrast, only 23% of practicing attorneys who work at companies that hire recent law school graduates agree that recent law school graduates possess sufficient practice skills [74]

LEXIS NEXIS (2015)

A 2015 Lexis Nexis white paper report summarized a survey of 300 attorneys with hiring and supervisory duties in U.S. law firms of various sizes. The survey respondents placed great value on a junior attorney's ability to draft pleadings and motions, trial briefs, discovery documents, and deposition questions, noting that, "In the litigation area, skills that were lacking primarily consisted of writing and drafting documents, briefs, and pleadings and skills beyond basic legal research."[75] Additionally, as to transactional practice skills, "95% of [respondents] whose practice has a transactional focus believed that new graduates are lacking practical transactional skills.... [S]kills most lacking...included drafting substantive contracts and ancillary agreements, locating optional/alternative clauses, negotiating contracts and salient provisions and, among large firms, reading a balance sheet or basic financia statements."[76]

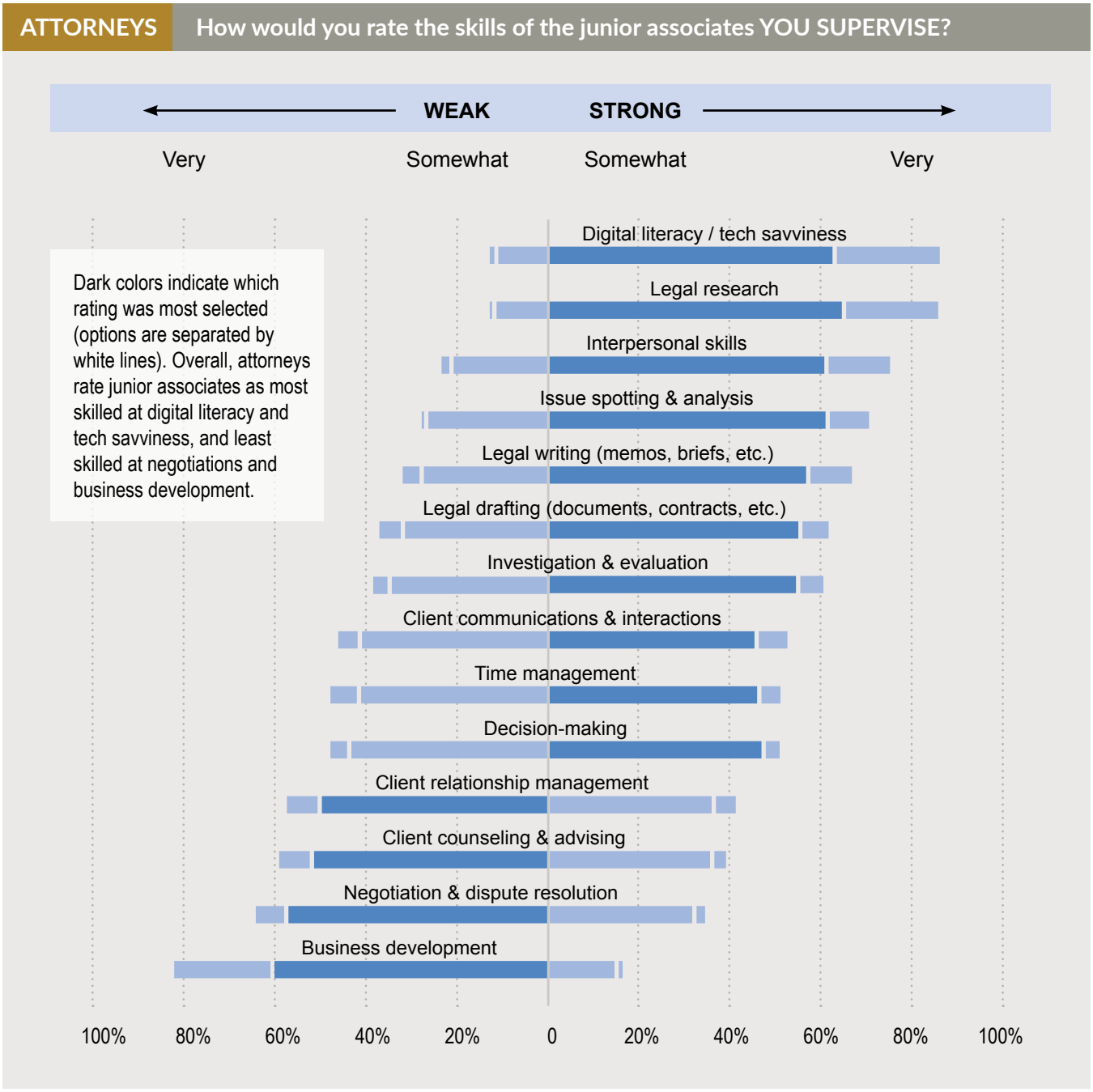
Figure 2: Comparative perspectives on the practice skills of recent law school graduates



BLOOMBERG LAW (2024)

In 2023, Bloomberg Law's Law School Preparedness survey reached over 2,700 attorneys, law students, and other legal professionals to ascertain "skills needed for practice and how well law schools prepare individuals for a [legal] career."[77] Among the findings, attorneys who supervised junior associates rated them as "most skilled at digital literacy and tech savviness, and least skilled at negotiations and business development."[78] Other areas of relative skill deficiency included client counseling and relationship management. Law school faculty rated law-graduate skill sets similarly: "Teachers, like attorneys, think recent graduates lack business development skills [and are] weak at maintaining client relationships."[79]

Figure 3: Attorneys' perceptions of the practice skills of junior associates

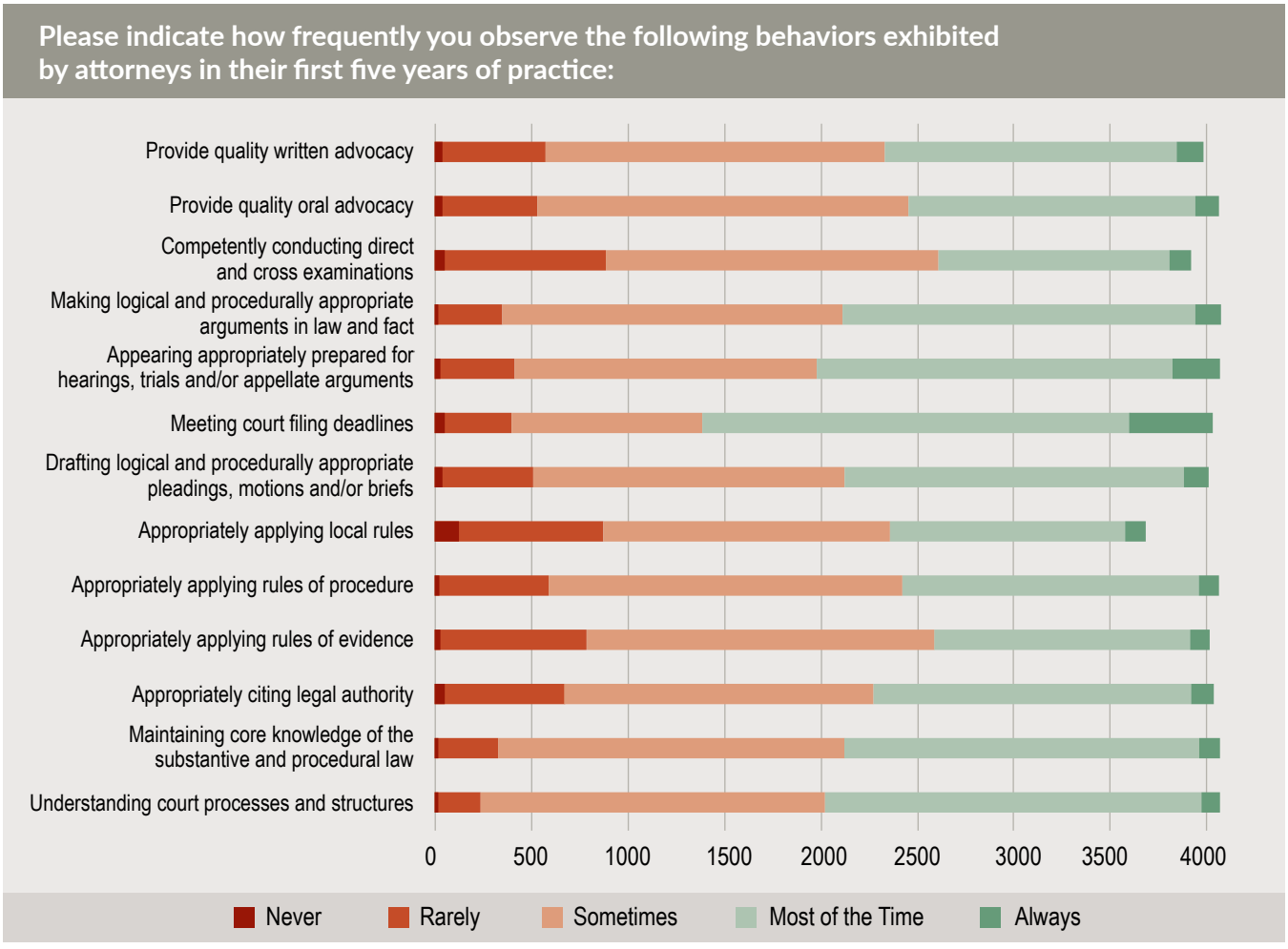


COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS REFORM SURVEY OF JUDGES (2025)

From November 2024 to January 2025, the National Center for State Courts (NCSC), on behalf of CLEAR, surveyed over 4,000 judges across the country on their perceptions on the state of practice readiness of attorneys in their first 5 years of practice [80] Judges provide an important perspective on the practice skills that they can observe from the bench. In the survey, when asked whether new attorneys needed more training before practicing in their court, 54% of judges responded that they "agree" or "strongly agree", and when asked whether clients bear the worst consequences of unprepared new attorneys, 60% responded that they "agree" or "strongly agree."

Judges surveyed found that newly admitted attorneys had a strong grasp core substantive and procedural law and acted professionally and ethically, with 85% of judges surveyed responding that newly admitted attorneys "sometimes" or "always" acted ethically. However, judges also noted places where new attorneys struggled in their courtrooms. In the survey, when asked whether they observed attorneys in their first fiv years of practice appropriately applying rules of evidence, 67% responded "sometimes," "rarely," or "never" and with regard to applying local rules, 64% responded similarly. Additionally, when asked whether they observed attorneys in their first five years of practice competently conducting direct and cross examinations 66% responded "sometimes," "rarely," or "never."

Figure 4: Judges' perceptions of the practice skills of attorneys in their first five years of practice

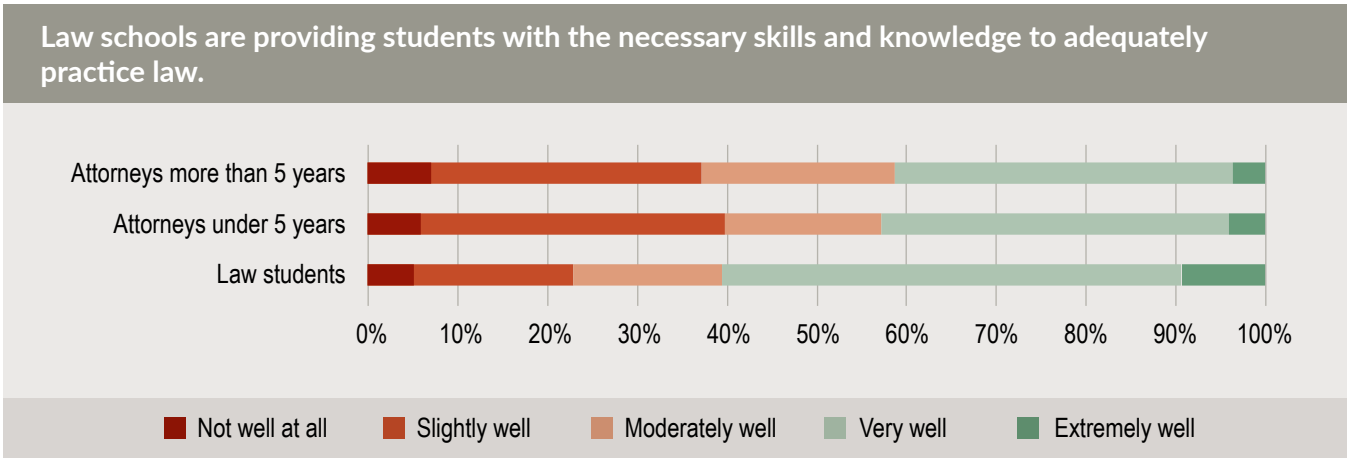


COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS REFORM SURVEY OF LAW STUDENTS AND PRACTICING ATTORNEYS (2025)

Between February and April 2025, the National Center for State Courts (NCSC), on behalf of CLEAR, surveyed over 600 law students and 4,400 practicing attorneys on issues related to practice readiness, the bar admissions process, and public service. The survey was aimed at 1) law students, 2) attorneys in their first five years of practice, and 3) attorneys who have practiced for more than five year

As reflected in the chart below (Figure 5), practicing attorneys appear split as to whether law school prepares new attorneys for practice, with 38.5% responding “not well at all” or “slightly well,” and 42.1% responding “very well” or “extremely well.”

Figure 5: Attorney and law student perceptions of the preparation for practice while in law school



Respondents rated how prepared new attorneys are in 20 tasks commonly performed by new attorneys that have appeared in previous studies.[81] While all three groups appear to agree that negotiating, oral advocacy, and client communications are areas of need (see Figures 6, 7, and 8), new attorneys and law students differed with experienced attorneys on whether legal writing and ownership of work were areas where new attorneys need additional support (see Figures 9 and 10).

Figure 6: Negotiating skills

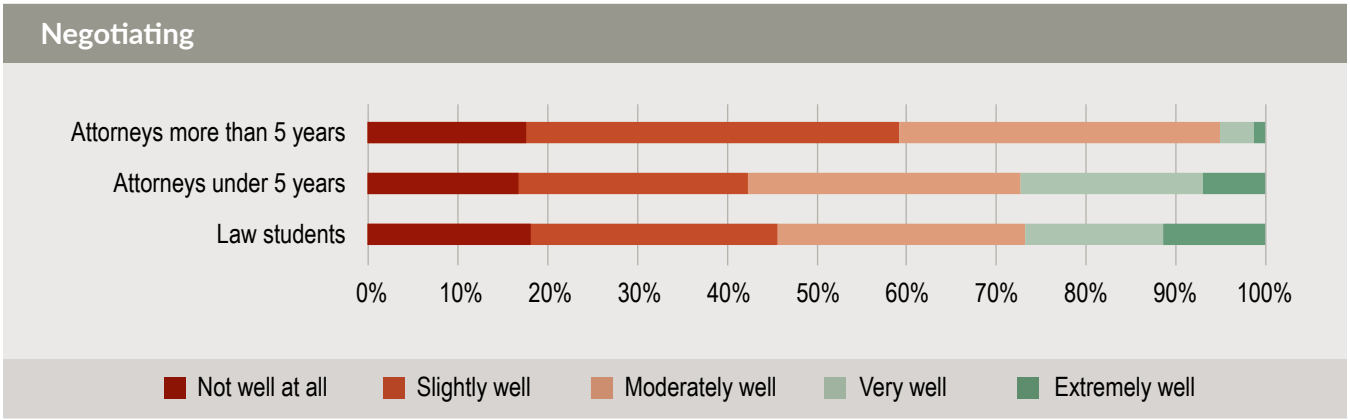


Figure 7: Oral advocacy skills

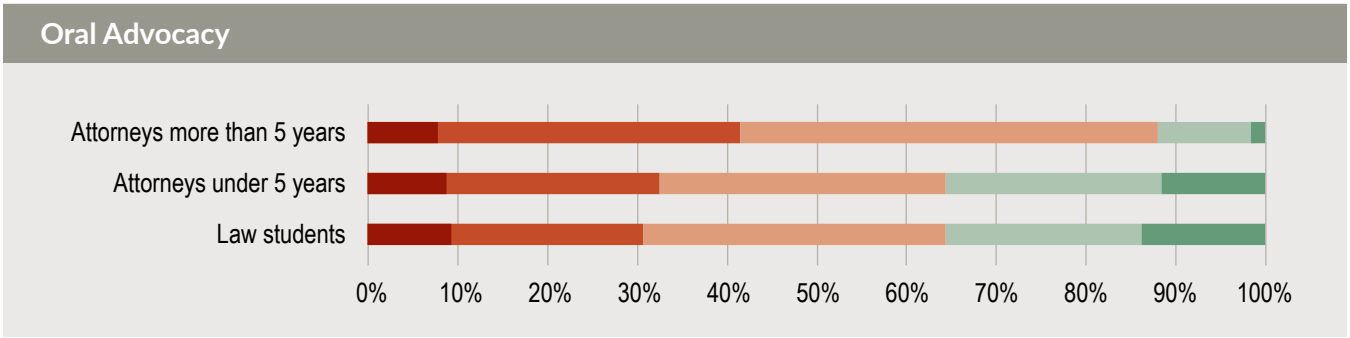


Figure 8: Communicating effectively with clients

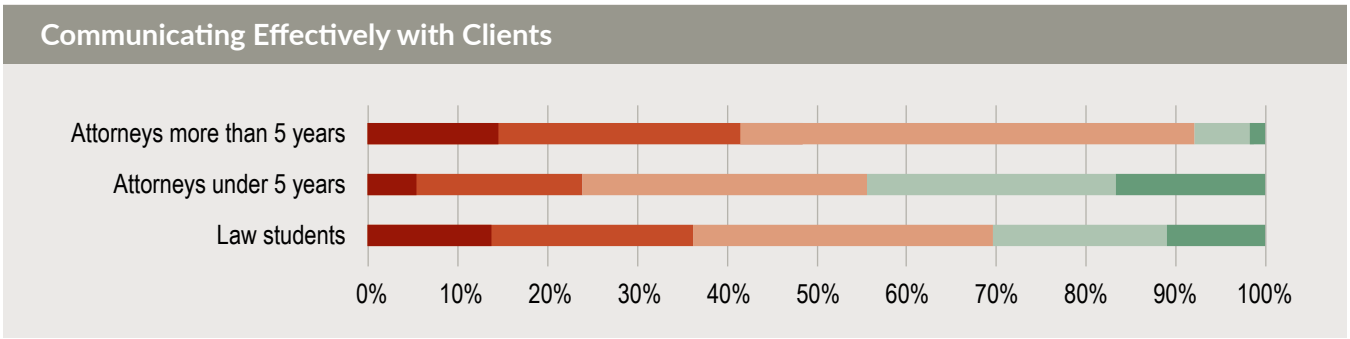


Figure 9: Legal writing skills

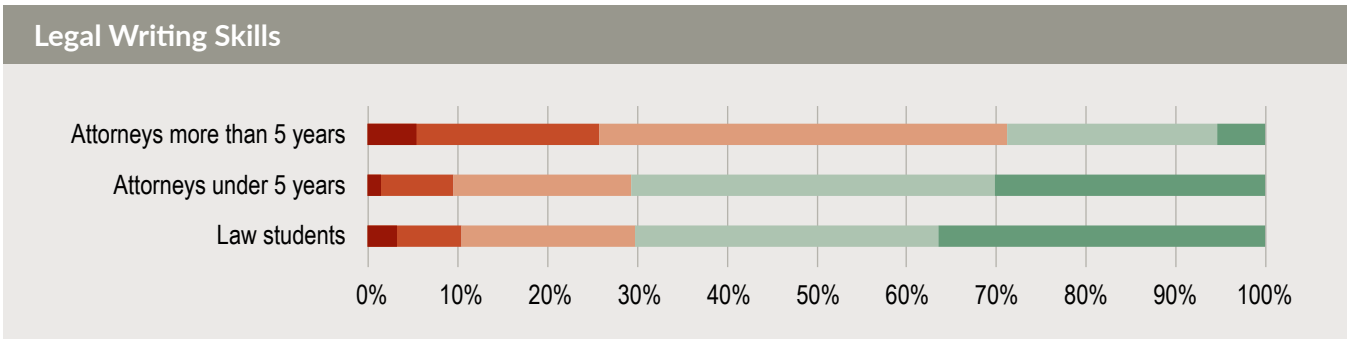
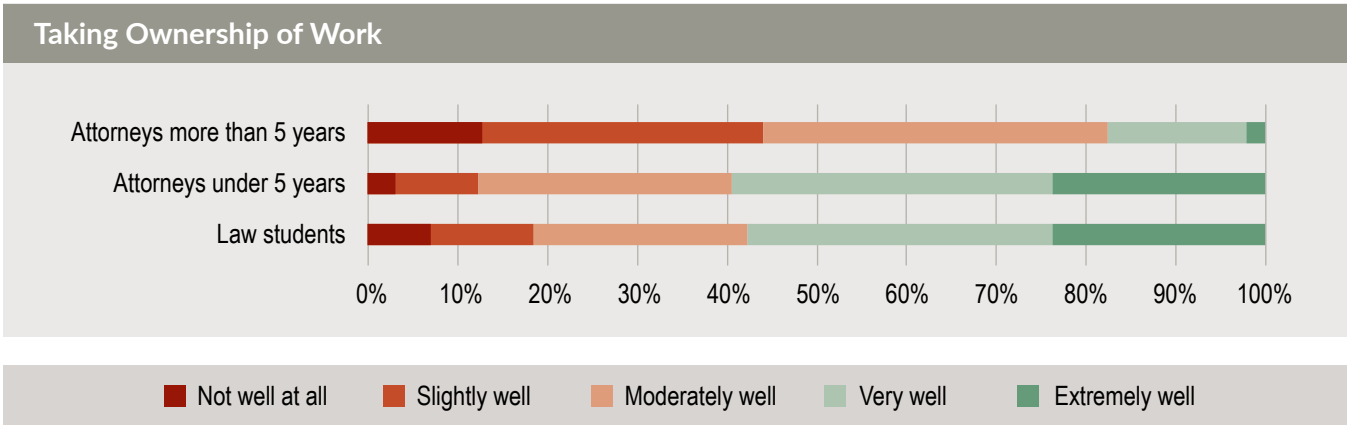


Figure 10: Taking ownership of work



Legal Education and Training

A 2007 report, Educating Lawyers: Preparation for the Practice of Law (hereafter, "Carnegie Report"), has been a touchstone and framing mechanism for much of the current dialogue and debate about improving legal education.[82] The Carnegie Report's first critique of legal education found that, while law schools excelled in teaching legal doctrine and analytical skills, they less successfully taught two other dimensions of lawyering that are critical to successful practice:

1. **Hard and durable practice skills;** and
2. **Principles of professional responsibility that guide lawyers through ethical decision-making and shape their professional identities.**

The report noted that, "The dramatic results of the first year of law school s emphasis on well-honed skills of legal analysis should be matched by similarly strong skills in serving clients and a solid ethical grounding."[83] The report expanded on these two "limitations" on legal education. Firstly, "Most law schools give only casual attention to teaching students how to use legal thinking in the complexity of actual law practice."[84]

Figure 11: Law student reports of when they performed certain legal tasks

STUDENTS When did you first perform each of the following general legal tasks?

	BEFORE LAW SCHOOL for employer	BEFORE LAW SCHOOL for class or simulation	DURING LAW SCHOOL for class or simulation	DURING LAW SCHOOL for employer (e.g. internship)	I HAVE NOT done this actually
Assigned work to someone, then evaluated the result	**46%**	6	6	6	35
Communication [email, letter, etc] with client	**53%**	3	17	18	9
Conducted oral argument	6	9	**73%**	2	10
Drafted a legal brief for court*	6	4	**65%**	15	10
Drafted a legal memo*	7	4	**72%**	14	4
Drafted contract language*	12	2	**36%**	13	**36%**
Live meeting with client	**30%**	2	17	29	21
Negotiated a dispute with an opposing party	14	3	**40%**	8	34
Reviewed contract language	23	2	**31%**	16	28
Took a deposition	3	0	16	8	**72%**
Tracked billable hours	22	1	13	**30%**	33
Used a docket	21	1	14	22	**42%**

Further, schools "fail to complement the focus on skill in legal analyses with effective support for developing ethical and social skills."[85]

In the 15-plus years since the Carnegie Report, law schools have made significant e forts to incorporate a wider range of practical skill training. In October 2024, Bloomberg reported that legal education had reached a tipping point where most schools had "significantly overhauled their curricula over the last roughly seven years to include experiential learning opportunities and training in skills such as client counseling and contract drafting, or business skills like how to read financial statements. [86]

As compared to practicing attorneys, law students today are more frequently having their first exposure to many of the most important practice skills, like client communications, oral advocacy, and legal drafting, during their law school education.[87]

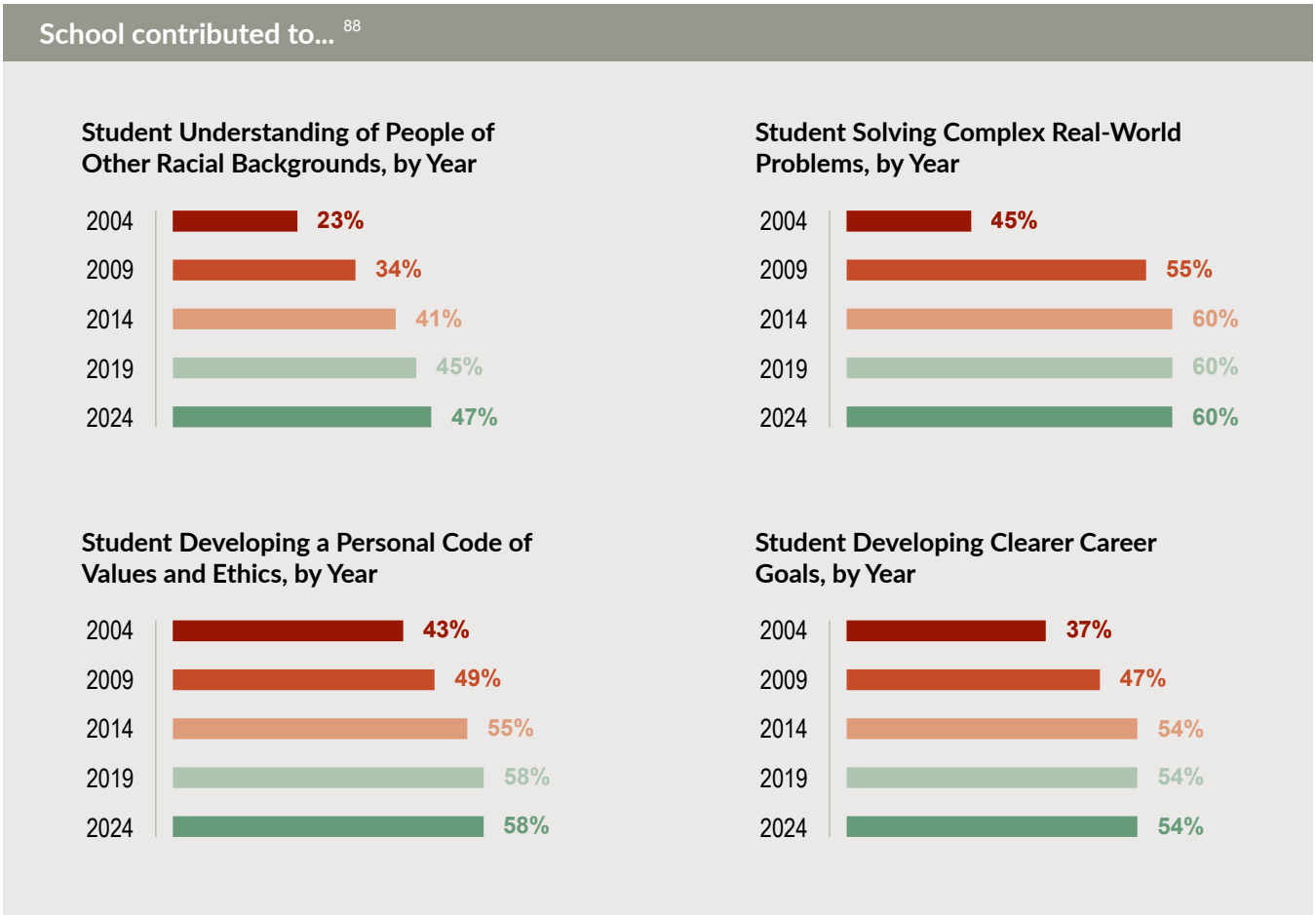
Figure 12: Attorney reports of when they performed certain legal tasks

ATTORNEYS When did you first perform each of the following general legal tasks?

	BEFORE LAW SCHOOL for an employer	**BEFORE LAW SCHOOL** for class or simulation	**DURING LAW SCHOOL** for class or simulation	**DURING LAW SCHOOL** for an employer (e.g. internship)	**EARLY CAREER** (0-3 years of practice)	**MID-CAREER** (4-7 years) **OR LATER**	**I HAVE NOT** done this actually
Assigned work to someone, then evaluated the result	16	0	6	4	32	**40%**	3
Communication [email, letter, etc] with client	23	1	9	25	**39%**	3	0
Conducted oral argument	2	3	**43%**	5	25	10	13
Drafted a legal brief for court*	2	2	**32%**	22	27	6	9
Drafted a legal memo*	5	2	**36%**	28	24	3	2
Drafted contract language*	4	1	16	16	**41%**	16	6
Live meeting with client	13	1	9	29	**43%**	5	1
Negotiated a dispute with an opposing party	7	1	14	10	**48%**	16	4
Reviewed contract language	9	1	18	23	**40%**	8	2
Took a deposition	1		5	5	**40%**	17	32
Tracked billable hours	7	0	3	31	**45%**	9	5
Used a docket	7	0	3	20	**40%**	8	23

Additionally, over the past 20 years, law students have increasingly reported that their law school contributed to their professional identity formation:

Figure 13: Law student perceptions on professional identity formation

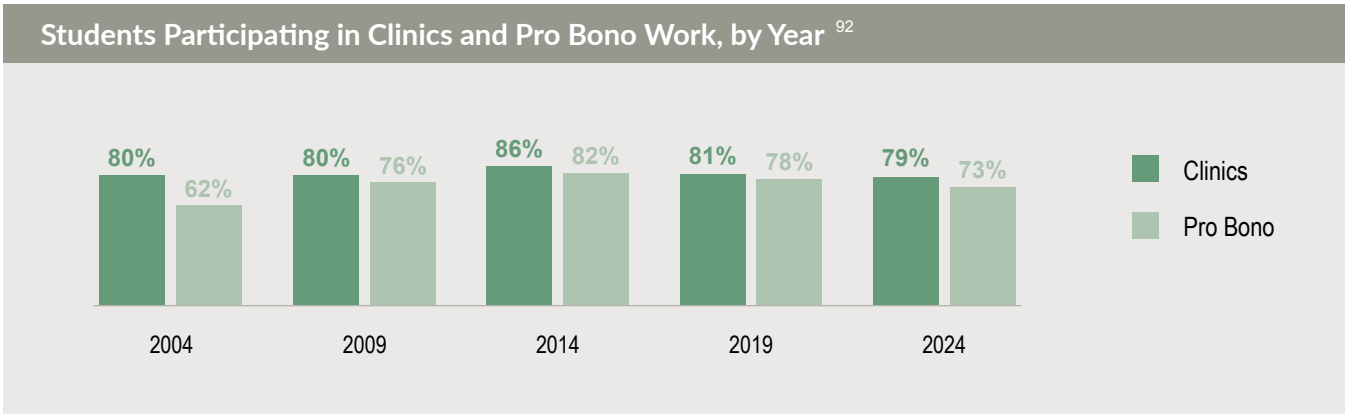


The Carnegie Report's second main critique was related to process. While law schools have made strides in providing students with more experiential learning opportunities, reforms "are treated in an additive way, not an integrative way."[89] Put differently, law school reforms put new ingredients in the pot but did not stir it. The report recommended improvements focused on integrating both experiential learning and ethical-social decision-making into the already strong analytical grounding that law schools provide to students.[90] As explained in a 10-year retrospective on the Carnegie Report:

> The key notion was that the existing common core of legal education needed to be expanded and its basic components more closely tied together, organized by an overarching aim of educating students for the full range of legal competence, including the skills of practice as well as legal analysis, and commitment to the defining values of the profession. Concretely, students needed to be given substantial experience with practice as well as opportunities to explore issues of professionalism in ways that encouraged serious reflection and engagement [91]

Despite the growing diversity of practical skills training, clinical availability and participation has remained virtually unchanged over the last 20 years; if there is any trend, participation may be falling.

Figure 14: Law students participating in clinics and pro bono work



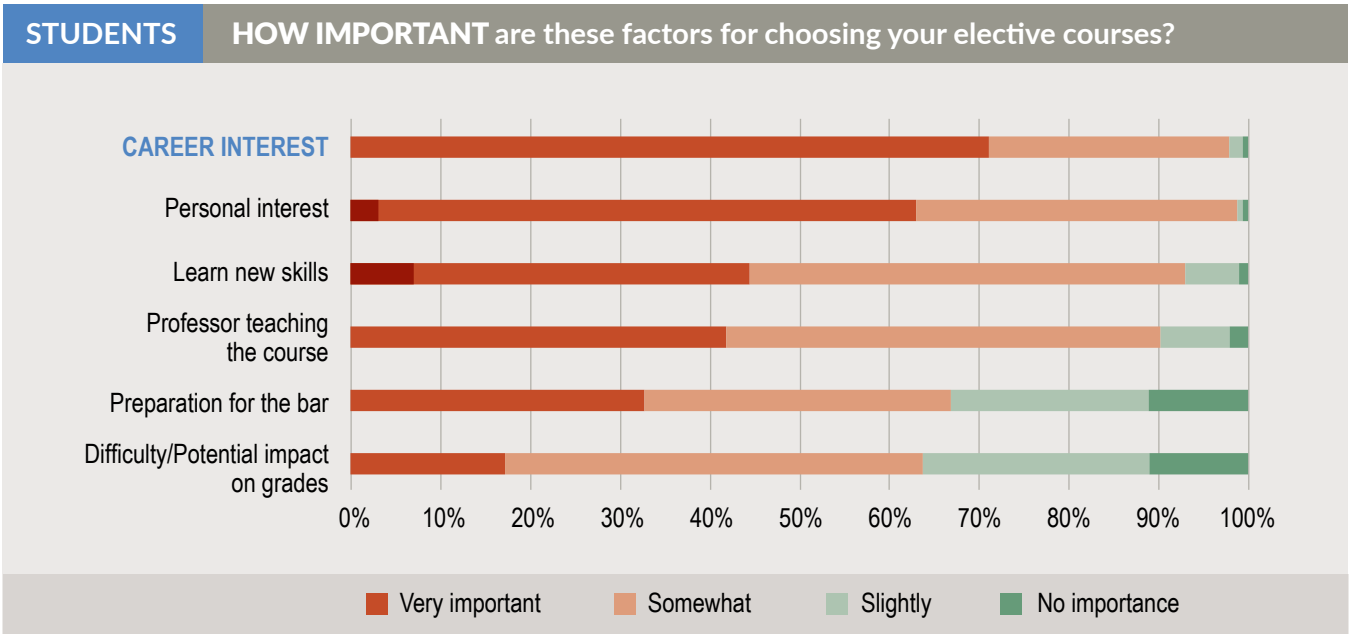
The sections that follow discuss the impact of the following factors on legal education as they relate to practice readiness: 1) bar licensure requirements, 2) law school accreditation standards, 3) U.S. News & World Report rankings, 4) faculty hiring, 5) law school curriculum, and 6) connections to the practicing bar. Each area presents challenges and opportunities to further develop the practice skills of newly admitted attorneys.

Bar Licensure's Influence on Legal Education

Bar licensure requirements play a crucial role in the training and preparation of new attorneys by setting the goalpost for entry into the profession. Though legal educators often take a broader view of the goals of legal education, it is indisputable that the licensure processes influence practically every aspect of legal education, including admissions, curriculum, assessment, and faculty hiring. More closely aligning legal education, licensure, and the skills needed in practice will employ our resources to best equip new attorneys. This section discusses the bar exam as it relates to teaching practice-ready skills.[93]

As documented in the Building a Better Bar study, minimum competence as tested on the bar exam does not seem to be the same as practice readiness.[94] If our assessment of minimum competence diverges from the tasks new attorneys actually perform, it leaves us open to admitting attorneys as minimally competent without the confidence that they are minimally practice read .[95] This disconnect creates significant challenges for students and legal educators to use limited time and educational resources to prepare students for practice while simultaneously preparing them to take the bar exam. Based on their bar passage rates, some law schools may place greater explicit emphasis on bar preparation, both through "teaching to the bar exam" in the classroom and with supplemental bar preparation support.[96] Students' self-reported priorities in selecting elective courses show this tension between career and skill preparation and preparing for the bar exam.

Figure 15: Factors in choosing law school elective courses



Law School Accreditation Standards

The American Bar Association's (ABA) Council of the Section of Legal Education and Admissions to the Bar is the primary body responsible for accrediting law schools. As part of its accrediting role, the Council publishes standards for law schools to follow to meet the minimal education requirements established by a jurisdiction to qualify a candidate to sit for the bar exam.[97] The impact of ABA accreditation on practice readiness presents a dichotomy, where evolving standards can emphasize experiential learning across law schools while overregulation can stifle the innovation it seeks to encourage [98]

Standard 302 requires law schools to establish learning outcomes that, at a minimum, include competency in the following areas: 1) knowledge and understanding of substantive and procedural law; 2) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; 3) the ability to exercise proper professional and ethical responsibilities to clients and the legal system; and 4) other professional skills needed for competent and ethical participation as a member of the legal profession.[99]

Standard 303 requires law schools to offer a curriculum that requires students to complete: 1) two credit hours in professional responsibility; 2) two faculty-supervised "writing experiences," one in the first year and one after the first year; and 3) at least 6 credit hours of "experiential course(s). [100] Standard 303 further requires law schools to provide "substantial opportunities" for clinics, field placements, pro bono work (including law-related public service), and professional identity development.[101] As trends in responses to the Law School Survey of Student Engagement (LSSSE) illustrate, students report that their law schools helped them navigate the process of professional identity formation:

> Law schools have improved at helping their students develop a personal code of values or ethics. While 43% saw their schools contributing "quite a bit" or "very much" to this effort in 2004, that percentage increased to 55% in 2014 and to 58% by 2019, where it remains today. Starting in 2024, LSSSE began asking students specifically about professional identity formation. More than half (56%) of students in 2024 report their schools contribute either "quite a bit" or "very much" to their developing a professional identity.[102]

Standard 304 defines experiential courses as "simulation courses, law clinics, and field placement that must be primarily experiential in nature." The standard notes that, "A simulation course provides [a] substantial experience not involving an actual client that is reasonably similar to the experience of a lawyer."[103] Further, "A law clinic provides substantial lawyering experience that involves advising or representing" at least one actual client.[104] Additionally, a field placement provides "substantial lawyering experience" where a student is working outside of the law school under the supervision of a faculty member and a licensed attorney or otherwise qualified individual at the field placemen [105] The experiential courses must afford students "multiple opportunities" for performance, self-evaluation, and feedback from a faculty member (in a simulation course or law clinic) or site supervisor (in a field placement) on their work [106]

However, the ABA's 6-credit hour experiential requirement does not appear to have significantly increased the availability or uptake in clinics or field placements, where students gain the most hands-on experiential learning. The Center for the Study of Applied Legal Education's (CSALE) 2022-23 Survey of Applied Legal Education showed no increase in the median number of law clinic courses offered and no increase in the percentage of students that graduate with a clinic or externship experience since the 2016-17 survey.[107] Additionally, fewer than 20% of schools attributed any increase in clinics or field placements to the ABA's requirements, with 14% of law schools requiring students complete experiential credits beyond what is required by the ABA mandate and 24% of schools requiring students to complete a clinic or externship.[108] The requirement primarily resulted in an increase in simulation courses and some incorporation of experiential learning into existing 1L writing and doctrinal courses.[109]

> The ABA recently approved an increase to 15 hours and mandating that some portion of the hours be completed in clinics or field placements, where the current standard allows students to satisfy the requirement only through simulation courses.[110] But without simultaneously addressing the conflict between practice readiness and "minimum competence" tested on the bar exam in most jurisdictions, increasing the required experiential credits may only exacerbate the pressures law schools and students face.

"SOME LAW SCHOOLS REQUIRE MORE CLINICAL WORK OR EXPERIENTIAL CLASSES. STUDENTS [WHO GRADUATE FROM THOSE LAW SCHOOLS] HAVE A LEG UP IN THE REAL PRACTICE OF LAW AND ARE BETTER PREPARED."

—CLEAR survey respondent

U.S. News & World Report

U.S. News & World Report was the first entity to publish national law school rankings in 1987 and soon became a prominent source of information for prospective law students.[111] For most of their existence, the ranking criteria have remained fairly static, relying largely on GPA and LSAT scores of incoming classes and reputational rankings, measures that are not well correlated with professional success.[112] The traditional ranking metrics were criticized as creating a ranking of vaguely-defined prestige that drew law school applicants with the most impressive academic credentials to the highest-ranked law schools.

In recent years, law schools across the country began to boycott the rankings, refusing to provide the non-public information upon which the rankings relied. As a result, U.S. News & World Report has altered its ranking system to include only publicly available information from ABA standard disclosures, focusing more heavily on employment outcomes and bar passage rates. Though these arguably mark improvements from the reputational rankings and LSAT score focus, these rankings continue to create incentives for law schools that can impede efforts aimed at improving practice readiness. Namely, the focus on bar passage can push law schools, especially those with lower passage rates, to overemphasize bar preparation in and outside of the classroom, leaving less room for practical skills training. Additionally, U.S. News & World Report rankings have incentivized and reinforced the cultural tradition in law schools of prioritizing faculty scholarship over the ability to teach practical skills.[113]

As U.S. News & World Report rankings become a less significant factor for students in their law school choices, law schools and potentially state supreme courts may consider communicating with prospective law school applicants regarding factors to consider when applying to law school, particularly the cost-benefits of law school rankings as they relate to future debt and employment outcomes.[114]

Law School Faculty

Law school faculty composition and stratification in faculty status play a role in a law school s ability to infuse practical learning throughout every facet of curriculum and provide experiential learning opportunities. Law schools often prioritize scholarship over practical experience in faculty hiring, which in turn can silo experiential and doctrinal faculty in a way that impedes practical training.

While not an accreditor, the Association of American Law Schools (AALS) plays a critical role in legal education. AALS is an institutional membership organization that hosts conferences and workshops for professors and law school deans. AALS also maintains a platform through which nearly all entry-level hiring for tenure-track professors is conducted.[115]

To gain AALS membership, law schools must apply and demonstrate that they meet the obligations of membership set forth in the Association's Bylaws, go through a site team visit, and gain the vote of the House of Representatives at the Annual Meeting.[116] Not all ABA-accredited law schools are members of AALS. Of the 197 ABA-accredited law schools, only 175 of those schools are AALS members.[117] Scholarship and the existence of an "intellectual community engaged in the creation and dissemination of knowledge about the law, legal processes, and legal systems" are at the heart of the AALS's core values.[118] It has also been noted that, "While accreditation signifies at least basic qualit , AALS member schools see themselves as intellectually serious and institutionally mature."[119] To maintain AALS Membership, a law school must contribute significant resources to ensure its existing tenure-track faculty continue to produce scholarship, including higher compensation, a decreased teaching load, sabbaticals and leaves, research assistants, and summer research grants.[120]

Due to the AALS's scholarly focus, law schools often prioritize hiring tenure-track faculty with academic credentials, such as a Ph.D. or equivalent degree, over attorneys with practical experience. According to an AALS guide to tenure-track applicants: "60% of entry-level hires in the 2023-2024 hiring cycle ha[d] an advanced degree, an increase from about 26% of the candidates in 2011."121 As numerous commentators have noted, this requirement practically acts to limit the depth of past practice experience in tenured faculty because those who aspire to academia have less incentive to practice, while those with significant practice experience are less likely to invest the time needed to pursue an advanced academic degree.122 Scholarship is rated as the second most important job function for law faculty and what they spend the most time on after teaching.[123]

This emphasis on scholarship creates barriers to practitioners who have little time to produce scholarship and whose skills and interests may not be particularly aligned with scholarship. As a result, tenured or tenure-track faculty, who often teach doctrinal "podium" courses, are less frequently equipped to bring practical training into the classroom.[124]

Higher-status and higher-paid tenured and tenure-track faculty account for 18% of law school faculties.[125] Secured clinical faculty, or those on a clinical security track, account for 13%. Law schools rely on non-secured or secure-track contract faculty to staff most of their courses. The short and long-term contract faculty typically include clinical, externship, research and writing, and adjunct faculty.

Also, hiring trends of law school faculty are trending towards tenured and tenure-track faculty, while hiring for clinical and research and writing faculty is increasing at a slower rate.[126]

Some law schools have addressed the disparities between clinical and doctrinal faculty by creating clinical tenure positions. Additionally, initiatives such as IAALS's Educating Tomorrow's Lawyers Program have worked to foster innovation across law school faculty types, including traditional doctrinal faculty who work to incorporate practice themes and skills building into their coursework.[127]

Law School Curriculum

1L AND DOCTRINAL LEARNING

The foundations of the first year (or 1L) doctrinal curriculum have been virtually unchanged since the 19th century. At nearly every law school across the country, the 1L curriculum generally consists of seven foundational courses: constitutional law, contracts, civil procedure, criminal law, legal writing, property law, and torts.[128] As the Carnegie Report notes, while the traditional 1L curriculum is a powerful tool in teaching law students the analytical skills to "think like a lawyer," it virtually ignores teaching practice skills and ethical professional identity formation. While it is important to teach fundamental analytical skills in applying law to a fact pattern, the traditional 1L doctrinal curriculum misses opportunities to incorporate more complex real-world fact patterns and skills-based work, like drafting a contract or complaint in contracts or civil procedure classes. This is driven in part by ABA Standard 403, which provides:

> The full-time faculty shall teach substantially all the first one-third of each student s coursework. The full-time faculty shall also teach during the academic year either (1) more than half of all the credit hours actually offered by the law school, or (2) two-thirds of the student contact hours generated by student enrollment at the law school.[129]

As a result, law schools often find it most economical to o fer large courses with mid-terms and finals instead of smaller offerings that include multiple practice-based assessments.

Additionally, traditional law school doctrinal curriculum, particularly in the 1L year, has been identified as a source of negative professional socialization, where students are acculturated into professional norms that neither serve the public nor the students themselves:

> First-year teachers strip law of its political content, framing moral commitments as antithetical to good lawyering. In this environment, "[l]earning to think like a lawyer means learning to think beyond one's preferences and developing the skill of identifying the best arguments on all sides of disputed questions." Or, in Duncan Kennedy's famous formulation, the first year compels a "double surrender: to a passivizing classroom experience and to a passive attitude toward the content of the legal system."[130]

To address these limitations, many schools have adopted the Carnegie Report's recommendation to integrate 1L curriculum to "weave together disparate kinds of knowledge and skill."[131] Across the country, 15% of law schools now require an experiential course in the first yea , while 7% offer an experiential course elective. Among the law schools that offer or require an experiential course in the first yea , 92% offer or require a simulation course, 13% offer or require a clinic, and 3% offer or require a field placement course [132]

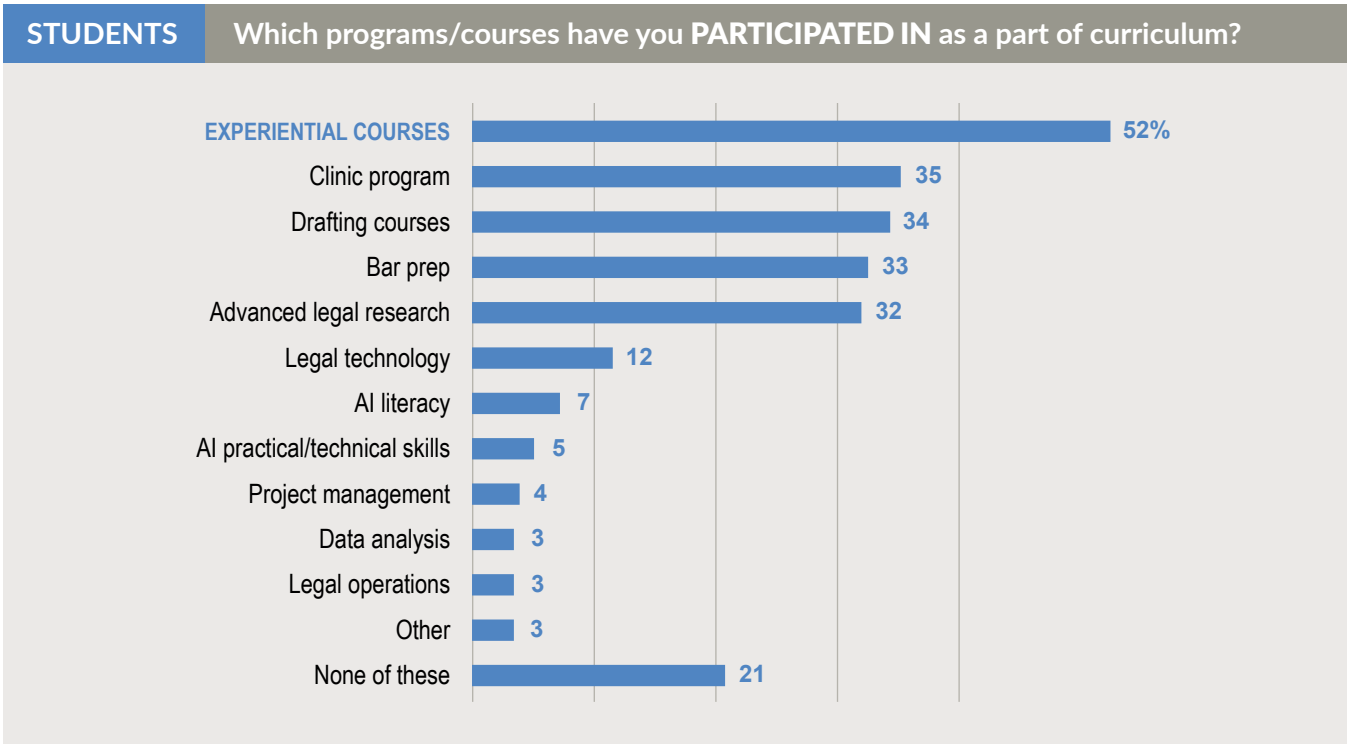
Some examples include:

- The City University of New York (CUNY) utilizes seminars to balance portions of doctrinal learning and lawyering during the first year of law school and then o fers simulation courses throughout the rest of the curriculum.
- New York University (NYU) Law School's doctrinal, lawyering, and clinical courses are intentionally linked.[133]
- Yale Law School reduced the number of required doctrinal courses to encourage students to take clinical courses as soon as the second semester.[134]
- Northeastern Law School has introduced the Legal Skills in Social Context (LSSC) program, an eight-credit program that is available to first-year law students. The program combines the traditional 1L curriculum with simulation-based assignments that contribute to a real-life social justice project.[135] Northeastern Law School also offers numerous skills-based courses that allow students to work on interviewing clients, analyzing evidence, negotiating, and getting exposure to the courtroom.

EXPERIENTIAL LEARNING

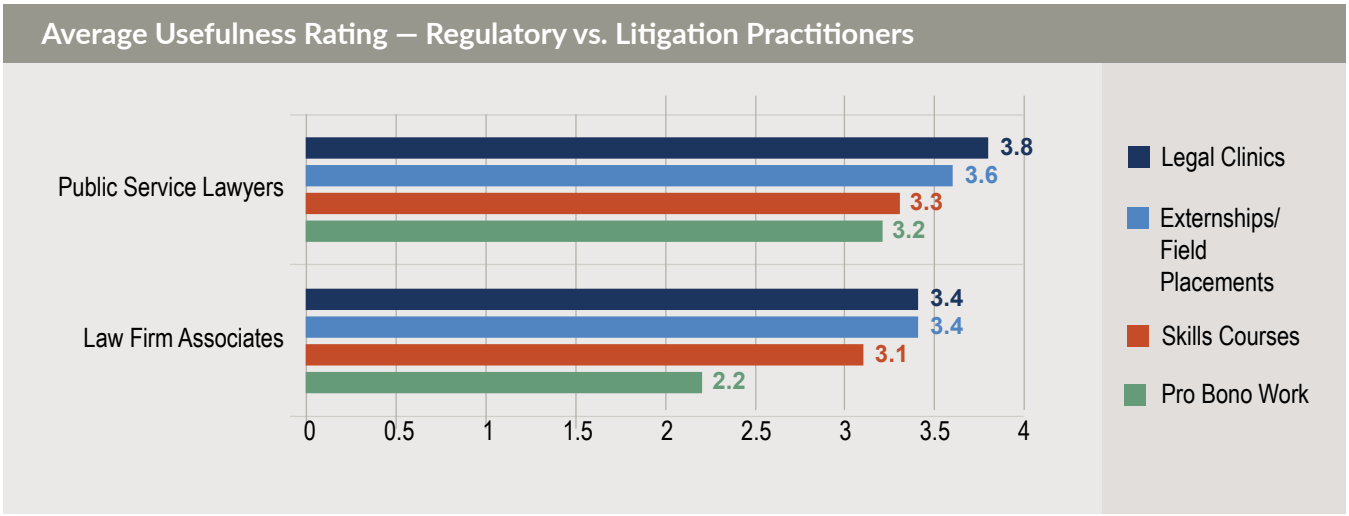
Law students and practicing attorneys consistently point to experiential learning as the most valuable component of law school in equipping them with relevant practice skills, including legal research, writing, interviewing, negotiation, courtroom advocacy, and working with clients. For 2022-2023, law schools had 134,648 seats available in simulation courses and 32,840 seats available in law clinics.[136] Law schools also filled 31,029 field placement position [137] According to recent surveys, including Bloomberg Law's 2024 Path to Practice survey, more than one-third of law students surveyed were participating in clinics, while more than one-half were participating in some type of experiential education:

Figure 16: Frequency of law student participation in curricular offerings



Practicing lawyers routinely report experiential learning as being critical to their professional development and contributing to their readiness to practice upon graduation. According to National Association of Law Placement (NALP) data based on surveys conducted in 2010 and 2011, law firm associates, as well as lawyers practicing in government and nonprofit positions, who took part in clinics and externships or fiel placements rate their usefulness very highly on a scale of 1-4, with 1 being “not at all useful” and 4 being “very useful.”[138]

Figure 17: Public service lawyers’ and law firm associates’ perceptions of the usefulness of experiential learning experiences



CLINICS

Law school clinics are another integral part of legal education. Offering students the opportunity to provide legal services and develop real skills while working under the supervision of experienced faculty and licensed attorneys, law school clinics have emerged as a pivotal tool in the development of practice-ready lawyers. ABA data reveals that clinics are currently offered at over 190 law schools nationwide.139 According to the Center for the Study of Applied Legal Education's (CSALE) *2022-23 Survey of Applied Legal Education*, a total of 1,512 distinct law clinics were offered by responding schools during the 2022-23 academic year.[140] While the actual number of clinics offered varies by school, CSALE data places the median number of law clinics per school at seven.[141] Some larger universities, however, such as Harvard and New York University, boast more than 35 clinical opportunities for students.

In addition to the sheer number of clinics available, their substantive focus has become increasingly far-ranging. While law schools have long offered clinics in criminal justice, family law, and consumer rights, law schools today offer clinics across a broad array of substantive areas such as environmental law, immigration law, intellectual property, pretrial justice, prisoners' rights, affordable housing, tribal law, and more. Additionally, some schools are "evolving their offerings in areas like transactional practice, entrepreneurship, and leadership."[142] Even more distinct clinics, such as those offered at the University of California, Los Angeles, allow students to develop legal skills pertinent to specific industries, including filmmaking, athletics, and talent and brand partnerships. At Stanford Law School, "students team up with experienced attorneys to represent clients in cutting-edge cases in areas like [intellectual property] and tech policy advocacy, and AI regulation."[143] This diversity of clinical offerings serves a critical role in giving law students the chance to hone practice-ready skills while developing their professional identity as a lawyer.

Research has similarly highlighted the significant impact of clinical education on shaping the professional skills and values of new attorneys. According to *The Clinic Effect*, which probes the data from the After the JD study to gain further insight into the relationship between clinical training and practice-readiness of lawyers, clinical training is consistently rated as one of the most helpful elements of law school for making the transition to early work assignments as an attorney.[144] Besides equipping students with the knowledge and competence to excel in the legal profession, clinical education has other benefits to the larger legal community as well. According to the CSALE survey, "during the 2020-21 academic year, the 22,000 students in law school clinics are estimated to have provided approximately 3,278,000 hours of free legal assistance to individuals, government entities, and non-profits. [145] Additionally, findings indicate a significant positive relationship between clinical education and future employment in public service for those lawyers who entered law school for civic-minded reasons, suggesting that clinics help strengthen early career aspirations and commitments. Thus, clinics provide students not only with exposure to complex real-world legal challenges and the chance to develop skills to navigate those challenges, but also with the opportunity to advocate for vulnerable populations, fostering a sense of professional and ethical responsibility as well as civic obligation.

While clinics provide numerous benefits, they also are relatively costly to administer and usually enroll a limited number of students to participate. In response, some schools are using hybrid clinical models that pair practicing attorneys to supervise field work and clinical professors to teach classroom components to increase efficienc , better engage with the practicing bar, and be more responsive to a community's legal needs at a lower administrative cost.[146] However, innovations such as these need to be balanced against the need for a robust curriculum that develops skills progressively and provides meaningful, coordinated supervision.[147]

EXTERNSHIPS

Like clinics, externships (also called "field placements" in ABA Standard 304) serve to bridge the gap between doctrinal curriculum and professional practice. Through placements in real-world settings, students are able to apply the knowledge gained in law school courses and then reflect on their experiences, connecting theory and practice.

These opportunities are highly sought-after by law school students for the purposes of improving employment prospects and enhancing lawyering skills.[148] ABA data on curricular offerings indicate that 31,029 students took part in field placements in 2023.[149] CSALE's 2022-23 survey estimates that a median of 41-50% of JD law students will participate in a field placement course before graduation, comparable to surveys conducted in previous years.[150]

Externships also give students exposure to a variety of legal settings. Data from CSALE's 2022-23 survey indicates that the majority of schools offer placements in public interest and non-profit organizations, public defenders' offices, judicial settings, government agencies, and prosecutors' offices, and many o fer placements in for-profit organizations, legislatures, and private law firms. Nearly one-third of all responding schools also offer placements in legal settings outside the U.S.[151]

Further, many law students take multiple externships throughout their law school careers, allowing participants to gain exposure to a broad range of practice areas and legal settings. In this way, externships have the added benefit of allowing students to explore career options and develop professional identities alongside the skills needed for future work in their chosen practice area.[152]

A study that examined supervisor evaluation data from the Brooklyn Law School (BLS) externship program shows that students in externship placements took on work related to core professional lawyering competencies: "89.8% of the students undertook some level of legal research" and "93.5% produced written work product of some nature," while "94.5% of BLS summer externs performed multiple and varied assignments in one or more categories of work, including drafting multiple types of documents; interacting with clients, witnesses, opposing counsel, court personnel, and the like; and observing attorney performance."[153] Additionally, almost one-half of students "encountered dynamic work that demanded more

Table 5: Percent of law schools offering field placements in various practice settings

Type of Field Placement Office or Practice Area	Percent of Schools Offering	
	2019-20	2022-23
Public interest/nonprofit organization	92	97
Public Defender	95	96
Judicial	95	96
Other Government	96	95
Prosecutor	95	95
In-house counsel - for profi	63	69
Legislative	71	63
Private law fir	-	51
Outside the U.S.	51	28



adaptive performance," such as fact-based work, direct interaction, and attorney-role responsibility, for which classroom work does not directly prepare students. In large part, the variety, complexity, and intensity of these experiences were found to "amplify student learning and facilitate productive transfer of their externship learning to other contexts."[154] Findings such as these demonstrate that externships provide law students with valuable practical experience that can directly influence their preparedness for post-graduation jobs.

SIMULATIONS

Simulation courses provide students with an opportunity to experience real-world legal situations in a controlled, risk-free environment and can be an important bridge between other experiential learning experiences and the classroom. Additionally, simulations can allow for greater scale and more streamlined assessment of practice skills as compared to clinics. Simulation courses, like clinics, have grown in diversity in their course offerings to provide students with specialized training in areas they may eventually practice.

Borrowing from the medical field, which uses simulated patient interactions early in medical school to link foundational courses with their application in practice, simulation courses in law school have been incorporated into some 1L coursework as a way to prepare students for the real-world situations they will encounter in clinics, externships, and internships. Simulation courses in the 2L and 3L years also provide a way for students to step back from the often fast-paced clinical and externship work and examine important ethical, professional identity, and professional value issues as they apply to the types of situations they encounter in practice.

Connections to the Practicing Bar and Entry Into Practice

SUMMER INTERNSHIPS AND LEGAL EMPLOYMENT

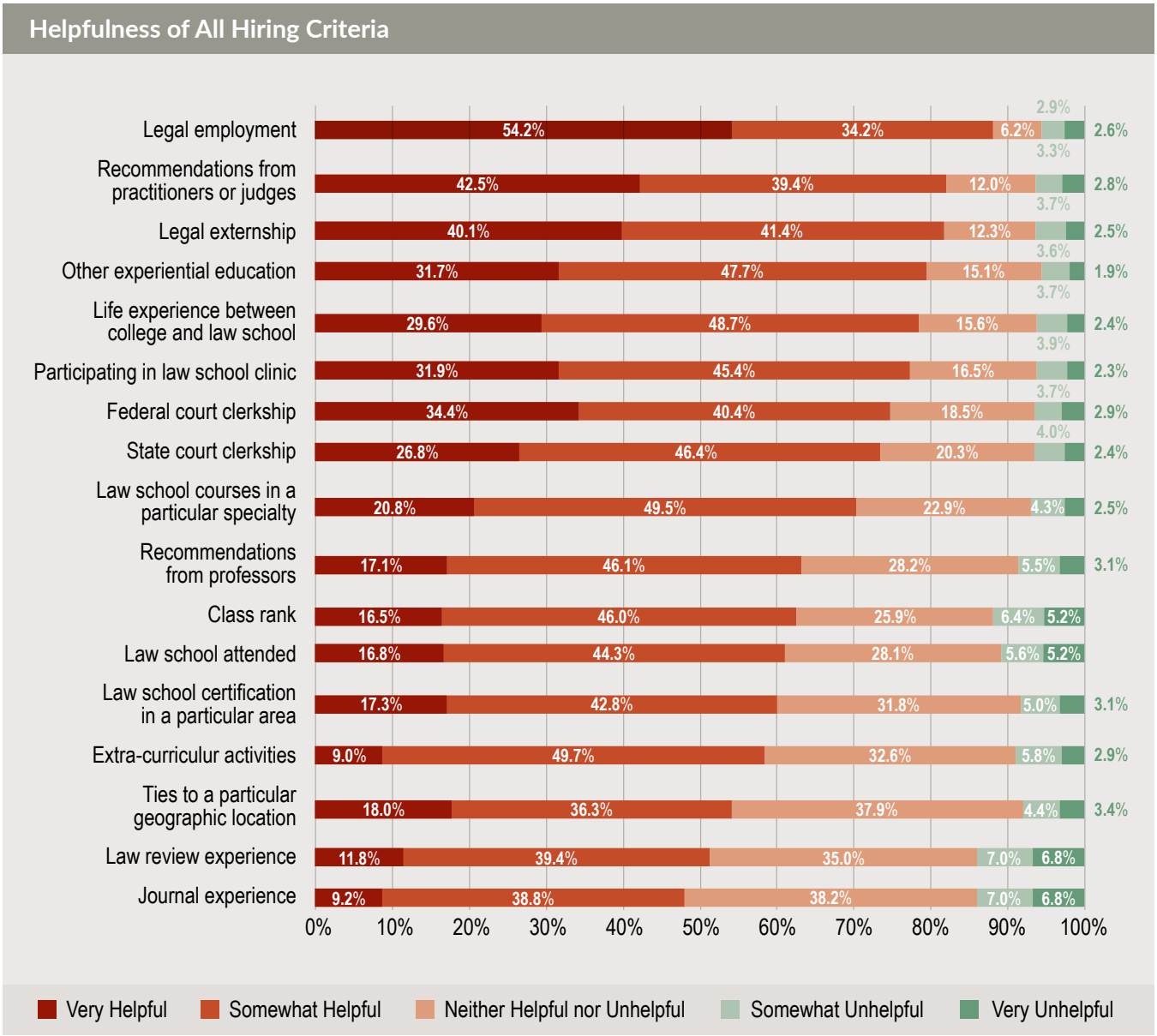
Summer internships are another way experiential learning can be leveraged for developing practice-ready skills. As referenced in Bloomberg Law's 2024 Path to Practice survey results, employer-based settings, such as internships and summer positions, are where many law school students are first engaging in direct client work. The value of internships may be underscored as related to organizations' desire to hire practice-ready lawyers. In IAALS's second Foundations report, Hiring the Whole Lawyer: Experience Matters, respondents were asked which criteria would be most helpful in determining whether a candidate for employment possesses the foundations they identified as necessary for success [155] The results clearly indicated that practical experiences are most helpful in this regard. Though legal externships and participation in law school clinics did not lag far behind, legal employment was rated as most useful in determining whether a candidate possesses the necessary foundations.

To demonstrate their commitment to equipping students with the skills needed for practice post-graduation, law schools can collaborate with internship providers that engage in best practices that support their learning objectives. According to the National Association of Colleges and Employers, some best practices that internship providers can employ to ensure high-quality experiential learning opportunities include paying interns; structuring their internship program (including recruitment and hiring practices) with the organization's goals in mind; providing relocation and housing assistance; offering scholarships and flexible work arrangements; providing interns with engaging work assignments; supporting interns through robust on- and off-boarding processes; providing a clear management structure; encouraging team involvement; collaborating with career center staff and faculty; offering training and professional development opportunities; collecting, tracking, and analyzing program feedback; and staying connected with interns after they return to school.[156] Networking assistance during internships can also help interns develop relationships and identify a path to employment following law school.

MENTORSHIP AND ON-THE-JOB TRAINING

Practicing attorneys, legal employers, and bar associations have a crucial role in providing practical skills training, giving ethical guidance, and assisting in professional identity formation. The practicing bar can form a bridge between legal education and the networks of support provided to new attorneys in practice. As discussed below, incorporating practicing attorneys into legal education through faculty participation, internships and externships, and mentoring opportunities enhances the skills preparation aspects of legal education. Additionally, the practicing bar can work to facilitate peer learning and support networks for new attorneys, educate students and new lawyers on the business of law and law practice management issues, and develop educational and mentorship opportunities for law students and new attorneys to provide practical advice and guidance in varied areas of practice.

Figure 18: Helpfulness of legal experiences as hiring criteria



The Bar Exam

The bar admissions process not only serves the essential function of ensuring that members of the bar are competent and protecting the public from the harm of noncompetent legal practice but also shapes many aspects of legal education and pathways into practice. The bar examination is designed as an assessment of "minimum competence" to "protect the public by helping to ensure that those who are newly licensed possess the minimum knowledge and skills to perform activities typically required of an entry-level lawyer."[157] Jurisdictions either administer their own bar examination or the Uniform Bar Examination (UBE). The sections below document 1) the components of the bar exam, 2) considerations in reforming written examinations, and 3) considerations for setting passing scores.

The Components of the Bar Exam

UNIFORM BAR EXAM

Forty-one jurisdictions have adopted the Uniform Bar Exam (UBE). The UBE is a test developed by the NCBE that was first administered in July 20 1[158] and is composed of the following components:

- the Multistate Bar Examination (MBE)
- the Multistate Essay Examination (MEE)
- two Multistate Performance Test (MPT) tasks.

It is uniformly administered, graded, and scored and results in a portable score that can be transferred to other UBE jurisdictions if a candidate meets the passing score in those jurisdictions. The UBE is administered over two days, with the MBE given on the last Wednesday of February and July and the MEE and MPT given on the Tuesday prior to that.

UBE Exam purpose

The UBE is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law, regardless of the jurisdiction in which they practice. The exam tests federal rules of evidence and civil procedure, federal constitutional law (including rules related to criminal procedure), and general principles of other common practice areas. Because the exam tests these general principles, it produces a portable score that can be used to apply for admission in other UBE jurisdictions.

UBE Exam Structure

As stated above, the UBE is composed of the Multistate Bar Exam (MBE), the Multistate Essay Exam (MEE), and the Multistate Performance Test (MPT). This section provides additional information about the components of the exam and how they are used in the UBE.

UBE Test Administration and Scoring

The Multistate Bar Examination (MBE) is a six-hour, 200-question multiple-choice examination developed by the NCBE and administered by user jurisdictions as part of the UBE on the last Wednesday in February and the last Wednesday in July of each year. Jurisdictions that administer the UBE weigh the MBE as 50% of the test-taker's final score.

Table 6: Comparisons of UBE passing scores

UBE Jurisdiction Passing Scores	Jurisdiction
260	Alabama, Minnesota, Missouri, New Mexico, North Dakota, Utah
264	Indiana, Oklahoma
266	Connecticut, District of Columbia, Illinois, Iowa, Kansas, Kentucky, Maryland, Montana, New Jersey, New York, South Carolina
268	Michigan
270	Alaska, Arizona, Arkansas, Colorado, Idaho, Maine, Massachusetts, Nebraska, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, West Virginia, Wyoming [159]

The Multistate Essay Examination (MEE) consists of six 30-minute essay questions. Areas of law that may be covered on the MEE include the following: Business Associations (Agency and Partnership; Corporations and Limited Liability Companies), Civil Procedure, Conflict of Laws, Constitutional Law, Contracts (including Article 2 [Sales] of the Uniform Commercial Code), Criminal Law and Procedure, Evidence, Family Law, Real Property, Torts, Trusts and Estates (Decedents' Estates, Trusts, and Future Interests), and Article 9 (Secured Transactions) of the Uniform Commercial Code. Some questions may include issues in more than one area of law. The particular areas covered vary from exam to exam. Effective with the July 2026 bar exam, the following areas will no longer be tested on the MEE: Conflict of Laws, Family La , Trusts and Estates, and Secured Transactions. From July 2026 through February 2028, both Family Law and Trusts and Estates will be tested regularly through the Multistate Performance Test. Essay scores comprise 30% of the test-taker's UBE score.

The Multistate Performance Test (MPT) consists of two 90-minute sections. Developed by the NCBE, the MPT is administered by user jurisdictions as part of the UBE on the Tuesday before the last Wednesday in February and July of each year. MPT scores comprise 20% of a test-taker's UBE score.

UBE Passing Scores

Although the UBE consists of uniform assessments, each jurisdiction sets the score required for passing the exam in their jurisdiction. UBE jurisdictions adopted the examination and set their passing scores at different times. A test-taker wishing to transfer a UBE score from one jurisdiction to another must meet the receiving jurisdiction's passing score to be admitted there.

The table above shows the distribution of passing scores for UBE jurisdictions. It is important to note that the passing scores are currently in a small range of scaled scores, ranging from 260 to 270.

Table 7: Comparisons of non-UBE passing scores

Non-UBE Jurisdiction	Passing Score
California	1390 (out of 2000 points)
Delaware	143 (out of 200 points)
Florida	136 (out of 200 points)
Georgia	270 (out of 400 points)
Hawaii	133 (out of 200 points)
Louisiana	650 (out of 900 points) *
Mississippi	132 (out of 200 points)
Nevada	138 (out of 200 points)
South Dakota	133 (out of 200 points) on MBE, and average score of 75% on written component
Virginia	140 (out of 200 points)
Wisconsin	258 (out of 400 points)

* Louisiana does not utilize the MBE and covers several unique subject areas, so its scoring system is not comparable to other jurisdictions.[166]

ADDITIONAL REQUIREMENTS: UBE JURISDICTIONS

In addition to the UBE and MPRE, some jurisdictions set bar admissions requirements that include a course or third exam before admission to the bar. Six states and the Virgin Islands require applicants to pass an exam that tests aspects of their jurisdiction's law.[160] All seven of these exams are open-book, multiple-choice exams administered online.[161] The number of questions ranges from 25 (in Ohio) to 60 (in Washington State), and candidates may retake these exams as often as needed to pass. In five of the jurisdictions, candidates may take the online exam at any time and receive their scores immediately. Candidates who fail an exam in these jurisdictions may retake the exam immediately (Maryland and Missouri) or after a 24-hour waiting period (Massachusetts, Ohio, and Washington).

New York offers its state-specific exam three times a year and the Virgin Islands offers its exam four times a year. Candidates in these jurisdictions must take the exam at the specified dates and times. These dates do not coincide with the administration of the UBE, so candidates may focus on the subject matter of each exam separately.

Ten other UBE jurisdictions require candidates to complete a short course covering distinctive aspects of that jurisdiction's law.[162] These courses are all offered online, and most of them are available on demand. Some of the courses include embedded questions that candidates must answer correctly to continue with the course.

NON-UBE BAR EXAMINATIONS

Eleven states have not adopted the Uniform Bar Examination. Nine of these jurisdictions use one or more of the NCBE-developed components of the UBE, and all eleven include at least one jurisdiction-drafted exam section (essay or multiple choice).[163] California and Louisiana are the only states that do not utilize the MBE. California used the MBE for many years but recently switched to a state-commissioned multiple-choice exam that parallels the scope and question format of the UBE. Louisiana does not administer a full-day multiple-choice exam, but it mixes some multiple-choice questions with its essay questions.

Louisiana, reflecting its distinctive civil law heritage, also tests several unique subjects on its exam.[164] Florida, Mississippi, South Dakota, Virginia, and Wisconsin accept transferred MBE scores from other jurisdictions, only requiring the applicant to sit for the other exam components.[165]

The table at left summarizes the passing scores set by non-UBE jurisdictions.

TRIBAL COURT EXAMINATIONS

As domestic sovereign nations, the authority of tribal courts to determine criteria for bar admissions before their courts is well established.[167] Tribal courts allow both attorneys and advocates to appear on their clients' behalf, and they set criteria for admission for tribal courts.[168] The criteria vary, but generally require that attorneys file an application with a statement of good standing from the bar or Supreme Court of the state where the tribe is located. Several tribal courts also administer a written examination that focuses on tribal law. The tribal courts administer assessments to determine knowledge of tribal law and professional ethics.

NEXTGEN BAR EXAM

The NCBE appointed a Testing Task Force to review the examination products used in bar admissions and, following a three-year study between 2018 and 2020, recommendations were made to the Board of Trustees.[169] These recommendations were accepted in 2021 and provided the basis for the content scope (i.e., foundational concepts and principles), question formats used in the examination, delivery mode, and scoring. The next section details these aspects of the NextGen examination.

Exam Purpose

Consistent with the UBE, the NextGen examination is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law, regardless of the jurisdiction in which they practice. The NextGen examination represents an expansion of skills assessment in the context of a written examination.

The foundational concepts and principles identified through practice analysis provide context for the measurement of the foundational skills that are related to the tasks most frequently performed by newly licensed lawyers.[170]

The foundational concepts and principles include the following: Civil Procedure, Contract Law (including Art. 2 of the UCC), Evidence, Torts, Business Associations (including Agency), Constitutional Law (excluding principles covered under Civil Procedure and Criminal Law), Criminal Law and Constitutional Protections Impacting Criminal Proceedings (excluding coverage of criminal procedure beyond constitutional protections), and Real Property. Following public comment, Family Law was added for future test administrations starting in July 2028. The foundational skills measured in the examination include the following: Legal Research, Legal Writing, Issue Spotting and Analysis, Investigation and Evaluation, Client Counseling and Advising, Negotiation and Dispute Resolution, and Client Relationship and Management.

Exam Structure

The examination will be integrated; in this context, knowledge and skills can be measured in conjunction:

> "The Task Force recommends the creation of an integrated examination that assesses both knowledge and skills holistically, using both stand-alone questions and item sets, as well as a combination of item formats (e.g., selected-response, short-answer, and extended constructed-response items). An item set is a collection of test questions based on a single scenario or stimulus such that the questions pertaining to that scenario are developed and presented as a unit. Item sets can be assembled so that all items within a set are either of the same format or of different formats."[171]

Test Administration and Scoring

The examination will be administered on the same dates (February and July) as the current exam. The examination will be delivered on a computer for all test components. A compensatory scoring model will be used to produce a single combined score for making admission decisions, which is consistent with the use of an integrated exam design and the interconnected nature of the competencies being measured. A combined score allows a candidate's areas of strength to compensate for areas of weakness and reflects the candidate s overall proficiency in the competencies being measured [172] The scoring model reflects two important aspects of the practice of newly licensed lawyers: that passing candidates receive a general license to practice and that the knowledge and skills measured are common to various practice areas.[173] As of May 2025, 40 jurisdictions announced the adoption of the NextGen examination, with eight jurisdictions administering the examination beginning in July 2026.

Passing Scores

As stated in the section on the UBE, each jurisdiction sets the score required for passing the exam in their jurisdiction. The NextGen examination will expand the foundational concepts, principles, and skills measured. This presents an opportunity to conduct a standard-setting study that will provide empirical data to jurisdictions to support their selection of their passing scores. A national sample of panelists familiar with the practice expectations for newly licensed lawyers will discuss the characteristics of the minimally qualified candidate and then review test questions to identify performances that are representative of the minimally qualified candidate. This data will be used to support NextGen jurisdictions' selection of passing scores on the new score scale.

THE MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM

The Multistate Professional Responsibility Examination (MPRE) is a two-hour, 60-question multiple-choice examination that is administered three times per year. Developed by the NCBE, the MPRE is required for admission to the bars of all but two U.S. jurisdictions (Wisconsin and Puerto Rico). Two other jurisdictions (Connecticut and New Jersey) require the MPRE only if a candidate has not successfully completed a law school course on professional responsibility.

Exam Purpose

The purpose of the MPRE is to measure candidates' knowledge and understanding of established standards related to the professional conduct of lawyers. The MPRE is not a test to determine an individual's personal ethical values. Lawyers serve in many capacities, e.g., as judges, advocates, counselors, and in other roles. The law governing the conduct of lawyers in these roles is applied in disciplinary and bar admission procedures; by courts in dealing with issues of appearance, representation, privilege, disqualification, and contempt or other censure; and in lawsuits seeking to establish liability for malpractice and other civil or criminal wrongs committed by a lawyer while acting in a professional capacity.

Exam Structure/Composition

The MPRE consists of 60 multiple-choice questions: 50 scored questions and 10 unscored pretest questions. The pretest questions are indistinguishable from those that are scored, so test-takers must answer all questions. Each MPRE question is followed by four possible answers. The performance information provided for the MPRE is a scaled score that ranges from 50 (low) to 150 (high). The MPRE scaled scores are calculated by the NCBE based on a statistical process, known as equating, that is commonly used on standardized examinations. This statistical process

MPRE Passing Scores

Table 8: Comparisons of MPRE passing scores

MPRE Passing Score	Jurisdiction
75	Alabama, District of Columbia, Georgia, Mississippi, New Jersey, Pennsylvania
77	South Carolina
79	New Hampshire
80	Alaska, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Missouri, Montana, New Mexico, North Carolina, Northern Mariana Islands, Oklahoma, Rhode Island, Vermont, West Virginia
82	Tennessee
85	Arizona, Arkansas, Colorado, Delaware, Hawaii, Idaho, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Dakota, Texas, Virginia, Washington, Wyoming
86	California, Utah
Not Required	Puerto Rico, Wisconsin [174]

adjusts raw scores on the current examination to account for differences in difficulty as compared with past examinations. Equating makes it possible to compare scaled scores across test administrations because any particular scaled score will represent the same level of knowledge and performance from one test date to another. Equating helps to ensure that no examinee is unfairly penalized or rewarded for taking a more or less difficult form of the test. Because the adjustment of scores during equating is examination-specifi (i.e., based on the level of difficulty of the current examination as compared to previous examinations), it is not possible to determine in advance of the test how many questions an examinee must answer correctly to achieve a specific scaled score

Reforms to Written Exams

The traditional bar exam has faced criticism for being a high-pressure, speeded, and primarily closed-book test that may not effectively measure a candidate's readiness to enter the unsupervised practice of law. Administration of this exam is growing more expensive for jurisdictions, and the limited availability of the exam disadvantages caretakers, candidates with disabilities, and candidates with limited financial resources.

Modifications to the traditional bar exam, as discussed further belo , can address some of these criticisms. Written exams, however, have inherent limits in their ability to assess competence in a rapidly changing and skills-dependent profession like law. In addition to limiting the validity of licensing decisions based on these exams, these limits may exclude candidates who excel at untested skills or who best demonstrate their knowledge in combination with exercising skills. Jurisdictions should weigh these criticisms carefully when considering the role of written examinations in bar admissions. Some jurisdictions are exploring changes to the format or administration of written bar exams that move beyond the changes adopted by the NextGen examination. This section of the report explores some of those changes.

STAGING

Several other professions offer their licensing exams in stages. In medicine, for example, candidates complete three written exams (in addition to meeting other requirements) before obtaining a license. Candidates may take the first two of these exams while still enrolled in medical school. They are eligible for the "Step 3" exam only after passing the first two exams and graduating from medical school.[175] Certified Public Accountants, similarly, pass a licensing exam that is divided into four components. As in medicine, candidates may begin taking these components before earning a degree.[176]

Some legal educators and practitioners have urged a similar approach in law.[177] Dividing the bar exam into components could ease preparation for test-takers, especially if they could complete some portions of the exam shortly after learning the relevant material in law school. Staging might also reduce burdens on candidates with disabilities and those with caretaking responsibilities; they could arrange test-taking sessions over time rather than attempting to take an all-or-nothing exam that is offered just twice a year. Staged components, finall , could offer candidates feedback on their progress—as well as multiple opportunities to retake failed portions of the exam.

Opponents of staging note that exam components offered during law school might interfere with law school classes, externships, and summer jobs. Some students might also feel pressure to begin taking exam components before they are ready, leading to unnecessary failure and stress.

NCBE's Test Design Committee considered whether to divide the NextGen examination into components. A "slight majority" of those committee members favored dividing the exam into two components and allowing test-takers to take one of the components during law school, but they differed on which component should be offered first.[178] A "few" committee members, meanwhile, "were adamantly opposed" to staging the exam.[179] Based on this mixed input, the NCBE decided to continue administering its bar exam as a single unit.[180]

Some jurisdictions, however, have retained interest in a staged bar exam. Nevada's Comprehensive Licensing Examination, endorsed by the Nevada Supreme Court, would include three different exam components.[181] The first component, a Foundational Law Exam, would consist of 100 multiple-choice questions testing foundational knowledge in seven subject areas: civil procedure, constitutional law, contracts, criminal law and procedure, evidence, torts, and real property.[182] That exam would be offered four times a year at test centers, and students could begin taking the exam after completing 42 credits of the JD curriculum.[183]

The second component of the Comprehensive Licensing Examination would be a Lawyering Performance Examination. This exam would consist of three two-hour performance tests like the ones that Nevada currently administers to candidates. The test would be offered twice a year, and candidates would take it after graduating from law school. The third component, 40-60 hours of supervised practice including client responsibility, could be completed either during law school or after graduation.

The Nevada task forces that proposed this staged design cited numerous advantages:

- Allowing candidates to take the Foundational Law Exam during law school "aligns the first stage of licensing with the first stage of law school."[184]
- The timing of that first component "permits candidates to address any weakness in foundational knowledge and legal analysis when in law school."[185]
- The timing also promotes long-term retention of concepts because candidates reinforce those concepts at the optimal time.
- By offering the Foundational Law Exam four times a year in test centers, candidates will enjoy increased flexibilit , including the ability to take the exam at locations outside Nevada.
- The content and timing of the two exams will reduce the expense of bar prep. Candidates will be able to take the first exam during law school, close to the time when they learn the tested material. The second exam will require little preparation.
- The supervised practice requirement will ensure that all newly licensed lawyers have some "first chair" experience representing clients, with many options for satisfying that requirement.

ACCESS TO SOURCES

Practicing lawyers regularly draw upon written sources when they address client problems. Competent practice requires them to consult online databases, desk books, treatises, statutes, rules, judicial decisions, and other references. This consultation is essential for at least three reasons:

- Legal rules, even within a single practice area, are far too numerous and complex for practitioners to remember them accurately.
- Those rules change frequently, and practitioners need to apply the most current rules, not ones they remember learning in law school or while studying for the bar exam.
- Legal arguments depend upon very precise wording. It is not enough for a lawyer to remember the gist of a statute or judicial opinion. Instead, the lawyer often must cite precise language to a client, opponent, judge, or other decision-maker.

Participants in the *Building a Better Bar* study highlighted this characteristic of law practice and stressed that it is particularly important for new lawyers to check sources rather than rely upon memory.[186] Relying upon memory, they agreed, "was 'a bad way to practice law' or 'even malpractice.'"[187] Other research has yielded similar results.[188]

Given these realities of law practice, some reformers have argued that the bar exam should allow test-takers to consult resources during the exam. An open-book exam, they suggest, would have these benefits

- It would more closely parallel practice;
- It would allow deeper testing of critical thinking skills;
- It would permit better testing of research skills;
- It would encourage test-takers to learn foundational concepts and research strategies, rather than memorizing specific rules

- Learning those concepts and research strategies would, in turn, promote longer term memory of key concepts;
- It could reduce the time and expense of preparing for the bar exam; and
- It could remove barriers to practice for candidates who possess needed competencies but lack the time and resources for extended bar prep.[189]

Educators and professionals in other fields have made similar arguments favoring open-book exams.[190]

Opponents of open-book exams in law and other fields point to these concerns

- Effective practice requires recall of at least some foundational principles;
- Test-takers may spend less time preparing for open-book exams than closed-book ones, which can prevent development of deep learning structures;
- To recognize the benefits of open-book exams, more time must often be allocated to those exams, which increases exam administration costs; and
- The public may perceive practitioners who have passed a closed-book exam as more competent than those who pass an open-book one.[191]

Given the limits of existing research, the growing importance of research skills in many professions, and the potential for open-book exams to assess higher levels of cognitive achievement, many researchers recommend exploring the use of open-book exams as part of licensing. A systematic review of research on open-book exams, for example, concluded: “Given the data collected to date, there does not appear to be sufficient evidence for relying solely on [open-book exam] or [closed-book exam] formats. Therefore, we believe that a combined approach could become a more significant part of testing programs, including physician certification or recertification. [192]

Several licensing programs have followed this advice. The American Board of Internal Medicine now gives physicians access to Up-To-Date, a widely used online resource, during exams taken to maintain certification [193] The Law Society of Ontario, Canada’s largest law society, uses an open-book exam to assess its candidates for licensure.[194] Candidates taking Nevada’s bar exam may refer to written materials (but not the internet) during the essay portion of that exam.[195] And some states supplement the UBE by requiring candidates to complete open-book exams on state law principles.[196]

The UBE itself includes a limited open-book component. The two performance tests administered as part of that exam include small libraries of materials for test-takers to use in addressing client matters. The NextGen examination will preserve this component of the exam, although it appears that the NextGen performance tests will be somewhat shorter. On both exams, the performance tests incorporate some of the advantages of an open-book exam. They do not, however, reduce the amount of memorization needed for other parts of the exam or permit the full testing of research skills.

TIME LIMITS

Definitions of minimum competence in the legal profession do not include speed as an element of that competence. The time limits imposed by the bar exam, therefore, exist only for the convenience of examiners and examinees; they are not integral to measuring minimum competence. If those time limits are too tight, they can produce at least three undesirable effects.

First, some candidates may fail to demonstrate minimum competence only because they do not answer questions quickly enough. With more time to compose their answers, these candidates might pass the exam and provide competent service to clients. Psychometricians refer to this type of exam as one that is inappropriately “speeded.”[197] Second, if an exam is speeded this way, candidates may spend time learning test-taking techniques that will allow them to answer questions more quickly.

This type of exam prep is costly and does not improve the competencies needed for practice. Finally, preparation for a speeded licensing exam can cultivate improper professional practices. The Model Rules of Professional Conduct stress that competent legal representation requires "thoroughness and preparation," not speed.[198] A speeded bar exam would run counter to this ethical obligation, conditioning newly licensed lawyers to analyze client problems quickly rather than carefully.

It is challenging to determine whether an exam is inappropriately speeded. Under one traditional measure, an exam is speeded only if more than 10% of test-takers fail to answer the last question.[199] The NCBE's psychometricians have noted that, under this measure, the multiple-choice questions on the MBE are not speeded: More than 99% of all takers answer all questions on that exam.[200]

Recent research, however, questions the validity of this traditional measure of speediness. Scholars have recognized that "focusing only on items that are not reached underestimates the impact of time constraints."[201] Test-takers may hurry through a speeded test, answering some questions too quickly, because they are aware of the limited time available. They may also lack time to review answers before submitting the exam. Under these circumstances and others, test-takers might obtain higher scores if allowed more time.

Traditional measures of speediness, moreover, are difficult to apply to constructed response questions like essays or performance tests. It is hard to judge whether a test-taker has "completed" their answer to one of those questions. With more time, almost any constructed response could be edited and improved.

Given these concerns, scholars recommend using more nuanced measures to set time limits for a high-stakes exam. Designers of a licensing exam, for example, could ask newly licensed lawyers to answer sample questions while taking as much time as they needed to give competent answers. The time limit for the exam would then be set at the outer limit of that range.[202] This approach links exam administration more closely to professional competence.

It is also important to determine how the ordering of questions affects the time needed to complete the exam. The NextGen exam, for example, will mix multiple-choice questions with constructed-response ones, rather than separating the formats as the UBE does. Nevada's proposed licensing exam moves in the other direction, separating question formats into two entirely separate exams. How do these differing designs affect speediness?

A research brief describing the NCBE's field test of the NextGen exam suggests that the NCBE continues to focus on 90% rules when measuring speediness. That brief describes average and 90th percentile response times for different question types.[203] Based on the research cited above, jurisdictions may want to question that approach—or to adopt a different one with jurisdiction-designed exams. In law, there is little reason to conclude that examinees who take somewhat longer to answer questions are either unprepared or incompetent.

Recent data collected by the Law School Admission Council (LSAC), the organization that administers the LSAT, underscores the importance of reviewing the time limits set for bar exams. The LSAC now administers more than 11.7% of its LSAT exams with accommodations, and two-thirds of those accommodations include extra time.[204] Accommodated test-takers, notably, achieve higher LSAT scores than their non-accommodated peers: "Accommodated test takers scored around 5 points higher on the LSAT compared to non-accommodated test takers across all 5 [most recent] testing years."[205]

Correlation does not establish causation: The higher scores obtained by accommodated test-takers may stem from factors other than the extra time that many of them receive. The correlation, however, at least warrants investigation. If extra time contributes to higher scores on the LSAT, then all test-takers should receive the benefit of that extra time. Bar examiners, similarly, should study the relationship between exam scores and the time allotted to

examinees. If examinees who receive extra time achieve significantly higher scores than other examinees, then the exam may be inappropriately speeded.

QUESTION FORMATS

For many years, the bar exam consisted solely of essays. During the 1970s, as jurisdictions faced substantial increases in the number of bar applicants, the NCBE obtained a grant to develop multiple-choice questions for the exam. At the time, many lawyers were skeptical that multiple-choice questions could capture the nuances of critical legal analysis. Over time, however, multiple-choice questions became a staple of the modern bar exam.

During the 1980s, California introduced performance tests as a component of its bar exam. Those questions provided test-takers with more authentic fact patterns than essay questions, as well as with a short library of statutes, cases, and other materials to analyze. The NCBE began licensing performance tests to jurisdictions in 1997, greatly increasing the spread of this format.

Question formats may be shifting once again. The NCBE's NextGen exam will not include traditional essays. Nevada, similarly, has eliminated essays from its proposed three-step licensing exam. Instead, both licensing approaches focus on performance tests and multiple-choice questions. The NextGen exam, as described previously, will replace essays with questions sets that include multiple-choice and short-answer questions. Performance tasks on the NextGen examination will also be varied in the format of responses and will include medium- and extended-length questions. This shift reflects the limited information that traditional essays provide compared to other question types. Multiple-choice and short-answer questions allow examiners to test knowledge recall and comprehension more efficiently than essays, enhancing the exam's reliability. Performance tests and short-answer questions, meanwhile, test legal analysis and writing in more authentic contexts than traditional essays. Replacing essays with additional multiple-choice questions, short-answer questions, and performance tests, therefore, can improve the assessment of knowledge and skills on a written bar exam.

QUESTION DIFFICULTY

One way that test developers express the difficulty of test items is with a statistic known as the "p-value." For questions with a single correct answer (like a traditional multiple-choice question), the p-value represents the percentage of test-takers who answered the question correctly. A p-value of .50 means that half the test-takers answered the question correctly; one of .20 means that only twenty percent answered the question correctly; and so on. For questions scored with multiple points (such as a short-answer question or performance test), the p-value represents the proportion of possible points earned by the average test-taker. A p-value of .50 for one of these questions, therefore, means that the average test-taker earned half the available points.

On its exams, the NCBE strives for a distribution of p-values, with an average close to .50. That approach helps generate a normal bell curve of scores, which in turn increases the reliability statistic calculated for the exam. Some psychometricians, however, question setting p-values that low for a professional licensing exam. If test-takers have completed a rigorous graduate program, as bar applicants have, their performance on a test of minimum competence is unlikely to generate a normal bell curve. Instead, we would expect exam scores to skew sharply to the left—clustering toward the higher end of the range with a narrow tail sloping to lower scores.

The selection of item difficulty influences both th concept of minimum competence and the selection of a passing score. Jurisdictions adopting the NextGen exam or designing their own exam should ensure that they understand the interplay of these concepts and that they are comfortable with the difficulty of items included on the exams they administer.

These considerations (staging, access to sources, time limits, question format, and question difficulty) for the revision of written examinations must also be paired with attention to the interpretations associated with the assessment results.

Considerations in Setting Passing Scores

Bar exam passing scores serve as an essential function in the legal profession: ensuring that new lawyers possess the minimum competence needed to serve the public. When properly validated and set using evidence-based methods, these standards help protect consumers of legal services while maintaining the profession's high standards. Passing scores established without proper standard setting, on the other hand, create unnecessary barriers to entry without enhancing public protection.[206]

Any type of licensing assessment requires a passing score—the point that separates successful candidates from unsuccessful ones. The innovative licensing approaches discussed later in this report all include competency decisions. This section discusses methods of setting passing scores for a written bar exam. Using more rigorous, evidence-based methods to set bar exam passing scores is an essential part of improving the admissions process for the legal profession.

METHODS FOR SETTING CONTEMPORARY PASSING SCORES

Despite decades of psychometric advances in standard-setting methods, most United States jurisdictions continue to rely on bar exam passing scores established through unscientific processes. Medicine, nursing, engineering, architecture, accounting, and numerous other professions have long used more evidence-based methods to set passing scores for their licensing exams.[207] Those fields follow best practices for standard setting and regularly analyze both false positives (incompetent candidates who incorrectly passed) and false negatives (competent candidates who incorrectly failed) to ensure their standards appropriately balance public protection with professional access.

Those fields also di fer from law by embracing a single passing score for any national licensing exams. The legal profession is unusual in allowing jurisdictions to set widely differing passing scores for the same national examination. Forty-one jurisdictions currently administer the Uniform Bar Exam (UBE), using identical materials, timing, and scoring rules.[208] Those jurisdictions, however, apply five di ferent passing scores ranging from 260 to 270.[209]

Psychometricians urge that standard setting is not an abstract exercise. Instead, "the true measure of any standard is its ability to validly discriminate between those who are competent and those who are not."[210] The legal profession, unfortunately, lacks objective measures of minimum competence. It is difficult, therefore, to determine how well a given passing score distinguishes between competent and incompetent candidates.

WEIGHING THE COSTS AND BENEFITS OF A PASSING SCORE

As the preceding discussion suggests, the legal profession must adopt more rigorous processes for setting bar exam passing scores. Those processes will better protect both candidates and the public. Setting the passing score for a licensing exam, however, is not merely a mathematical exercise. Michael T. Kane, the Messick Chair in Validity at Education and Talend Solutions (ETS), and previously the Director of Research at the NCBE, has developed an influential and guiding framework for validating test score interpretations and uses.[211] As Kane explains, the validation of score interpretations and uses must consider both technical accuracy and systemic consequences.[212] This section outlines the systemic consequences of both high and low passing scores. Test developers and regulators should carefully consider these consequences when choosing a passing score.

Low Passing Scores. Discussions about the bar exam often focus on the costs of setting the passing mark too low: clients may suffer from incompetent attorneys, and the profession's reputation may fall. Although those costs are real, they are often overstated. The research outlined above suggests that low passing scores do not produce more client complaints—on the contrary, they are associated



with fewer of those complaints. And at least some employers supervising candidates who have failed the bar exam find those workers as competent as lawyers who have passed the exam.

High Passing Scores. The costs of high passing scores receive less attention from stakeholders, but they are substantial. These costs fall in at least four buckets. First, high passing scores contribute to shortages of competent attorneys to meet the public's legal needs. In 2010, an empiricist estimated that there were more than 150,000 law school graduates in the United States who had attempted but never passed a bar exam—roughly one in ten J.D. holders.[213] That percentage has held steady over time. Each year, about 10% of J.D. graduates who attempt the bar exam do not pass within two years.[214] This means that about 3,200 J.D. holders a year join the limbo of graduates who wish to practice law but cannot do so.[215] Some of these J.D. graduates may not be minimally competent, but the research discussed above demonstrates that high passing scores have excluded qualified candidates in at least some states. From 2009 through 2018, California alone screened out more than 12,000 qualified candidates who would have passed the bar exam in other jurisdictions.[216] In California and other states, high passing scores contribute to the growing shortage of licensed attorneys.

The individual costs suffered by candidates who fail the bar exam, finall , are an important part of the cost calculus. Candidates who never pass the exam face profound professional consequences, experiencing what researchers call "early career paralysis," a period of 5-10 years when they "lag well behind lawyers on every measure—earnings, employment stability, even marriage and divorce rates."[217] These never-passers experience even worse outcomes than average college graduates, despite their higher-than-average college grades.[218] Public protection requires the imposition of costs on candidates who are truly incompetent, but the costs imposed on candidates who fail the exam despite their competence must be considered.

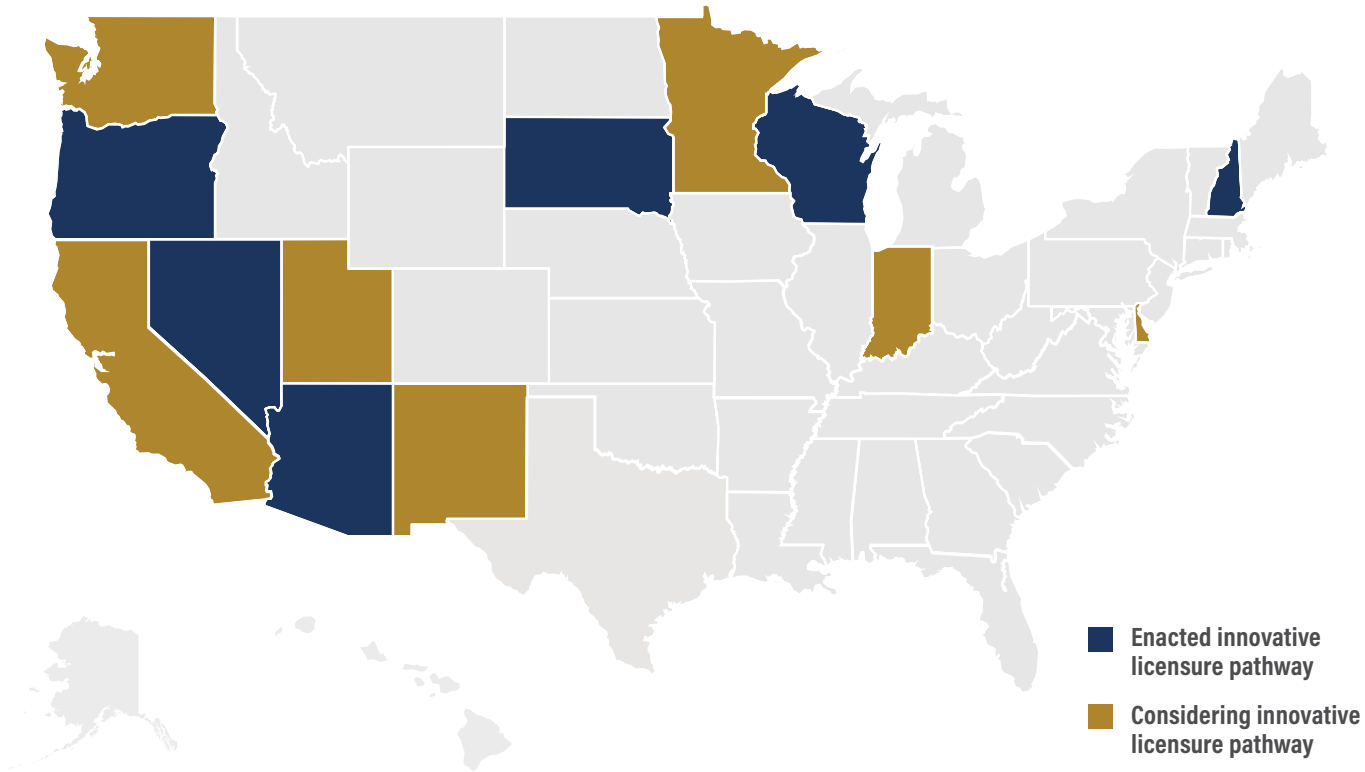
As Kane's framework emphasizes, it is essential to consider all these consequences when setting bar exam passing scores.[219] Public protection is not monolithic. Some aspects of the public interest weigh in favor of high passing scores, while others point in the opposite direction. Especially as the legal profession enters an era of increasing attorney shortages, while still attempting to redress historic inequities, passing scores set at the lower end of a range identified through evidence-based methods may best protect the public.

Innovative Licensure Pathways

Increasingly, states are reforming their bar licensure pathways to include options that do not require an exam or use a hybrid of exam and non-exam approaches. Currently, at least 13 states have enacted, or are considering, these innovative pathways to licensure.

This section first provides an overview of those innovations, discussing the psychometric principles governing construction of innovative assessment methods, the choice between creating one licensing path or many, the possibility of starting with small pilot projects, and the benefits and concerns related to innovative assessments as a group. This section also provides details on the approaches and program models of current and proposed innovative licensure pathways programs across the country, including curricular, supervised practice, and hybrid licensure processes.

Figure 19: Blue states have approved and enacted an innovative pathway to licensure. Gold states are in the process of considering innovative pathways to licensure.



Considerations Related to Innovative Licensure Pathways

PSYCHOMETRIC PRINCIPLES

The psychometric principles that guide the design of written licensing exams apply to other assessment methods as well. Assessments should be valid, reliable, feasible, fair, and aligned with educational programs.[220] Passing scores for innovative assessments should be set by gathering input from stakeholders in a thoughtful, well-structured manner that focuses on developing a consensus definition of minimum competence and on how candidates demonstrate that competence through the assessment.

A growing literature explores the application of psychometric principles to innovative assessments in law licensing.[221] Drawing upon those principles can help jurisdictions design innovative assessments, identify flaws to remed , and reassure stakeholders that new assessments are as (or more) valid, reliable, feasible, fair, and educationally aligned as the conventional methods.

ONE PATH OR MANY?

A threshold issue for states contemplating licensing reform is whether to completely revise their admission's process, replacing the traditional bar exam with other assessment tools, or to offer multiple pathways to licensure from which the applicant can choose.

Most of the programs discussed in this report are options that states have adopted or are considering. Applicants in these states may choose a traditional bar exam (whether designed by the NCBE or the state) or elect a different path. One exception to this is Nevada's Comprehensive Licensing Plan, discussed in more detail below, that replaces the traditional bar exam for all applicants while retaining some written exam segments.

STARTING SMALL

Most of the active programs described in this report started by either limiting eligibility for their new licensing path or by creating a pilot program. New Hampshire's Daniel Webster Scholar Honors Program accepts about two dozen students each year. Oregon's Supervised Practice Portfolio Examination is now open to any eligible candidate but drew insights from a much smaller program that served as a pilot. Both programs are described in more detail below.

Starting with a small or pilot program allows jurisdictions to identify and resolve glitches in the program. A small program may also ease administrative burdens and financial costs. These programs may also support formal assessment to ensure that successful applicants meet or exceed the competence of applicants licensed through more traditional means. On the other hand, as several jurisdictions build experience with new programs, other jurisdictions may feel comfortable building on that experience without pilot programs.

BENEFITS AND CONCERNS

Innovative assessments of lawyer competence promise numerous benefits while also raising multiple concerns. We list here the benefits and concerns that apply generally to innovative licensing paths. In the sections that follow this one, we address more distinctive benefits and concerns that apply to individual pathways.

Benefits of Innovative Assessment Methods Include:

- **Evidence-Based Assessment**: States that are designing innovative approaches to licensing are tying these models closely to research describing minimum competence in the legal profession. The research underlying these assessment methods offers strong assurance of public protection.
- **Enhanced Testing of Skills**: All the novel methods adopted or discussed so far provide enhanced testing of skills that are essential in entry-level practice. The desire to test more skills is a prime motivator for states adopting these methods.
- **Universal Design**: The traditional bar exam imposes many burdens on candidates with disabilities. The innovative approaches discussed in this report incorporate principles of universal design, better addressing the needs of candidates with disabilities. The same approaches also benefit test-takers with caretaking responsibilities
- **Costs to Candidates**: Most of the proposed licensing reforms will not require candidates to purchase a commercial bar course, which can cost thousands of dollars, or to take weeks away from work studying how to pass a closed-book test. This will significantly decrease the costs for prospective lawyers and make the profession more accessible.
- **Feasibility**: The programs already established in numerous states demonstrate that several types of innovative assessments are feasible. Those states have developed rules and materials that can guide other states in designing similar programs.
- **Alignment with Educational Programs**: The new licensing approaches align well with educational trends favoring increased experiential learning and skills development in law school. Proponents of new pathways have worked with both legal educators and practitioners to create a fluid pathway from education through licensing to practice.
- **Access to Justice**: Some of the new licensing options are geared toward attracting more attorneys to work in rural areas, in legal aid positions, or in government jobs.
- **Choice for Applicants**: Providing alternative licensing options allows applicants to choose an option that works best for their learning style, work situation, and family obligations.
- **Improvement of Wellness**: Many lawyers recall the bar exam (and the period spent preparing for that exam) as the most stressful time in their careers. Our profession has recognized the toll that stress takes on lawyers and their clients. By reducing the stress related to the bar exam, new licensing paths make an important investment in lawyer wellness.
- **Earlier Admission to Practice**: Some of the new licensing paths allow graduates to obtain licenses and begin serving clients before their peers receive bar exam results. Others allow graduates to practice with provisional licenses while demonstrating their competence. Earlier admission and provisional licenses benefit the new lawyers, their employers, and the clients they serve. Some small firms, government agencies, public interest organizations, and rural providers are particularly eager to employ graduates the summer after graduation.

Concerns About Innovative Assessment Methods Include:

- **Adherence to Tradition**: The bar exam has a lengthy history, and the legal profession respects tradition. Some stakeholders have resisted innovative assessment methods because they cut against this tradition.
- **Public Protection**: The bar exam's longevity represents validity for some stakeholders. Stakeholders who view the traditional exam as the best way to measure minimum competence have resisted change on the ground that other approaches may "dumb down" admission to practice and threaten public protection as a result.
- **Different Type of Standardization**: Our educational system relies primarily on standardized assessments that require all candidates to answer the same questions or perform the same tasks. Some new licensing paths vary from that norm, assessing candidates on unique pieces of work product generated by the candidate. Those paths use a different type of standardization: they require candidates to submit standard types of work product, and graders apply uniform rubrics to all submissions.
- **Costs to State Bars**: New assessment methods require resources to develop and implement. If a state bar offers candidates a choice of pathways, that choice may impose additional costs in administrative time. Some of the pathways discussed in this report have been developed and implemented by volunteers contributing their expertise. Other pathways may attract grant funding, and still others may ultimately prove less expensive than continued administration of the written bar exam. State bars, however, almost always have to bear some costs upfront—or pass those costs on to applicants. Even with higher licensing fees, applicants may find these pathways less expensive overall, but jurisdictions need to consider these costs.
- **Lack of Geographic Mobility**: The UBE and NextGen exams allow successful candidates to transfer their scores among multiple states. This benefit helps some lawyers attain their career goals and supports interstate practice. At least to start, licenses based on innovative licensing paths are likely to be recognized only in the states issuing those licenses.
- **Second Class Status**: Employers and stakeholders who value the traditional bar exam may view lawyers licensed through other types of assessments as "second class" lawyers. States can mask the method of admission on their websites, but employers and others may ask lawyers about their admission pathway.
- **Independent Work**: The traditional bar exam assesses work completed by candidates in a secure test environment. Bar examiners, therefore, are confident that the work represents solely the candidate's efforts. Other assessment methods operate outside a test environment, creating the possibility that candidates will obtain assistance from licensed attorneys or others.
- **Hazing**: Some lawyers view the bar exam as a hazing ritual. Having survived that ritual, they are reluctant to make things easier for new entrants.
- **Protectionism**: Although many lawyers recognize the extent of unmet legal needs, others worry about competition from too many lawyers. Practicing lawyers have voiced protectionist objections to some new assessment methods, stating explicitly that they do not want to increase the number of licensed lawyers.

Innovative Licensure Pathway Options

The next sections detail the many approaches states are taking to reform attorney licensing, divided into three broad categories: 1) curricular options where the applicants complete most or all bar requirements while attending law school, 2) post-graduation supervised practice options, and 3) other approaches. Most of these options require that bar applicants engage in real legal work under the supervision of an attorney or a law school faculty member.

Curricular Licensing Pathways

Curricular options allow bar applicants to complete most, if not all, of the admission requirements while in law school. These options range from full diploma privilege, which admits applicants who satisfy modest curricular requirements to the bar immediately after law school graduation and completion of the character and fitness process, to programs that require applicants to complete detailed curricular requirements and compile a portfolio of legal work that is evaluated by bar examiners. Some states are considering variations along this continuum.

All these options require that the state bar and law schools work together to develop the curricular requirements and other program elements. So far, the states that have made the most progress are ones with only a few law schools located in the state.

DIPLOMA PRIVILEGE

In the realm of legal education and bar admissions, Wisconsin stands out for its unique “diploma privilege” system. Graduates of the state’s two ABA-accredited law schools, the University of Wisconsin Law School and Marquette University Law School, may become licensed attorneys without taking either the traditional bar exam or the Multistate Professional Responsibility Exam (MPRE). Students must satisfactorily complete a designated curriculum, but the curriculum tracks traditional first-year requirements and o fers numerous options for upper-level courses.[222] The “vast majority” of students graduating from one of Wisconsin’s law schools qualify for the diploma privilege.[223]

Particular Benefits of the Diploma Privilege Include:

- **Minimal Cost for Applicants**: Diploma privilege eliminates the costs that applicants incur when studying for and taking the bar exam. In addition, applicants do not incur any of the expenses that other pathways may impose.
- **Minimal Cost for States**: Diploma privilege also reduces costs for the state courts or bar associations that administer admissions programs. States need not purchase bar exams, rent test-taking sites, or grade exams. Nor do they need to incur any of the costs related to other types of licensing pathways.
- **Minimal Costs for Law Schools**: Wisconsin’s diploma privilege tracks standard courses offered by all law schools. To accommodate students choosing the diploma privilege, law schools do not have to staff new courses, create clinics, or undertake other changes. On the contrary, some schools may benefit financially by reducing the number of academic support faculty they hire t help students pass the bar exam—or by redeploying those faculty members to other types of academic support.

- **Educational Impact**: Diploma privilege allows law students to concentrate fully on their legal education rather than dividing their time between schoolwork and bar exam preparation. When trusted with ensuring that their students graduate ready to practice, law schools may invest voluntarily in courses that offer that preparation, including more in-depth legal research, writing, and other experiential courses.

Particular Concerns About the Diploma Privilege Include:

- **Lack of Uniform Standards**: When a state has more than one law school, stakeholders may worry that the schools differ in the quality of education they offer and the grading standards they apply. If stakeholders do not trust one or more law schools in the state, implementation of a diploma privilege is challenging.
- **Distrust of Law Schools**: Some bar examiners and practicing lawyers hold negative views of legal education, believing that schools do not adequately prepare their graduates to practice law.
- **Lack of Clinical Coursework**: Wisconsin's diploma privilege mandates that applicants complete specified doctrinal courses, along with a limited number of experiential credits as required by the American Bar Association. However, it does not specifically require applicants to participate in clinical programs, which work with clients as part of the coursework. That said, both Marquette University Law School and the University of Wisconsin Law School have developed robust clinical programs that provide students with significant hands-on, in-the-field training, in additio to their extensive simulation-based courses. These clinical programs include legal clinics, judicial internships, and externships, all of which offer direct experience in client representation, advocacy, and real-world problem-solving. While clinical coursework is not mandatory under the diploma privilege, these opportunities are widely available and strongly encouraged, ensuring that graduates gain practical skills in a real-world context essential for competent legal practice.
- **Constitutionality**: Diploma privileges limited to in-state schools may violate the dormant commerce clause.[224] To avoid constitutional challenges, states may need either to offer the privilege to a larger group of law schools or, if they limit the privilege to in-state schools, to create a record demonstrating strong rationales for that limit.

DANIEL WEBSTER PROGRAM

The New Hampshire Supreme Court and the University of New Hampshire created a different type of curricular licensing path, the Daniel Webster Scholar Honors Program, almost 20 years ago.[225] Students in the program complete a rigorous program of experiential and doctrinal classes during their second and third years of law school. Through these classes, they collect portfolios of work product that are reviewed by members of the New Hampshire Board of Bar Examiners. Students that the Board deems minimally competent are sworn into the New Hampshire bar the day before they graduate from law school. They do not need to take a written bar exam to demonstrate their competence, although they must pass the MPRE and a character and fitness revie .

A 2015 study provides quantitative and qualitative evidence of the program's success. In a simulated client interview, for example, Daniel Webster students outperformed new lawyers who had passed the bar exam.[226] This result held even after controlling for the participants' LSAT scores and class rank.[227] Focus groups of employers and program graduates, meanwhile, praised the program for educating graduates who were a "step ahead" of peers who had completed a traditional curriculum and passed the bar exam.[228]

The Daniel Webster program confers many of the general benefits described above.

In Addition, the Program Includes These Particular Benefits:

- **Evidence of Validity**: The 2015 study cited above offers evidence that graduates of the Daniel Webster program perform as well—indeed better than—graduates licensed through a traditional bar exam.
- **Practice-Ready Graduates**: New Hampshire's program is particularly attractive for employers, clients, and other stakeholders who need newly licensed lawyers who are ready to handle client matters on their own.
- **Standardized Assessment**: Portions of the Daniel Webster program allow for standardized assessment. Students, for example, complete standardized simulations as part of the curriculum.
- **Bar Examiner Review**: Unlike diploma privilege, which leaves licensing largely in the hands of legal educators, New Hampshire's bar examiners review portfolios of work product created by the Daniel Webster scholars. Graduates gain bar admission only if the bar examiners conclude that their work product demonstrates minimum competence.
- **Mentoring**: Bar Examiners and program graduates often establish strong mentoring relationships that nourish the graduates' early careers.
- **Academy/Practice Bonds**: The program requires significant cooperation between practitioners (who serve as adjuncts in some of the program's experiential courses) and the law school. These connections can nurture deeper bonds between the academy and members of the bar.

Concerns about the Daniel Webster program include some of the general concerns listed in the previous section.

Other, More Specific Concerns Include:

- **Costs for Law Schools:** The Daniel Webster program demands a substantial amount of experiential education, which is more costly than doctrinal classroom instruction. Law schools that lack a significant number of seats in experiential courses may have to make costly investments in more experiential courses. A law school creating a program like the Daniel Webster one would also have to devote some resources to coordinating program elements and advising students within the program.
- **Scalability**: The Daniel Webster program serves only two dozen students in each graduating class. Making the program available to more students in a law school class would require additional investments in experiential education or development of a "menu" approach to the program, in which students would meet requirements through a variety of courses throughout the curriculum.
- **Involvement of Legal Educators in Licensing**: Some legal educators resist involvement in licensing, preferring to separate education from licensing. Similarly, some bar examiners and practitioners resist involving educators in licensing, believing that one purpose of licensing is to check the quality of legal education. Establishing a program like the Daniel Webster program requires a cooperative attitude in which educators and licensors work together to develop and license minimally competent lawyers.
- **Doctrinal/Experiential Divides in Legal Education**: The culture in many law schools devalues experiential courses and the faculty who teach those courses. It may be difficult to persuade faculty in those law schools to support a curricular licensing path that focuses on experiential education.
- **Opposition to a Standardized Curriculum**: Much of the Daniel Webster program curriculum is standardized, although students can pursue some elective courses. Faculty in some law schools may resist participating in a standardized curriculum. One option for addressing this concern is to pursue the "menu" approach noted above.

Curricular Pathways Under Development

Several states are considering or developing curricular pathways that are at least partially modeled after the New Hampshire program. Each of these pathways would create a licensing option for applicants: applicants could demonstrate their minimum competence by passing the traditional bar exam or by successfully completing the curricular pathway. Applicants pursuing either pathway would continue to satisfy other elements of the licensing process, such as obtaining a passing score on the MPRE and satisfying character and fitness requirements.

OREGON



In January 2022, the Oregon Supreme Court approved a curricular pathway focused on experiential education "in concept."[229] An implementation committee has been working on design of the pathway since then, although the committee initially focused on developing a postgraduation supervised practice pathway that was successfully implemented in May 2024.[230]

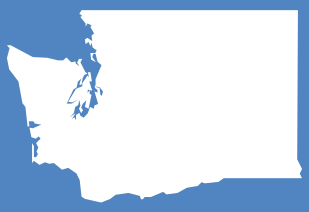
Faculty at Oregon's law schools have raised concerns that a curricular pathway modeled too closely on the Daniel Webster program might require too many law school resources and enmesh them too deeply in licensing. The Oregon committee, therefore, is working on a model that includes standardized exercises created by the Board of Bar Examiners together with a limited portfolio of materials drawn from clinics, externships, or jobs. The pathway would also include doctrinal and experiential course requirements.

MINNESOTA



On March 12, 2024, the Minnesota Supreme Court ordered the creation of an Implementation Committee "to further explore and develop a curricular-based pathway for assessment" that would be available as an alternative to the UBE or NextGen exams and "to explore a supervised practice-based pathway for assessment."[231] That committee began working in early September 2024 and is in the process of gathering information about definitions of minimum competence and approaches to licensing. One resource available to the committee is a blueprint for a curricular-based pathway that was created by faculty from Mitchell-Hamline and presented to the Court. That blueprint addresses concerns about scalability and a standardized curriculum by proposing a menu approach in which students gather experiential credits and portfolio work product from courses spread throughout the curriculum, as well as from externships, part-time jobs, and summer jobs. The committee's recommended design of a curricular pathway is due by July 1, 2026, and recommendations for a supervised practice-based pathway by July 1, 2027.

WASHINGTON



On March 15, 2024, the Washington Supreme Court "adopted in concept" the recommendations of a Task Force report recommending development of a "Law School Experiential Pathway."[232] Under this proposal, students would take experiential law school courses, complete 500 hours of work as a licensed legal intern, and submit to bar examiners a portfolio of work produced during their 500 hours of work. To facilitate this program, Washington would allow students to obtain student licenses after completing one-half of their legal education rather than a full two-thirds.

The Court's order directed "The Executive Director of the Washington State Bar Association [to] convene and support an implementation committee to propose rule changes and identify next steps necessary to implement the [Task Force's] recommendations."[233] The committee has been formed and held its first meeting on November 12, 2024

SOUTH DAKOTA



The South Dakota Board of Bar Examiners and the University of South Dakota Knudson School of Law collaborated to develop a "streamlined pathway" for public interest lawyers to demonstrate their competence without taking the traditional bar exam. A committee on South Dakota Bar Licensure Assessment proposed this pathway in a December 2023 report.[234] The report contemplates a pilot program for up to 10 students enrolled at the Knudson School of Law. These students would pursue a required curriculum, complete externships with attorney supervisors, and commit to working in public service for at least two years after graduation. On February 21, 2025, the South Dakota Supreme Court adopted rules implementing a five-year pilot program providing a public service pathway to bar admission.

OTHER STATES



Committees in Delaware,[235] Georgia,[236] Massachusetts,[237] and New York[238] have recommended consideration of licensing options rooted in experiential education. More concrete steps, such as endorsement by the state's high court or formation of an implementation committee, have not yet occurred in these states. It is possible that development of detailed plans in the states discussed above will spur further action in these and other states.

Post-Graduation Supervised Practice

Post-graduation supervised practice pathways allow applicants to demonstrate their competence while working under a licensed supervisor. These programs have arisen under three circumstances: (A) as a temporary response to the COVID-19 pandemic, (B) as an option for applicants who have already failed the bar exam, and (C) as an option open to any applicant who wishes to pursue the pathway. We discuss each of these categories below.

PANDEMIC RESPONSES

Utah and the District of Columbia allowed some 2020 graduates to demonstrate their competence through supervised practice rather than by taking the traditional bar exam. In Utah, qualifying graduates were licensed after completing 360 hours of supervised practice.[239] The District of Columbia issued provisional licenses to some applicants, offering them full admission after three years of successful supervised practice.[240] Neither of these programs persisted beyond the pandemic, but they contributed to a growing sense that supervised practice could establish an applicant's competence to practice law.

Although limited in time, these programs conferred many of the general benefits described above. They also conferred several specific benefits

- **Maintaining Public Health:** The supervised practice programs allowed Utah and the District of Columbia to continue bar admissions without compromising the health of applicants or the public.
- **Maintaining Prompt Bar Admissions**: While other states postponed administration of their bar exams and/or moved those examinations online, Utah was able to maintain its regular admissions timeline. Successful candidates were admitted promptly to the bar and began serving clients.
- **Reducing Stress for Applicants**: The pandemic created extraordinary psychological stresses for everyone. Many states compounded that stress for recent law graduates by forcing them to take the bar exam in convention centers, postponing the exam, and/or moving the exam online. Utah and the District of Columbia alleviated those extra stresses.
- **Allowing Experimentation**: By creating these modest programs, Utah and the District of Columbia fostered experimentation with different methods of assessing competence. In the coming years, it may be possible to compare attorneys admitted under these programs with attorneys who passed the traditional bar exam. Utah's rules also provided a starting template for other states to use when designing more complex systems for licensing through supervised practice.

Concerns about these pandemic-era programs parallel the general concerns discussed above. In addition, critics raised these specific concerns

- **Lack of Rigor**: The programs were adopted quickly and did not provide for any independent review of work produced by candidates.
- **Impermanence**: By design, these programs lasted for only a short period. It is difficult to measure their success.
- **Unfairness**: Some applicants licensed just before or after 2020 view these programs as offering an "unfair advantage" to 2020 graduates. This may be especially true of 2021 and 2022 graduates, who continued to suffer impacts from the pandemic.

SUPERVISED PRACTICE AFTER FAILING THE BAR EXAM

Three states have offered supervised practice pathways to some applicants who failed the bar exam. California was the first state to adopt this approach. After the state lowered its passing score from 1440 to 1390, it offered a supervised practice opportunity to applicants who had achieved scores of 1390-1439 during the previous 5 years.[241] Those applicants could apply for a provisional license and be admitted fully to the bar if they: (a) completed 300 hours of supervised practice, and (b) obtained a positive recommendation from their supervisor. A study of that pathway, based on survey results, has been published.[242] The study and pathway have also been featured by Harvard's Center on the Legal Profession.[243]

In 2022, Oregon developed a supervised practice pathway for candidates who failed the state's February 2022 bar exam. The heating system failed at the exam site that year, creating challenging conditions for exam takers. In response, the Court approved a supervised practice pathway for candidates who failed that exam.[244] The pathway, called Oregon's Provisional Licensing Program, required candidates to complete 1,500 hours of supervised practice, to submit eight writings to the Board of Bar Examiners for review, to provide assessments of two client interactions and negotiations to the Board, and to satisfy a number of other requirements.[245] The Oregon State Bar maintains a website that offers extensive detail about the program.[246]

Arizona, finall , recently adopted the "Arizona Lawyer Apprentice Program" (ALAP).[247] This pathway is open to applicants who score between 260 and 269 on the Uniform Bar Exam (UBE)—not quite meeting Arizona's minimum score of 270 for admission. To earn full licenses, ALAP participants must practice law for two years under the direct supervision of a lawyer with at least five years experience. Participants must also be employed by a public or private law office located in a rural Arizona community or in a public law office located anywhere in the state.

All three of these states require participants to receive a passing score on the MPRE, meet character and fitness requirements, and satisfy any other conditions for bar admission. The supervised practice pathway substitutes only for a passing score on the bar exam.

These programs share many of the general benefits and challenges described above. More specific benefi of these programs include:

- **Credibility Based on Bar Exam Scores**: Applicants pursuing these programs have already studied for the bar exam and demonstrated some level of competence on the exam. These facts may reassure stakeholders who believe that the traditional bar exam is essential for demonstrating competence. This advantage is particularly strong in the California and Arizona programs, which enroll only participants who have achieved exam scores that would qualify them for admission in other jurisdictions.
- **Attractive Cost/Benefit Rati** : Retaking the bar exam is costly and may yield little improvement in an applicant's understanding of the law. Especially for candidates who achieve a score that is close to the passing score, their time may be better spent honing practice knowledge and skills under the supervision of a licensed attorney.
- **Opportunity to Learn from a Limited Program**: These programs serve a limited number of candidates, allowing a jurisdiction to learn about supervised practice and develop a more comprehensive program if desired. In Oregon, the rules, rubrics, and other materials developed for the Provisional Licensing Program informed development and implementation of the Supervised Practice Portfolio Examination discussed below.

Specific concerns about these programs (in addition to the general concerns outlined in the previous section), include:

- **Investment of Time and Resources**: Even the simplest of these programs, like California's pathway, require some investment of time and resources from bar admissions staff and employers. Oregon's program, which included extensive portfolio review by bar examiners, was particularly demanding. These burdens must be carried while admissions staff and bar examiners continue the traditional bar exam.
- **Taint from Failure**: Stakeholders who believe that the bar exam provides the best measure of minimum competence may be particularly skeptical of candidates who use supervised practice to gain admission after failing the bar exam.

FULL-FLEDGED SUPERVISED PRACTICE PROGRAMS

Oregon

In May 2024, Oregon launched a supervised practice program that is open to any candidate who would be eligible to take that state's bar exam. This "Supervised Practice Portfolio Examination" (SPPE) allows candidates to demonstrate their competence by successfully completing law school courses in eight doctrinal areas tested on the bar exam, successfully completing 675 hours of paid legal work supervised by a licensed attorney, submitting eight pieces of legal writing that bar examiners deem minimally competent, submitting documentation of two client encounters and two negotiations that bar examiners find minimally competent, and satisfying several other program requirements.[248]

SPPE candidates undergo a character and fitness review before participating in the program. Once their character and fitness have been confirmed they receive provisional licenses that allow them to practice under the supervision of a licensed Oregon attorney. The restrictions on these licenses track those in Oregon's certified student intern program.

The provisional licensees and supervising attorneys complete video training sessions as part of the program. These sessions explain program details, discuss best practices for giving and receiving feedback, explore workplace accommodations for provisional licensees with disabilities, and discuss research related to implicit bias in the legal profession. The SPPE website also offers extensive frequently asked questions (FAQs) and other materials for participants.

The Oregon bar examiners use detailed rubrics, published on the program's website, to score work product submitted by the provisional licensees. Volunteer graders assist the examiners in grading, just as they do for the traditional bar exam. These volunteers are chosen to represent the diversity of lawyers, practice areas, and practice settings in Oregon.

Examiners and graders gather four times a year to assess SPPE work product. Before grading begins, a facilitator calibrates graders by training them on sample work product and developing a consensus on applying the rubrics to the work product. Two graders assess each piece of written work product independently and, when they disagree about whether a writing is minimally qualified, they engage in a conciliation discussion. If they cannot reach agreement through that discussion, a bar examiner casts the tie-breaking vote.

Oregon uses a particularly rigorous passing score for its portfolio reviews. Candidates must receive a score of "achieves minimum competence" on every rubric criterion applied to a writing, client encounter, or negotiation. They cannot compensate for shortcomings on one criterion by exceeding minimum competence on another. Similarly, candidates cannot use a superior performance on one work product to compensate for flaws in another work product: They must achieve minimum competence on all rubric criteria for each of the eight writings, two client encounters, and two negotiations required for program completion. Candidates, however, are allowed to continue submitting portfolio items until they receive passing grades on the required number of items.

The Oregon State Bar has completed four grading sessions (in August 2024, October 2024, January 2025, and March 2025) for SPPE candidates. After the grading sessions, graders expressed their confidence in the process. They found determinations of minimum competence relatively straightforward, even when judging work product from different practice areas. They also appreciated the opportunity to discuss work product with a diverse group of attorneys.

The Oregon graders have not expressed concern over whether the candidate work product is sufficiently independent. Consistent with good lawyering, the SPPE rules allow candidates to seek input on their writing and to use templates,

forms, or models. The candidates must report that input, attach any templates, forms, or models, and highlight customized portions of their writing. Supervising attorneys must review those representations and attest to the extent of the candidate's independent work. Those requirements, combined with other guardrails (such as a prohibition against family members supervising candidates), have been sufficient to reassure Oregon's graders.

During its first yea , Oregon charged SPPE applicants $250 more than it charged applicants taking the traditional bar exam. That difference, however, occurred because the Admissions Department was in the process of increasing fees due to rising costs for all applicants. Starting with the July 2025 bar exam, applicants for either the SPPE or traditional bar exam will pay the same $1000 fee. SPPE applicants, however, must pay an additional $500 per year to maintain their provisional licenses. That fee helps underwrite the cost of maintaining two separate licensing pathways, as well as the costs of overseeing provisional license holders. SPPE participants, however, avoid the costs of bar preparation and can earn a salary while demonstrating competence.

The ABA Journal online has featured the SPPE249 and numerous states have expressed interest in the program. Oregon's SPPE website, which includes the rules, rubrics, and other materials designed for the program, provides an excellent starting point for jurisdictions interested in this option.

Benefits of Oregon s SPPE include many of the benefits attributed to other innovative assessment methods.

More Specific Benefits Include:

- **Validity**: The SPPE aligns particularly well with minimum competence because participants engage in entry-level law practice and are assessed on work product generated from that practice.
- **Reliability**: Although applicants engage in diverse practice areas and produce unique work samples, bar examiners apply standardized rubrics to all work product. Those rubrics, combined with calibration and conciliation at the grading sessions, ensure that graders apply a consistent concept of minimum competence to all work.
- **Accountability**: Independent review of work product by examiners provides accountability to the public. The program's requirement that supervisors pay provisional licensees at least the salary they would pay other recent law school graduates provides a second layer of accountability. If provisional licensees do not generate competent work, their supervisors will not continue their employment.

> LAW SCHOOLS ARE EAGER TO INCORPORATE PRACTICE READY SKILLS. BUT THE BAR EXAM MAKES THIS MORE DIFFICULT."
>
> *—CLEAR listening session attendee*

Concerns about Oregon's SPPE include ones listed in the introductory section above.

More Specific Concerns Include:

- **Lack of Breadth**: While the bar exam assesses knowledge in eight or more doctrinal areas, SPPE candidates may practice in a single area. The SPPE rests on research suggesting that lawyers who have completed a three-year JD program and demonstrated their competence in one practice area will be able to transfer that competence to other areas (as more senior lawyers often do). Stakeholders who are not persuaded by this research worry about the breadth of lawyers licensed through the SPPE.
- **Graders' Lack of Expertise**: Some critics suggest that SPPE graders may lack sufficient knowledge of a candidate's practice area or a particular client matter to assess the candidate's minimum competence. How will the grader, for example, know whether the candidate has identified all the issues in a client matter? Oregon has addressed this question by: (1) requiring candidates to complete cover sheets that provide the context for writings, client interactions, and negotiations, (2) requiring supervising attorneys to attest that the legal doctrine discussed in a candidate's work product is accurate to their best of their knowledge, and (3) directing graders to spot check sources cited in candidates' work. Some stakeholders, however, retain this concern.
- **Lack of Supervising Attorneys**: Before implementation of the Oregon program, some stakeholders worried that licensed attorneys would be unwilling to serve as supervisors. A sizable number of attorneys have been willing—and even eager—to take on that role, although it is too soon to know whether the supply of supervising attorneys will match demand over the long term.
- **Ethical Lapses**: Critics have suggested that programs like the SPPE might encourage supervisors to entrust applicants with tasks that the applicant is not yet competent to handle. Oregon's SPPE rules, however, require supervising attorneys to "assume personal professional responsibility for the [applicant's] guidance in any work undertaken and for supervising the quality of the [applicant's] work."[250] SPPE applicants, in effect, "practice on" the supervisor's license—with the supervisor accepting full responsibility for any incompetence or ethical lapses.
- **Obligations to Clients**: Critics have also questioned the role of SPPE graders in notifying clients if work product is judged incompetent. All work product submitted for SPPE grading, however, has been overseen by a licensed attorney with supervisory responsibility under both the Rules of Professional Conduct and the terms of the SPPE provisional license. Graders are unlikely to receive work product that is so incompetent that it raises ethical concerns. Instead, the SPPE program may enhance the quality of representation through the feedback that graders offer applicants on their work product.

Other States

Committees in Minnesota and Washington are designing postgraduate supervised practice programs after receiving approval "in concept" of the pathway from their respective supreme courts. The reports supporting these designs suggest that the pathways will be similar to the one adopted in Oregon. The Washington program, however, may also draw from the state's existing Washington State Law Clerk Program.[251]

The Minnesota committee began work in September 2024, although (consistent with the Minnesota Supreme Court's order), the committee is prioritizing work on a curricular licensing path. The Minnesota committee's design for a postgraduate supervised practice pathway is due July 1, 2027. The Washington committee held its first meeting in November 2024.

California has also considered the adoption of a supervised practice program that would be more comprehensive than the one adopted when the state lowered the passing score on the bar exam. In December 2023, the California State Bar's Board of Trustees recommended that the Supreme Court create a pilot Portfolio Bar Examination (PBE) that resembled Oregon's SPPE in many ways.[252] In October 2024, however, the Court rejected the proposal.

The Lawyers' Justice Corps

Professor Eileen Kaufman and several other scholars have proposed a variation on Oregon's program called the Lawyers' Justice Corps. This program would include many of the Oregon program's features but would limit participation to lawyers working for public service organizations. A website collects information and research supporting this proposal.[253] The primary features of the pathway are:[254]

- A jurisdiction's highest court would designate public service organizations that qualify for the program. These organizations should serve underrepresented individuals or communities.[255]
- Qualifying organizations would hire law graduates for job openings, using their usual hiring practices and offering their customary compensation.
- The Justice Corps lawyers would begin working for their organizations shortly after law school graduation, rather than deferring work to prepare for the bar exam. The jurisdiction would provide provisional licenses (which already exist in most jurisdictions) allowing the new lawyers to perform most lawyering tasks under supervision.
- The host organizations would supervise and provide regular feedback to the Corps lawyers.
- Candidates would compile portfolios of written work product, as well as assessments of their performance in client interviews and negotiations. All work product would be redacted to protect client interests.
- Candidates would submit those portfolios anonymously to graders appointed by the board of bar examiners. Those graders would use standardized rubrics to determine whether the candidate has demonstrated minimum competence.
- Candidates would have multiple opportunities to submit work product to graders, as in Oregon's SSPE. Once a candidate has completed six months of supervised practice and submitted sufficient materials found minimally competent, then the candidate would be eligible for bar admission without taking the traditional bar exam.
- The candidate would have to satisfy all the jurisdiction's other requirements for admission, such as graduating from an accredited law school, successful completion of the MPRE, and completion of a character and fitness revie . Justice Corps work would only take the place of passing the traditional bar exam.

No state has yet adopted the proposal, but it has been discussed favorably by groups of reformers. The proposal also draws support from a survey of new lawyers and supervisors who participated

in the supervised practice program that California adopted after lowering its cut score. The graduates and supervisors working in public service organizations voiced particularly strong support for the supervised practice licensing path.[256] That pathway, they explained, allowed new graduates to demonstrate their lawyering competence while expanding the organization's services and developing the practice skills needed to serve clients effectively.

Other State Efforts

JOURNALING IN PLACE OF THE MPRE

As part of its SPPE program (discussed above), Oregon offers a non-exam alternative to establishing competence in professional responsibility. Participants in that program may choose between achieving a passing score on the MPRE and "completing a set of 10 journal entries devoted to issues of professional responsibility or professionalism." Each entry must "describe a lawyering situation that raises an issue of professional responsibility, identify relevant Oregon Rules of Professional Conduct and other sources, analyze the issue, and offer a conclusion," although the conclusion may "if appropriate, note that resolution of the issue is unclear or disputed."[257]

To encourage good habits of exploring professional conduct issues, the rules for the journaling option explicitly encourage applicants to "discuss the issues they write about with colleagues, the State Bar's Legal Ethics Hotline, and other sources."[258] To ensure that applicants address a breadth of issues, their journal entries must "discuss rules drawn from at least 5 of the 8 chapters of the Oregon Rules of Professional Conduct." [259] Examiners independently assess the content of all entries to determine competence in professional responsibility. Oregon has published a rubric governing that assessment, as well as regulations to guide applicants and a template for them to follow.

Oregon adopted this assessment option in the context of its postgraduate supervised practice pathway, but the approach could be adopted for other pathways as well. States, for example, might offer this journaling option even to applicants who pass a traditional bar exam.

Benefits of the Professional Responsibility Journaling Option include:

- **Authenticity**: Critics of the MPRE note that it presents test-takers with clearly defined situations in which an ethical issue has arisen. The greatest challenge for attorneys in practice is to recognize ethical issues as they emerge from more complex fact patterns. The journaling option focuses applicants on identifying issues as they arise in practice.
- **Cultivation of Good Habits**: Ethical conduct requires awareness, reflection, and a willingness to consult others for guidance. The journaling option encourages the development of these habits among new lawyers.

Concerns about the Journaling Option include:

- **Reporting Issues**: If a journal entry reveals an ethical violation by the candidate, their supervisor, or another attorney, does the Board of Bar Examiners have a duty to report the violation? The Oregon examiners have just started reviewing journal entries, but an initial review suggests that this situation will be uncommon. Entries tend to discuss situations that have been properly resolved or to express concern about actions that would not rise to disciplinary violations. The examiners are developing guidelines for handling any more problematic reports.

Hybrid Approaches

UTAH'S COMBINATION PATHWAY

The Utah Supreme Court has published rules that would create an "Alternate Path" to licensure in that state. This path would not replace the bar exam; indeed, it would be available only to candidates who have not previously sat for the bar exam in any United States jurisdiction. Candidates who have already taken a bar exam, as well as those who prefer the traditional exam, would continue to elect the traditional path. Utah's proposed rules were open for public comment through December 19, 2024.[260]

Utah's Alternate Path includes a combination of experiential education, post-graduate supervised practice, standardized examination, and other elements. The elements of the pathway, which closely track the competencies outlined in the *Building a Better Bar* study, are: [261]

- Successful completion of 14 law school courses that provide knowledge of legal sources and processes as well as threshold knowledge in diverse subjects. The rules require some of these courses and provide menu options for others.
- Successful completion of a first-year writing experience and an upper-level writing experience that meet ABA standards.
- Completion of six credits of experiential learning in law school.
- Demonstration of competence in legal research through successful completion of both introductory and advanced legal research courses (with 40 hours of legal research completed during postgraduate supervised practice eligible to substitute for the advanced course).
- Completion of six hours of training in well-being.
- Completion of two hours of training in self-directed learning.
- Successful completion of an "Alternate Path Examination" that tests understanding of legal processes and sources of law, the ability to interpret legal materials, the ability to identify legal issues, and the ability to communicate as a lawyer.[262]
- Completion of 240 supervised practice hours under the supervision of a qualified attorney that include 20 hours of client-facing work and 50 hours of pro bono service.
- Completion of a final survey reporting experiences in the program

Utah's proposal shares many of the general benefits outlined earlier in this report: It hews closely to an evidence-based definition of minimum competence and aligns well with the demands of entry-level law practice.

Another, more distinctive benefit of the Utah plan lies in the fact that it combines elements of coursework, supervised practice, and an exam. By adopting complementary assessment methods, Utah's plan may overcome concerns that critics have raised about each of those assessment methods individually.

Distinctive concerns about the Utah plan include:

- **Uncertainty About the Exam Component**: The content and structure of the Alternate Path Examination is not clear. The exam is likely to resemble the performance tests on the UBE, but that has not yet been specified
- **Limitations of Written Exams**: Since applicants must pass a written exam as part of the path, criticisms of written exams apply to this pathway, e.g., the exam may suffer from speediness or present challenges to candidates with disabilities. Utah, however, may be able to address these concerns through careful design of the exam.
- **Accountability**: Several portions of the pathway require candidates to complete tasks without providing any independent assessment of the candidate's success.

NEVADA'S COMPREHENSIVE LICENSING EXAM

After multiple years of study, Nevada is proceeding with development of an innovative three-part Comprehensive Licensing Examination (the Nevada Plan) designed to improve how Nevada protects the public from incompetent practitioners.[263] The Nevada Plan rests on five key standards: (1) using the best available contemporary research about minimum competence, (2) costing the State Bar no more than the current bar exam, (3) reducing the time and money that candidates currently devote to preparing for the bar exam, (4) omitting unnecessary barriers that might exclude candidates with caretaking responsibilities, those from disadvantaged backgrounds, and those who live with disabilities, and (5) ensuring psychometric soundness, i.e., that the Nevada Plan is valid, reliable, fair, educationally effective, and feasible. [264]

The Nevada Plan includes three components: (1) A Foundational Law Examination consisting of 100 multiple-choice questions focused on 20 foundational concepts in each of seven subject matter areas (contracts, torts, civil procedure, evidence, constitutional law, real property, and criminal law and procedure) currently tested on the Multistate Bar Exam (MBE), (2) a Lawyering Performance Examination that would require candidates to complete three performance tests, and (3) a Supervised Practice component that would require candidates to engage in 40-60 hours of supervised practice that includes client interaction.

The Nevada Plan has several distinctive features. First, candidates will be able to take the two written examinations at different times. The Foundational Law Exam will be offered four times a year at test centers nationwide, and candidates could take that exam after finishing 42 credits of JD work (about half the JD curriculum). The Lawyering Performance Exam will be offered twice a year, January and May, and candidates will take that exam after graduating from law school. Second, the Foundational Law Exam will focus on foundational concepts rather than requiring the amount of memorization needed to pass the UBE or NextGen exams. These first two features of the proposal should reduce or eliminate the need for candidates to purchase expensive bar prep courses and forgo income while preparing for the bar exam. The more limited content scope and timing are designed to better integrate legal education with bar assessment and, consistent with research on memory and cognitive science, increase the amount of doctrinal knowledge that candidates will retain following the assessment.

Third, the Nevada Plan is the first to require all candidates for bar admission to engage in supervised practice and interact with clients before they are licensed. Candidates will be able to satisfy that requirement

in multiple ways, including through law school clinics and externships. Legal aid organizations have developed modules to enable candidates who have not satisfied the supervised practice requirement during law school to complete their requirement in pro bono programs supervised by legal aid lawyers throughout the state. These modules address fast-moving areas of great need, such as protective orders and eviction defense, enabling candidates to complete the requirements during the weeks that would otherwise have been spent in bar exam preparation.

The Nevada plan confers many of the benefits generated by all innovative assessment methods. Distinctive benefits of the plan include:

- **Gradual Reform**: By responding to criticisms of the traditional bar exam while retaining two written exams, the plan may appeal to stakeholders who value the traditional exam and worry about making larger reforms.
- **A Single Licensing Path**: Unlike most of the other assessment methods discussed in this report, Nevada has proposed modifications in its licensing path that would apply to all applicants for bar admission. This eliminates concerns about creating two classes of licenses, as well as the expenses that accompany administering multiple licensing pathways simultaneously.
- **Budget Neutral for States**: Nevada is seeking a grant to underwrite development of questions for the Foundational Law Exam. Once those questions have been developed, Nevada anticipates paying no more to maintain and update those questions than it currently pays to license MBE questions from the NCBE. Nevada's bar examiners, who already write and grade essays and performance tests for the Nevada Bar Exam, will shift their work to writing and grading the Lawyering Performance Exam. The state bar anticipates some cost savings from moving part of the exam from rented venues to test centers. Those savings will help underwrite administrative costs associated with shifting from one exam format to another.
- **Availability for Other States**: Nevada plans to make its materials available to other interested states. Those states will be able to license Foundational Law Exam questions and supervised practice materials from Nevada, almost certainly for less than the cost of licensing the NextGen exam from the NCBE. States will also be able to license Nevada's Lawyering Performance Exam questions if desired—or to create their own questions based on Nevada's model.
- **Compatibility with Legal Education**: The staged examination complements applicants' law schoolwork. They can take the Foundational Law Exam soon after completing those subjects in law school. Law schools may also design upper-level courses that tie together concepts from the subjects tested on the Foundational Law Exam. This will deepen an applicant's understanding of the material while preparing them for the exam.
- **Scalable Supervised Practice**: Nevada's plan ensures that all newly licensed lawyers have experience with client matters, without imposing burdens on law schools or employers. The modest requirement of 40-60 hours of supervised practice should be attainable through existing law school clinics or externships, postgraduation employment, or legal aid placements.

Distinctive concerns about the plan include:

- **Limitations of Written Exams**: Like the Utah plan, the Nevada plan retains written exams as part of the licensing pathway. Concerns about written exams thus apply to this pathway. The exams, for example, may suffer from speediness or present challenges to candidates with disabilities. Nevada, however, may be able to address these concerns through careful design of the exams.

Additional Pre- and Post-Admission Issues

Other areas within state supreme court regulatory authority warrant inquiry. This section details additional issues for consideration related to 1) character and fitness reviews, 2) portability and reciprocit , 3) jurisdiction-specific pre-admissions requirements and continuing legal eduction.

Character and Fitness

Character and fitness reviews are an important component of the public protection aspect of the bar admission process. A character and fitness review allows licensors to identify items in a candidate's background, like criminal records or financial issues, that may call into question whether the candidate meets the ethical and professional standards required for licensure.

The role of the character and fitness review is to ensure that candidates for licensure possess honesty, integrity, and a general fitness for practice; however, aspects of the character and fitness process in many states do not always meet these goals. Though a typical current character and fitness background check is more extensive than those for national security clearances, recent empirical research casts doubt on whether the information obtained meaningfully predicts future misconduct.[265] The most comprehensive empirical study to date—examining over 1,300 Connecticut lawyers—reveals that the information collected during character review provides minimal predictive value.[266] Even factors that double the likelihood of discipline raise the probability from about 2.4 percent to only 5 percent, offering little practical guidance for screening decisions; researchers could identify only two individuals, out of over 1,300 examined, who had more than a 50 percent chance of being disciplined.[267]

Mental health inquiries raise additional concerns. The Connecticut study found that none of the applicants who received severe discipline had reported a mental health diagnosis or treatment on their applications.[268] Those who disclosed mental health treatment were more likely to receive less severe rather than more severe discipline, suggesting that seeking help may indicate better judgment.[269] Recent research indicates that about one-quarter to one-third of law students experience mental health challenges, but substantial majorities avoid seeking treatment due to concerns about bar admission.[270]

Meaningful public protection starts with a clear-eyed focus on the limitations of well-established, well-intentioned, and wide-ranging character and fitness inquiries [271] Better public protection requires inquiries limited to certain aspects of a candidate's record that do raise red flags, followed by potential pathways toward licensure that balance public protection with fairness to candidates.[272]

Recent reform initiatives, including efforts by the NCBE to revise its character and fitness application and the ABA to amend its model rule on conditional admission, reflect a growing recognition that the current system requires fundamental reconsideration to better serve its public protection goals while ensuring fairness.[273] Conditional admission is a probationary form of bar admission that allows state bars to attach specific conditions to an applicant's admission to practice law. Anecdotally, this "safety net" approach is mostly used for applicants with substance abuse or mental health histories. However, most jurisdictions that offer conditional admission offer it for a wide range of additional concerns, including consumer debt. Currently, twenty-four states provide for admission with conditions.[274]

Portability and Reciprocity

Nearly all states and U.S. territories allow reciprocity, pro hac vice, military spouse, or out of state motion into their state bars. Nearly all require graduation from an ABA-accredited law school, a minimum time practicing requirement, a UBE transfer, and/or an in-house non-admitted registration requirement. However, there is no set portability or reciprocity for those who graduated through an innovative licensure program. Graduates of innovative licensure pathways typically sit for the bar exam if they want to practice in another state. The Daniel Webster Scholars Honors Program (DWS) is currently working on gathering data of their graduates sitting for a bar exam, but from 2008 to 2015, 46 percent took at least one other bar, and 96 percent of those students passed on the first tr .

Jurisdiction-Specific Pre-Admissions Requirements and Continuing Legal Education

In addition to the UBE and MPRE, some jurisdictions set bar admissions requirements that include a course or third exam before admission to the bar. Six states and the Virgin Islands require applicants to pass an exam testing aspects of their jurisdiction's law.[275] All seven of these exams are open-book, multiple-choice exams administered online.[276] The number of questions ranges from 25 (in Ohio) to 60 (in Washington State), and candidates may retake these exams as often as needed to pass. In five of the jurisdictions, candidates may take the online exam at any time and receive their scores immediately. Candidates who fail an exam in these jurisdictions may retake the exam immediately (Maryland and Missouri) or after a 24-hour waiting period (Massachusetts, Ohio, and Washington).

New York offers its state-specific exam three times a year and the irgin Islands offers its exam four times a year. Candidates in these jurisdictions must take the exam at the specified dates and times. These dates do not coincide with the administration of the UBE, so candidates may focus on the subject matter of each exam separately.

Ten other UBE jurisdictions require candidates to complete a short course covering distinctive aspects of that jurisdiction's law.[277] These courses are all offered online, and most of them are available on demand. Some of the courses include embedded questions that candidates must answer correctly to continue with the course.

Continuing legal education (CLE) is another mechanism state supreme courts use to promote and maintain ongoing competence and professionalism and to ensure that lawyers remain current with developments in the practice of law. Most states require CLE to maintain an active law license, with just 6 jurisdictions that do not have mandatory CLE requirements. Jurisdictions vary in their hour requirements, ranging from 3-15 hours, and subject matter requirements, from ethics and professional responsibility to technology and training in state-specific law and procedure.

CLE can serve as an important tool for addressing gaps in practice readiness as new attorneys transition into the legal profession, encouraging mentorship, and helping new attorneys to continue developing practice skills. In Ohio, for example, newly admitted attorneys are required to complete New Lawyers Training (NLT), consisting of 12 CLE hours with topics that include professionalism, law office management, client fund management, aspiration ideals of the legal profession, and substantive law topics in specific practice areas.[278] Another example, Alaska, allows attorneys to earn a limited number of CLE hours by mentoring another member of the Alaska Bar Association in providing effective pro bono services.[279]

Table 9: Summary of jurisdiction-specific pre-admission requirements

Jurisdiction	Pre-admission requirement
Alaska	1.5-hour video on attorney ethics
Alabama	Online course on AL law
Arizona	Online course on AZ law
Colorado	CO Supreme Court Course on Practicing with Professionalism
Delaware	5-month clerkship and pre-admission session conducted by Supreme Court and Board of Bar Examiners
Indiana	Indiana Law Course—a jurisdiction-specific component on Indiana law—no later than six months after the date of the applicant's admission to the Indiana bar. The online, 8-hour course is offered on demand and consists of nine individual modules covering the subjects of Civil Procedure, Torts, Evidence, Criminal Law and Procedure, Indiana Constitutional Law, Wills, Trusts, and Estates, Family Law, Professional Responsibility, and the Practical Aspects of Practicing in Indiana.
Maryland	Online MD Law Component on MD law and online quiz
Massachusetts	Online multiple-choice test on MA law and procedure
Michigan	Online MI Law Basics Training
Missouri	Online MO Educational Component Test
Montana	Online MT Law Seminar
New Mexico	Online NM Law Course
New York	50 hours of pro bono, online NY course, and exam on NY Law Skills competency requirement
Ohio	Online OH Law Component exam
South Carolina	Online Course of Study on SC law
Tennessee	Online TN Law Course
Texas	Online TX Law Course
U.S. Virgin Islands	Online USVI Law Component test
Washington	4-hour online WA Law Component Course

Public Interest and Public Service Attorneys

While the number of students pursuing public interest has grown over the past 20 years, with a record number of law graduates entering public interest and government careers in 2023, public interest-minded law students continue to face barriers, from persistent negative perceptions of public interest work, to unclear career pathways, to lower salary and higher debt burdens as compared with private practice. Additionally, early career public interest attorneys face a host of challenges that contribute to relatively low retention rates across public interest organizations. New attorneys often struggle with the concrete realities of managing educational debt on public interest salaries and entering often under-resourced public interest organizations with high caseloads and related stressors.

Rural communities feel the effects of the justice gap acutely, with 50-60% of all rural counties across the U.S. considered legal deserts, meaning there is less than one lawyer available for every 1,000 people. Rural areas struggle to recruit attorneys due to lack of access to law schools, long distances between courts and clients, lack of support for new attorneys, lower salaries in some areas, and lack of affordable housing options. Additionally, solo practitioners face additional burdens in a lack of educational debt support, low contract or court appointment rates, and a lack of health insurance and other employer benefits.

The sections that follow document the challenges and strategies stakeholders have employed to address them related to 1) law school experiences, 2) cost, debt, and salary, 3) the first years of public interest practice, and 4) rural practice.

Law School Experiences

In the fall of 2023, there were 116,851 students enrolled in J.D. programs at the 196 ABA-accredited law schools, with 37,886 students beginning their first yea .[280] The American Association of Law Schools' Before the JD study found that most law students are motivated to enroll by a concern for the public good:

> Undergraduates considering law school report that their top reasons for going are that it is a pathway to a career in politics, government, or public service (44%) and that they have a passion for and high interest in the type of work (42%). Other important reasons given are opportunities to be helpful to others (35%) and to advocate for social change (32%).[281]

Figure 20: Motivations for enrolling in law school

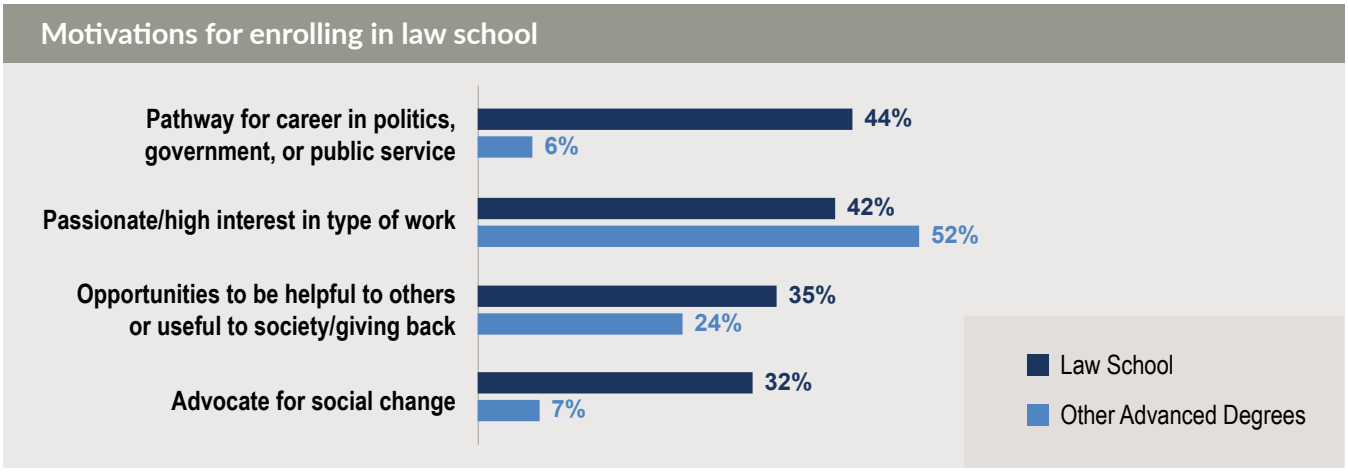
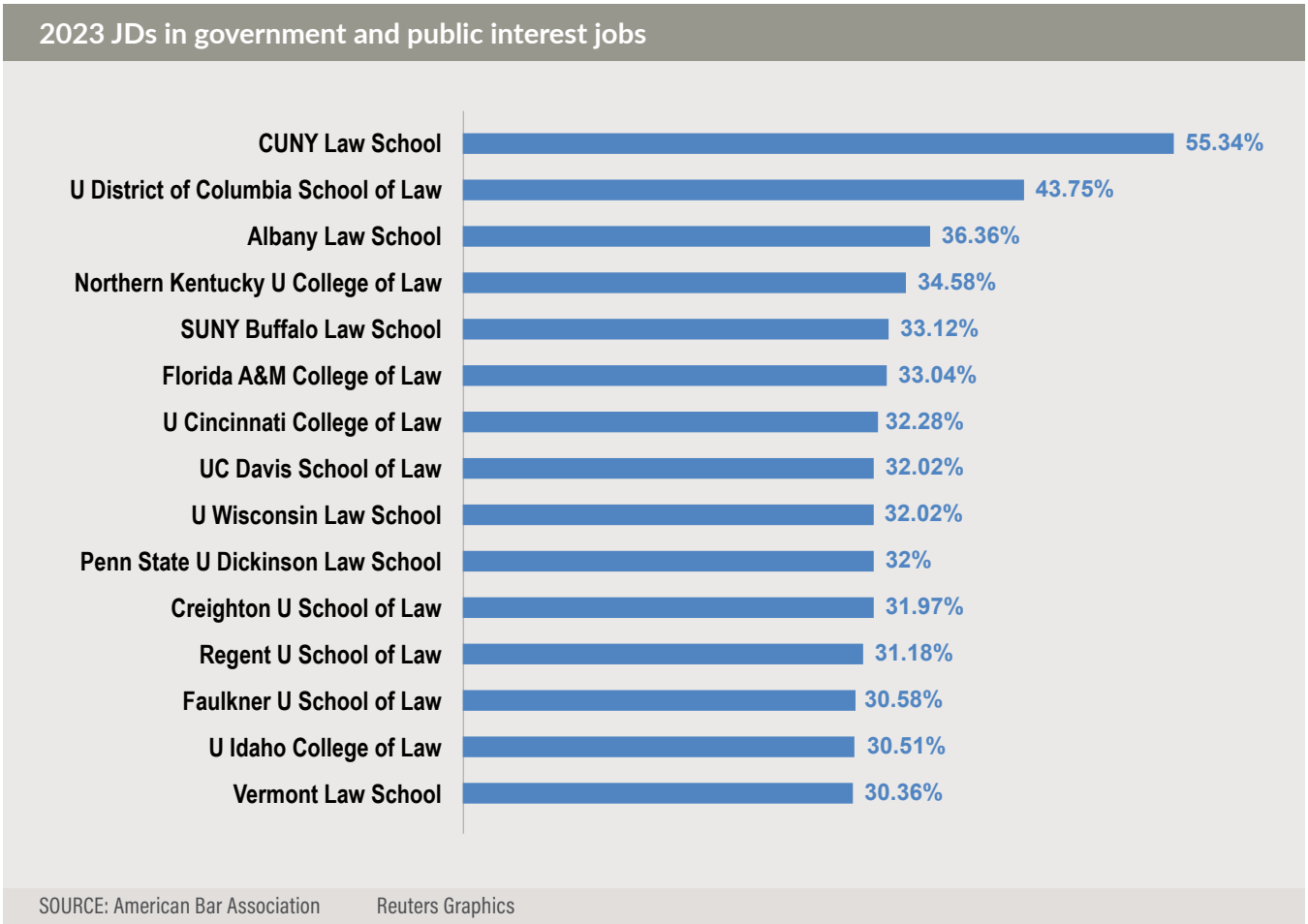


Figure 21: Law schools with the highest percentage of graduates in government and public interest jobs



Though the numbers of law graduates who pursue public interest and government roles at graduation is about half of those who express an initial desire to go into public interest, the rates of students' first jobs in public interest have steadily grown over the last decade. As the National Association for Law Placement (NALP) data shows, around 20% of law graduates consistently start in public interest or government jobs as defined by NAL , with 2023 being a historic high (9.7%) for public interest as a first career choice from law school.[282]

Law schools are not uniform in the numbers of students that graduate into public interest careers, with some schools graduating well over the national average of 20% into public interest and government positions and other schools graduating well under the national average.

Law schools themselves reflect a diversity of student bodies, geographic needs, educational priorities, educational costs, and available resources. Some schools make public interest a central part of their overall mission, attracting students with an expectation that their law school experience will reflect their commitment to public interest. Other law schools work to support a relatively smaller number of public interest-oriented students as they navigate the unique aspects of public interest career paths. The following sections discuss the challenges faced by students pursuing public interest and the practices that law schools and other stakeholders can implement to promote public interest.

Many law students often enter law school with an "initial public-interest commitment [that] is often in flux and awaiting further information. [283] However, many law students are making decisions that impact their future careers without adequate information, causing some students to deviate from this initial desire to pursue public interest.[284] This concept is known as "public interest drift," in which a high percentage of entering law students express a commitment to public interest yet relatively few ultimately pursue public interest careers. As discussed below, public interest-oriented students often face unique challenges that contribute to this drift, in the form of less favorable perceptions of public interest careers in some law school environments and less defined career paths.

PERCEPTIONS OF PUBLIC INTEREST

Though public interest lawyers report the highest overall career satisfaction across the legal profession, public interest careers can be perceived as undesirable and less valued career options in some law schools.[285] Law students pursuing public interest careers often feel at odds with the dominant law school culture, which can place a higher value on practice settings perceived to carry greater prestige, like big law firms and judicial clerkships. A study conducted of law students in California found that "respondents who felt that the law school respected their career paths were significantly less likely to have a current job in a public interest setting. In short, students who went into public interest careers did not feel that their peers or the law school valued their career choices."[286] Additionally, public interest-oriented law students commonly report feeling a separation between the classroom, especially doctrinal courses, and extracurricular activities that better reflect their interests or values.[287] In particular, the 1L doctrinal curriculum has been identified as a source of negative professional socialization, where students are acculturated into norms that favor private firm practice as the aspirational norms of the legal profession.[288]

LESS DEFINED CAREER PATHS

Ideally, law school should be a time for exploration, where students can make informed decisions about what career path is right for them and receive assistance in following their chosen career path. However, law students often have under-informed views of the realities of public interest careers and how to pursue a public interest career path through law school. As a result, students report feeling ill-equipped to make consequential career decisions, which many must begin to do as early as the 1L year.[289]

For public interest students, this challenge is compounded by the comparatively less predictable and delayed hiring cycles of public interest organizations.[290] Many private law firms can provide a clear path through 2L (and sometimes 1L) internships to eventual post-graduation job offers. Judicial clerkships also hire on a set calendar that career service offices can easily communicate to interested law students. By contrast, many public interest employers need to hire much later in the 3L year or even after graduation as job openings become available. Though the extent of this competition with private practice varies in different law schools, some law students "drift" from public interest to private practice because of the relative uncertainty of career paths into public interest positions.[291]

Stakeholders also point to challenges in reaching law students with career path information, noting the crowded information environment in law schools generally, where public interest career path information is one of many messages reaching law students from the school.

LAW SCHOOL PROGRAMS AND PRACTICES THAT SUPPORT PUBLIC INTEREST

To combat public interest drift, law schools have taken several approaches. These are aimed at cultivating a culture that supports public interest aspirations, providing clear and consistent information on public interest career paths, salaries, and debt, and assisting students in identifying pathways into public interest work through career services and job placement.

Public interest Specialization Programs and Centers

Some law schools have developed public interest programs and centers to foster an environment of support for public interest-minded students. Many of them tie together existing public-interest programming—curriculum, experiential learning, career services, and extracurricular activities—along with the discrete practices discussed below, to provide students with a one-stop source of support, develop public-interest professional identities, and demonstrate the value and prestige of public interest work.[292] Law school staff interviewed through CLEAR expressed support for varying levels of formal programming to avoid a piecemeal approach to helping students explore and navigate public interest career paths. Examples include the following:

- **Certificate program** : Equal Justice Works catalogued 40 law school programs that offer public interest certificates, typically by meeting a credit-hour requirement in approved classes and completing an externship, internship, clinic, or pro bono hour requirement.[293] These programs can create a pathway that spans the three years of law school with concrete milestones and goals for students pursuing public interest. A few programs also incorporate scholarships that students can apply for before admission or in their first yea .[294]
- **Public interest centers**: Some schools have created one-stop centers for students to get information and assistance that they otherwise would need to find by navigating separate entities within the law school that may not be as well-acquainted with the perspectives and issues of public interest-oriented students. The centers can also be used to host student groups, hold events, and serve as a place for students to socialize with other public interest-oriented students.[295]
- **Public interest licensure pathways**: Two jurisdictions have gone a step further, aligning an innovative pathway to licensure with efforts to increase entry into public interest careers. These efforts allow students to opt-in to a pathway that aligns public interest curriculum, experiential learning, and licensure, providing a predictable path through law school, licensure, and public interest incentive programs.
    - **Curricular-based licensure pathway**: The Daniel Webster Scholars program provides an innovative pathway to bar licensure by completing a curricular public interest program that has a strong emphasis on experiential learning and developing practice skills.[296] The Daniel Websters Scholars program is currently the only program that aligns bar licensure with a public interest specialization program.
    - **Supervised practice licensure pathway:** South Dakota has approved recommendations to create an innovative pathway to licensure that involves a post-graduation period of 2 years of supervised practice in an underserved rural community and links to financial incentives through South Dakota s Rural Attorney Recruitment Program.[297]

These examples illustrate how law schools can employ cohesive programming to support public interest-minded students in ways that align with demand, available resources, and institutional goals. Law school staff interviewed through CLEAR expressed support for varying levels of formal programming to avoid a piecemeal approach to helping students explore and navigate public interest career paths.

Career Path Information

Stakeholders interviewed by CLEAR acknowledge the importance of introducing law students to the types of careers available in public interest and providing information on pathways into these careers. Law schools around the country have developed the following practices to engage with their student bodies around these topics:

- **Pre-law outreach**: Data suggests that there are early opportunities to educate future generations of law students about the value and examples of public interest work. The Before the JD study also found that 55% of law students overall, and 68% of Black law students, considered going to law school before they began undergraduate studies.[298]
- **Credit-bearing 1L courses on the legal profession** that assist in career exploration and professional value formation, and that provide salary and debt information. These courses also help consolidate important announcements and communications, with one stakeholder comparing this aspect of one such course to "homeroom" for law students.
- **Intentional messaging plans** that provide regularized information at key intervals throughout students' law school careers incorporating different types of messengers (law school administrators, practicing attorneys, and alumni) and varied communication methods (virtual and in-person events, email, text messages, and social media).
- **Proactive career services outreach** to provide individualized, higher-touch assistance to law students, particularly those who have not sought out assistance themselves. Funding dedicated public-interest career services staff is important to this effort.

Access to Internships and Job Search Assistance

Practicing public interest attorneys point to summer public interest internships as formational experiences to gain practical experience, build connections in the public interest community, and envision themselves in a public interest career. In fact, completing a summer public interest internship, particularly in the 2L summer, has been shown to have a strong positive correlation with post-graduate public interest employment.[299] Conversely, students who go into a private practice 2L internship tend to not return to public interest work.[300] Though public interest summer positions are critically important, few public interest employers are able to pay law students over the summer.

Funding public interest summer internships allows students who could not take an unpaid summer to access public interest internships. Law schools, private law firms, courts, and state and local governments can partner to fund summer internships. Additionally, if they are not already doing so, law schools can sponsor public interest career fairs, connect to regional and national public interest hiring pipelines, and provide individualized job search assistance to public interest-oriented students.

> HOW DO WE MAKE PEOPLE AWARE OF WHAT PUBLIC INTEREST IS? HELP THEM SEE THAT IT'S A CALLING."
>
> —*CLEAR listening session attendee*

Public Interest Curriculum

Among all lawyers, clinics and externships are widely viewed as ways to gain valuable practice skills in law school.[301] Public interest attorneys more highly rate these experiential learning opportunities and took more of them than their law school peers not pursuing public interest pathways.[302] Like summer internships, the experiential components of public interest-oriented clinics and externships are often viewed by public interest attorneys, clinical faculty, and career services staff as the inroad for students to explore their passion for public interest work and develop important professional skills.[303] Law schools can take steps to further bridge experiential learning with doctrinal curriculum and advanced skills-based curriculum to best support and prepare public interest students. Law schools that recruit faculty with backgrounds in public interest practice can include public interest themes in doctrinal classes and provide faculty mentors.[304] Schools can also provide curricular structures that enable students to maximize hands-on training in settings reflective of future practice areas. For instance, Northeastern University has restructured its 2L and 3L years to heavily emphasize experiential learning, allowing students to apply classroom teachings in real-world settings on a rotating basis.

Cost, Debt, and Salary

The financial landscape of legal education is complicated and nuanced. Although the published cost of attendance at most law schools is high, a substantial majority of law students receive a significant "discount" on tuition. Similarly, although post-graduate compensation is sufficiently high in the private sector to justify the loans that students incur, public interest employment can pose a greater challenge for students with significant debt. The sections below document strategies for equipping law students to make informed decisions about their career paths and ensuring that public interest careers are economically viable for those who want to pursue them.

LAW SCHOOL COST AND STUDENT LOAN DEBT

Legal education is undeniably costly, with 2023 tuition and fees averaging $55,930 annually at private ABA-approved law schools and $30,540 for residents at public ABA-approved institutions.[305] These figures do not include indirect costs, such as books and living expenses, which vary from school to school. In 2023, the average academic year living expenses for a full-time student living off-campus were $26,631.[306] At the same time, most full-time law students receive significant grants or scholarships from their school to o fset the cost of tuition—in 2022, the overwhelming majority of law students (80%) received a grant (discount), with a material percentage (33%) receiving a grant that covered at least half of their tuition.[307]

Even with the significant discounting that most law schools provide, a substantial majority of law students use loans to pay for their education. U.S. Department of Education data shows that in 2020, 76% of law graduates took out student loans, with an average cumulative graduate debt of $143,100 (a decrease from 2012, when the cumulative average was $162,100, in 2023 dollars).[309] Graduate debt was significantly higher for graduates of private nonprofit law schools ($180,800) than public institutions ($ 14,600).[310] This debt is on top of any undergraduate debt that students may already have incurred. In fact, half of law students enter law school with undergraduate debt, with an average of $27,000 in outstanding loans.[311]

Figure 22: Average full-time tuition and fees

Average Full-Time Tuition and Fees (in 2022 Dollars) by School Type and Residency, 2015-2022 [308]

When adjusted for inflation, average tuition and fees for full-time students appears to have decreased between 2020 and 2022. Nominal increases in tuition have not kept pace with unusually high inflation in the last two years.

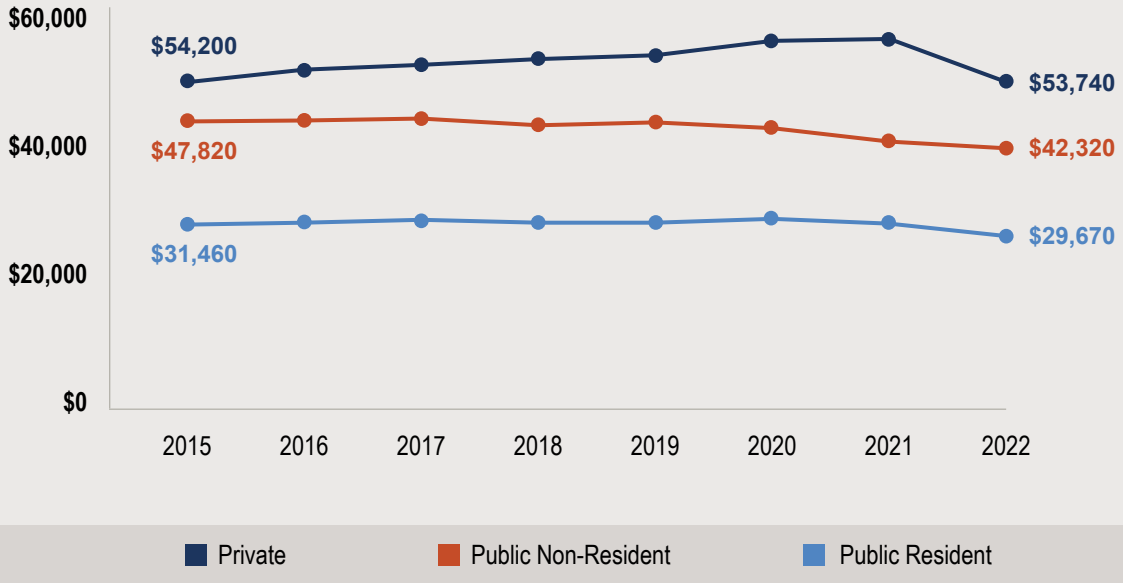


Figure 23: Percent of law graduates who borrowed for graduate education

Percentage of Law Graduates Who Borrowed for Graduate Education, by Year and Institution Type, 2004-2020 [312]

A majority of law graduates use loans to fund their graduate education, and the overall proportion who borrowed increased by 5 percentage points between 2016 and 2020.

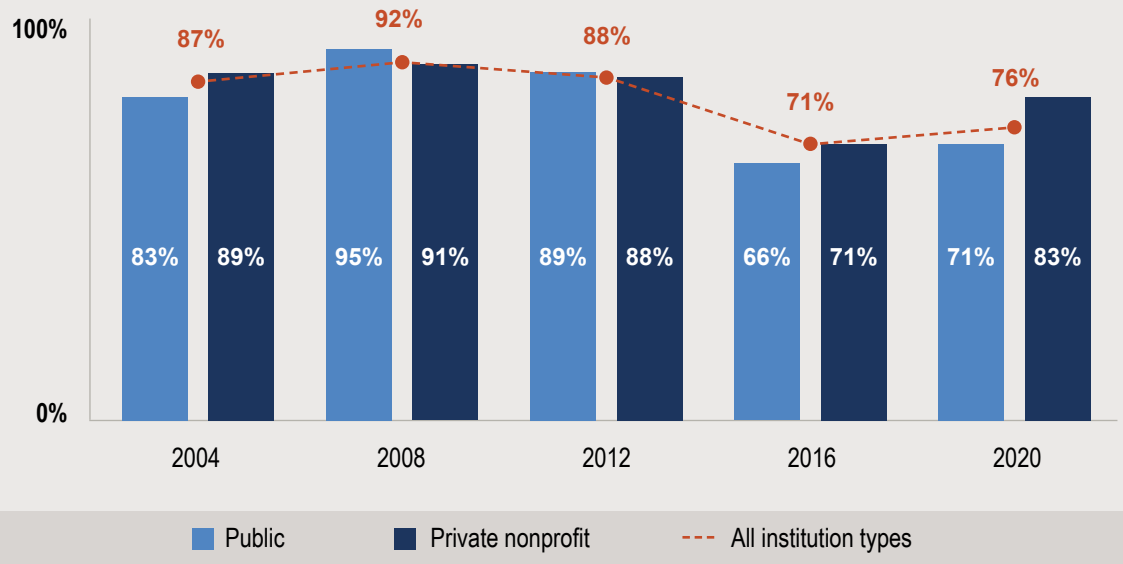
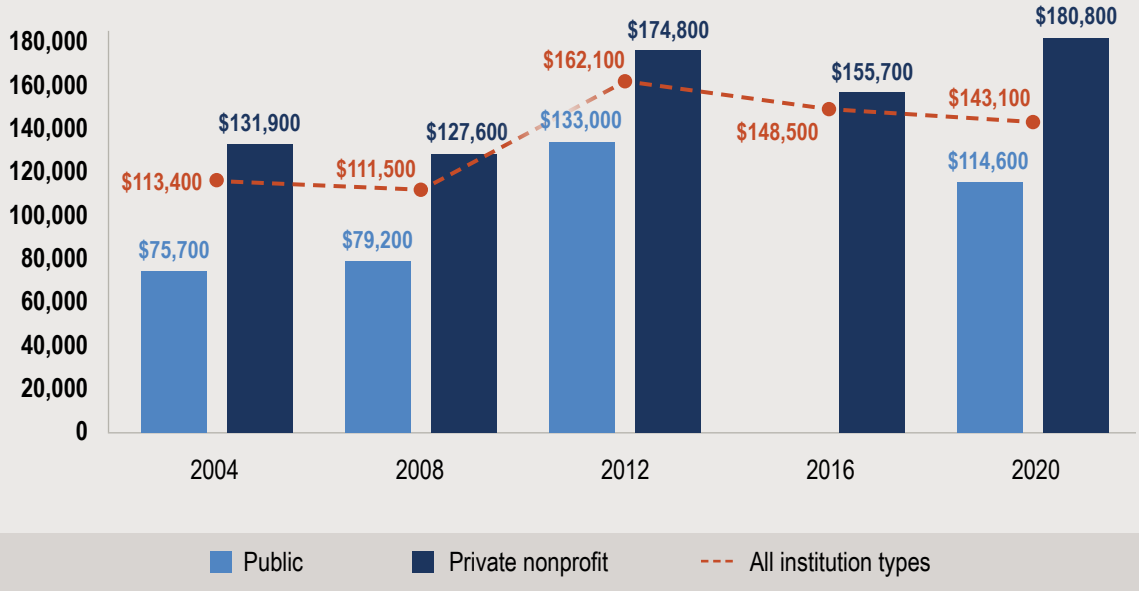


Figure 24: Cumulative amount borrowed among law students who borrowed while enrolled

Cumulative Amount Borrowed (in 2023 Dollars) Among Law Students Who Borrowed While Enrolled, by Year and Institution Type, 2004-2020 [313]

Although the percentage of law graduates who borrowed increased between 2016 and 2020, the average cumulative amount of graduate debt among those who borrowed decreased by more than $4,000.

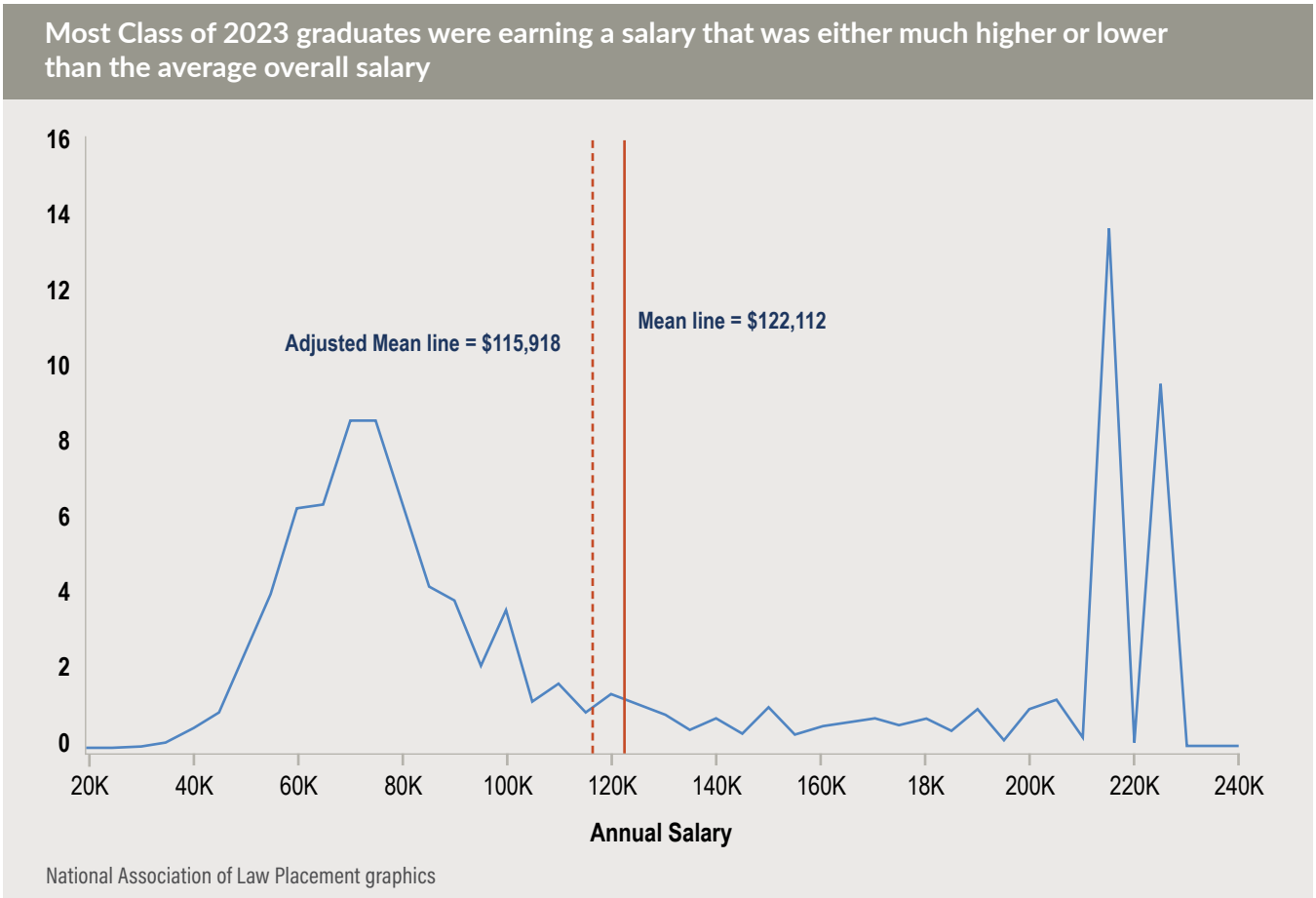


The 2017 Law School Survey of Student Engagement (LSSSE) found that respondents with the highest estimated debt loads were most likely to both prefer and expect to work in public service, while those with no debt were the least likely.[314] The influence of this debt grows over time throughout attorneys careers. The After the JD study "did not find a strong correlation between levels of debt and [first] job choice [315] However, at 7 years, 42% of respondents indicated that debt had a strong influence on job choice, indicating that "while the immediate decision of which job to take is not strongly influenced by debt, respondents nevertheless appear to feel the weight of their debt in a more global way.[316] Law school staff and practicing public interest attorneys interviewed through CLEAR have also confirmed that the awareness of the burden of educational debt is low during law school and increases as the realities of salary, cost of living, and loan payments become concrete. After 12 years, the influence of debt appears to have an outsized influenc on public interest: Those least likely to have paid down their debt completely were working in solo practice, state government, and legal services or public defender settings.[317]

SALARIES ACROSS THE LEGAL PROFESSION

The earning potential for law graduates varies significantly by secto . Although the median starting salary for 2023 law school graduates was $90,000, most law school graduates receive either substantially more or less than this median.[318] This bimodal distribution of salaries across the legal profession places "big law" attorneys at firms of over 250 attorneys (which are concentrated in large metropolitan areas) at the high end of the distribution, with starting salaries of over $200,000.[319] Most other attorneys, including attorneys in public interest, government, and firms with fewer than 100 attorneys, are in the bottom half of the salary distribution. While students who are competitive for these "big law" positions may face a decision between vastly different salaries, most other students are making a tradeoff between less disparate options.

Figure 25: Class of 2023 salary distribution



Though attorneys in private practice can generally expect higher salaries as compared to public interest employment, the salary differences in markets without large law firms (or for students not considering big law) are significantly reduced. In fact, some public defender and prosecutor offices interviewed by CLEAR have narrowed this gap and offer starting salaries above that of competing middle-sized private firms [320] As noted earlier, many public interest organizations also offer other benefits and work structures that may offset some of these disparities.

This variation exemplifies the importance of reaching law students early, and throughout law school, with accurate information on expected salaries relevant to the job markets that students may be entering for their particular region.

Table 10: Class of 2023 salary distribution

Class of 2023 Median Salaries	
Civil Legal Aid	$64,200
Public Defenders	$69,608
Public Interest [321]	$69,499
Firm: 1-10 Lawyers	$75,000
Firm: 11-25 Lawyers	$85,000
Firm: 26-50 Lawyers	$95,000
Firm: 51-100 Lawyers	$110,000
Firm: 101-250 Lawyers	$136,500
Firm: 251-500 Lawyers	$190,000
Firm: 500+ Lawyers	$215,000

VARIATION WITHIN THE PUBLIC INTEREST SECTOR

Within the public interest and government sectors, salaries vary based on type of organization, location and market, and the funding and priorities of individual public interest employers. Stakeholders interviewed by CLEAR indicate that the salary competition between public interest employers is often a greater challenge to recruitment and retention than competition with the private sector. We also see a recognizable trend from front-line civil legal aid, prosecutor, and public defender offices toward other government jobs that is at least partially motivated by salary, though likely also implicates work hours, stress, and burnout as people progress through their careers.[322]

Civil legal aid offices, having the lowest median starting salary in the profession ($64,000 in 2023), are most negatively impacted by this internal competition within public interest.[323] Salary was cited as the number one reason legal aid attorneys left their jobs in a California survey.[324] A starting salary survey of California public interest organizations illustrates the regional challenges legal aid offices face in the public interest salary competition.

There are no easy answers for these salary challenges, particularly at the low end of the salary scale. Public interest organizations recognize the challenges and have long prioritized advocating for increased funding across public interest organizations. When possible, achieving parity between public interest organizations' regional markets allows for greater stability within the public interest community. For example, some state and local governments have achieved parity between public defender and prosecutor pay scales.[325] In addition to increased funding for salaries, organizations have worked to offer financial and non-financial benefits to mitigate these salar imbalances that include providing (or partnering to provide) loan repayment assistance programs (discussed below), offering competitive benefits packages, paying for bar preparation and living expenses, and offering hybrid work options and flexible leave policies [326]

PUBLIC SERVICE LOAN FORGIVENESS

Public Service Loan Forgiveness (PSLF) is a federal student loan forgiveness program that helps to mitigate the growing disparity between private and public sector salaries for law school graduates. Under the terms of the program, borrowers with Federal Direct Loans who are employed full-time in a public service job and make 120 monthly payments can have the remaining balance of their loan forgiven.327 Direct employees in government (federal, state, local, or tribal), public educational institutions, and 501(c)(3) organizations qualify for PSLF.[328] Private attorneys who take on court appointments are typically not eligible for PSLF, though some attorneys who take court appointments full-time may still be eligible in some cases.[329]

PSLF appears to be an important factor for law students planning for public interest careers. A 2019 survey of California law students found that 68% of respondents who were interested in public interest or government careers were aware of PSLF.[330] The 2021 ABA Young Lawyers Division (YLD) student loan debt survey found that 26% of law school borrowers reported that loan forgiveness program eligibility was an unexpectedly major factor in their job choice, and that about 20% of respondents were working towards PSLF.[331] A 2017 survey of law students at three law schools (two public and one private) found that a significant proportion of students with more than $100,000 in debt planned to enroll in PSLF: 55% at two of the schools and 77% at the third.[332]

Table 11: Median salaries for public service attorneys by type of organization and years of experience

Starting Legal Aid Salary vs. Starting Government Job Salary

While the average legal aid salary appears to have increased over the past couple of years, it is still far below average government legal job salaries. On average, the salaries for entry-level legal aid positions can be around $25K or more below the entry-level salaries for government legal jobs.



Figure 26: Comparison of starting salaries in civil legal aid and government positions in California

Years of Experience	2004	2006	2008	2010	2012	2014	2018	2022	2023
Civil Legal Services									
Entry-level	$34,000	$36,000	$40,000	$42,000	$42,800	$44,600	$48,000	$57,500	$64,200
5 years	40,000	43,300	48,000	49,400	50,200	51,000	54,800	67,100	73,700
11-15 years	51,900	55,000	60,000	62,500	64,900	65,000	69,400	78,500	86,000
Public Defenders									
Entry-level	39,000	43,300	47,400	47,500	50,500	50,400	58,300	59,700	69,600
5 years	50,000	54,700	60,000	60,300	62,800	63,000	68,000	75,700	90,000
11-15 years	65,000	65,500	75,000	76,200	78,600	84,500	96,400	100,500	106,900
Public Interest Organizations									
Entry-level	36,700	40,000	41,000	45,000	45,000	46,000	50,300	63,000	69,500
5 years	46,300	52,000	53,800	53,600	56,300	59,000	65,000	78,700	81,000
11-15 years	64,000	65,000	69,200	70,900	75,000	75,000	80,500	95,000	107,100
Total Number of Responses	**415**	**430**	**658**	**572**	**423**	**362**	**347**	**197**	**129**

SOURCE: NALP's *Public Service Attorney Salary Survey*, 2004-2023



Though PSLF is generally viewed positively by law students and public interest attorneys, some express doubt as to the long-term reliability of PSLF.[333] In a California survey, law students expressed low confidence that their debt would be forgiven through PSLF and did not feel more financially secure because of the program [334] One effort to ensure the long-term sustainability of PSLF is the PSLF Coalition, a group of "more than 100 nonprofit and public service organizations" across legal and non-legal sectors working to advance federal policies that ensure PSLF is accessible into the future.[335] Members from the legal community include the ABA, the National District Attorney's Association, AccessLex Institute, the AALS, Equal Justice Works, the National Legal Aid and Defender Association (NLADA), many public interest organizations, and a handful of law schools.[336]

LOAN REPAYMENT ASSISTANCE PROGRAMS

Loan repayment assistance programs (LRAPs) refer to a diverse set of programs that provide funding, usually for a set duration of years, to help borrowers make ongoing payments on their student loans.[337] Unlike PSLF, LRAPs provide financial assistance to graduates over time, instead of a single loan forgiveness event at the end of ten years.[338] As such, LRAPs can mitigate some of the financial concerns and corresponding turnover that appear in the early years of public interest practice.[339] LRAPs are flexible and di fuse tools that can be targeted to different contexts and scales. Additionally, they can be sponsored and administered by many different entities including federal, state, and local governments, bar associations, law schools, public interest employers, and private law firms [340]

As of 2023, 18 states and the District of Columbia offer LRAPs for lawyers, usually administered by the state's bar foundation.[341] All are available to attorneys in legal aid organizations, with some states, like Nebraska and Oregon, also extending eligibility to rural practitioners.[342] The federal government also provides LRAP grant funding to public defenders and prosecutors through the John R. Justice Program; however, there is rarely enough federal funding to provide the full assistance amount to all eligible applicants.[343] The Legal Services Corporation (LSC) also administers an LRAP that is available to attorneys employed full-time by an LSC grantee organization and that expect to be employed there for at least three years.[344] Finally, as of 2021, 100 law schools had LRAPs for graduates and numerous public interest employers sponsor their own LRAP programs.[345] Stakeholder interviews suggest that LRAPs, combined with PSLF, can help provide both short-and long-term financial support to public interest attorneys.

First Years of Practice

As mentioned above, an unprecedented number of law graduates have chosen to pursue public interest careers. However, early career attorneys face a host of challenges that contribute to relatively low retention rates across public interest organizations. New attorneys often struggle with the concrete realities of entering often under-resourced public interest organizations with high caseloads and related stressors.

RETENTION: JOB CHANGES AND INTENTION TO MOVE

The After the JD study "was designed to track the careers of a nationally representative cohort of lawyers admitted to the bar in the year 2000 over the first 12 years of their careers. [346] The study provided a snapshot of attorneys' careers at 3 years, 7 years, and 12 years of practice.[347] It found that public interest attorneys are most likely to have a job change in the first three years of practice but are likely to remain in a public interest role.[348] Though there is little flow into government and public interest positions from other practice settings over time, the public interest sector is also more likely to retain attorneys than other practice settings:[349]

> [W]here lawyers start out their careers has a powerful impact on where they are after twelve years. Analysis of the respondents who participated in both AJD1 and AJD3 suggests that some practice settings are more likely to retain lawyers than others. The practice settings in which lawyers were most likely to be found in both Waves 1 and 3 are solo practice (45% of lawyers working as solos in AJD1 were working as solos in AJD3), firms of 2-20 (42%), federal government (47%), state government (55%), public interest (44%) and nonprofit and educational settings (41%) and inside counsel (53%). Slightly more than a third (37%) of lawyers working in legal aid and public defense in 2003 were working in this practice setting in 2013.[350]

Another study captured some data on the flows in and out of public interest in California over ten years, showing an influx of private practice attorneys into public interest positions (primarily government):

> [T]here is a notable increase in public interest employment between first (20 percent) and current jobs (32 percent). The biggest increase was in the government sector, which doubles from approximately 9 percent to 18 percent, while the nonprofit sector grows by roughly a fourth (from 9.3 percent to 11.5 percent).[351]

CAREER SATISFACTION OVERVIEW

Public interest attorneys report the highest overall career fulfillment in the legal profession [352] People who pursue public interest career paths often find their professional identities in line with their personal values, a strong indicator of career satisfaction.[353] Through the three waves of the After the JD study (3, 7, and 12 years of practice), most lawyers, around 76%, reported being "moderately or extremely satisfied with their decision to become a lawyer."[354] Public defenders and legal services averaged 82.1%, with growing satisfaction (86.1%) over time.[355] Government attorneys averaged 79.1%.[356] Other public interest attorneys reached a similar career satisfaction to public defenders and legal services after seven years; however, at three years they reported below average satisfaction, at 65.4%.[357]

However, even with high overall fulfillment, public interest attorneys and public interest organizations report other serious well-being and satisfaction issues that impact both short- and long-term retention. As discussed in the sections below, these are factors like high workload demands and stress, lack of training, overspecialization, and few opportunities for career advancement.

Table 12: Career satisfaction comparison across practice settings

Percent of Moderate to High Satisfaction with Decision to Become a Lawyer across Waves 1, 2, and 3						
Practice Settings	**Wave 1 % moderate to high satisfaction**	***N***	**Wave 2 % moderate to high satisfaction**	***N***	**Wave 3 % moderate to high satisfaction**	***N***
Solo practice	78.8	201	77.9	290	75.0	231
Firm, 2-20 lawyers	73.8	911	74.5	584	76.9	419
Firm, 21-100 lawyers	75.3	468	75.3	292	70.8	178
Firm, 101-250 lawyers	67.9	297	68.9	158	64.8	80
Firm, 251+ lawyers	76.7	736	77.7	403	80.4	192
Firm size unknown	58.8	21	73.5	98	72.4	28
Government – federal	85.0	179	79.6	187	73.0	128
Government – state or local	80.2	403	78.8	349	78.5	288
Legal services/public defender	80.5	106	79.9	66	86.1	68
Public interest	65.4	43	80.5	34	87.6	22
Nonprofit/educatio	79.2	84	76.2	169	75.6	145
Business – practicing	82.2	176	82.5	351	83.0	293
Business – not practicing	69.3	157	64.3	252	63.4	171
Other	72.7	9	83.2	32	77.1	82
Total N	**75.9**	**3,791**	**76.2**	**3,265**	**76.1**	**2,325**

NOTE: Using national sample

HIGH WORKLOAD DEMANDS AND STRESS

Most public interest work, especially client-facing work, can be incredibly stressful and emotionally draining, an issue exacerbated by high workloads. Civil legal aid attorneys, prosecutors, and public defenders often feel overburdened with high caseloads, which can lead to burnout and serious concerns about their ability to be effective advocates. The excessive caseloads for public defenders have been well documented, showing that caseloads often "exceed the reasonable capacity for effective representation."[358] A recent survey of prosecutors also showed that two of the top three reasons these attorneys cited for considering leaving their jobs were the "impacts to health from work" and heavy caseloads.[359] For civil legal aid attorneys, emotional well-being was cited as highly important, while stress and high workplace demands were among the most commonly cited negative workplace characteristics.[360] New public interest attorneys note that the realities of high caseloads are a challenge that law school clinics and internships did not adequately prepare them for, especially as each individual case can be emotionally fraught and challenging in its own right.[361]

At the same time, public interest offices are navigating changing expectations of a new generation of attorneys, many of whom want a higher degree of work-life balance with less and more predictable work hours.[362] Public interest office managers interviewed through CLEAR point to the need to communicate reasonable expectations on work hours, given the nature of litigation and client needs.[363] The After the JD study found that public interest and government attorneys worked fewer hours on average and had fewer weeks with more than 60 hours worked than most private attorneys; these averages likely vary greatly by practice setting and employer.[364]

Additionally, investing in and building a supportive in-person workplace culture and offering hybrid and remote options and flexible leave policies can help public interest attorneys balance their workplace stress while enabling organizations to provide non-salary-based incentives. Public interest attorneys and organizational leaders point to a strong workplace culture, where attorneys find camaraderie and support in their personal challenges and those of their clients. to be an essential building block of a stable office. They also point to the expectation of many attorneys that some hybrid and remote options are available when appropriate. Flexible leave policies are another way organizations have worked to support their staff to take care of themselves in high-stress settings. Organizations point to the need to balance these options so that their employees can reap the benefits of each while allowing them the flexibility to build work practices that best support their individual needs.

In addition to supporting existing efforts to reduce caseloads in civil and criminal contexts, we can better equip, train, and support public interest attorneys to manage effective client communication and effective advocacy in high-volume settings. Public interest offices can also invest in providing non-attorney support (e.g., social workers and paraprofessionals).

ONBOARDING AND TRAINING

Public interest organizations often have capacity challenges in bringing in new attorneys and fully supporting them as they get up to speed in the early days of their careers. The public need for their services makes balancing onboarding and ongoing training difficult, especially for less-resourced offices. Howeve , new public interest attorneys point to onboarding as an important tone-setting experience in their first public interest positions and cite training throughout their careers as an important aspect of being effective advocates and developing professionally. Some public interest offices report partnering with law firms to sponso substantive training (trial training, for example) for public interest attorneys. Law firms, along with state bar associations and other stakeholders, could potentially also partner with public interest organizations to build capacity in designing and implementing intentional onboarding and training processes.

SPECIALIZATION

A relatively high percentage of public interest attorneys identify as specialists, spending most of their time focusing on one area of law.[365] Though many public interest positions offer excellent practical training, stakeholders have observed that some public interest attorneys feel locked into a particular subject matter, which can lead to career dissatisfaction and burnout.[366] Civil legal aid offices report the need to balance the efficiency and expertise of specialized roles with opportunities to diversify to prevent career fatigue. For example, some offices have invested in cross training or balancing high-volume roles, like running an eviction right-to-counsel program, with related policy work or more in-depth litigation.[367]

CAREER ADVANCEMENT

Many public interest law offices have few positions to advance into, with the management and supervisory positions often being occupied for long periods by more senior attorneys. Other offices have positions to advance to, but these opportunities come with little additional pay. When attorneys who were considering leaving civil legal aid offices were asked, "What else would it take for you to sta ," 42% responded "advancement to a higher-level position."[368] Without significant opportunities for career advancement beyond promotion into relatively few supervisory roles, attorneys report feeling stagnation that limits retention.[369] To increase opportunities for advancement, public interest organizations can create intermediate and alternative positions between staff attorneys and management and provide staff with transparency on advancement opportunities, organizational decision-making, and the organizational financial stability that supports employees' long-term growth.

Rural Practice

Rural areas face the access to justice crisis acutely, often experiencing a critical shortage of attorneys to meet the legal needs of the community. In response, jurisdictions across the country are implementing innovative strategies to recruit and retain rural attorneys. Though programs vary in their approaches, they share common elements: early engagement, financial incentives, eligibility and program requirements, experiential opportunities, mentorship, job placement and career support, and strong partnerships.

OVERVIEW OF RURAL LEGAL DESERTS

A legal desert refers to a community with a severe shortage of lawyers, leaving residents with little to no access to legal representation. Nationwide, 50% to 60% of rural counties are considered legal deserts, where less than one lawyer is available per 1,000 people.[370] As of 2020, approximately 1,300 counties across the U.S. met this criterion. Though 20% of the United States' population lives in rural areas, only 2% of small law practices are located there.[371] Rural communities not only struggle to find enough practicing lawyers, but also lack enough judges and government attorneys, leaving people living in rural communities with little access to critical legal infrastructure.[372]

While there are attorney shortages throughout the country, the gap between the need for public defense and civil legal aid assistance and the number of available lawyers to provide those services is most acute in low-income rural communities. The 2017 Justice Gap report found that "three-quarters of America's low-income rural residents faced at least one civil legal problem in a year, while nearly a quarter of rural residents experienced six or more civil legal problems in a year. Yet only 14% of rural residents received adequate assistance for their civil legal problems, a rate less than half the national average."[373] In criminal cases, the Vera Institute found that the lack of available defense counsel was a driving force in a rising rural incarceration rate despite rural areas' relatively low crime rate.[374] Between 1970 and 2013, rural rates of incarceration in jails rose 436%, while in that same period, the rates of urban incarceration were declining.[375]



DEFINING "RURAL"

Though the above metrics are a helpful shorthand, rural areas are not a monolith and defy a one-sized-fits all definition. The U.S. Census classifies urban areas those that "represent densely developed territor , and encompass residential, commercial, and other non-residential urban land uses." Rural encompasses "all population, housing, and territory not included within an urban area" — essentially, "everything else."[376] While many rural areas share similar attributes—such as low population density—not all rural areas are the same. Some rural counties are adjacent to resource-dense urban counties and may benefit from access to their legal infrastructure and resources. Conversely, some counties that would not meet the definition of a legal desert are so geographically large that one part of the county can contain a population center (and high density of attorneys) while other remote parts hours away may lack any attorneys or other access to legal assistance.

HOW LEGAL SERVICES ARE DELIVERED IN RURAL AREAS

Another feature that characterizes some of the unique challenges of delivering legal services in rural areas is the more ambiguous definition of "public interest." In urban areas, the distinction between "public interest" or "public service" and private practice is relatively clear, with urban-based public interest lawyers typically working in civil legal aid organizations, public defender offices, government departments or agencies, private public interest law firms, and nonprofit organizations. In rural areas, these lines are less cle . Solo and small firm practitioners often take most or even all of the criminal case court appointments or provide pro bono representation as significant aspects of their practice. Additionally, stakeholder interviews conducted by CLEAR showed that attorneys in rural areas often shift from one practice setting, a DA's office or public defender's office, for example, to private practice, where they may take a significant number of contrac defense cases.

RURAL RECRUITMENT AND RETENTION CHALLENGES

The specific root causes of the legal deserts vary from place to place but share some similar high-level trends: population loss, lower rates of college enrollment, and generally lower salaries in rural areas.[377] Additionally, the advancing age in the legal profession is heightened in rural areas, where a generation of attorneys are reaching retirement without young attorneys stepping in to replace them.[378] New attorneys cite barriers to practicing in rural areas, including generally lower salaries, a lack of familiarity with rural areas, uncertain opportunities for life partners, and a lack of urban amenities.[379] Additional challenges include the following:

- **Lack of access to law school**: Though rural residents who enter the legal field tend to choose rural practice, they face barriers in accessing legal education. For instance, since law schools are concentrated in urban areas, people in rural areas with existing careers, families, and other obligations may be unable to relocate to attend law school. And though the ABA's accreditation standards allow for variances, only five law schools currently o fer fully online or remote programs.[380] Additionally, people who attend a law school in an urban center may remain in the area after graduation because they formed a professional network or met a partner or spouse there.
- **Long distances between courts and clients**: Attorneys interviewed noted that courts not utilizing the technology for, or otherwise allowing, remote appearances increased demands on attorneys in rural places, where they may have to drive significant distances to appear in court. While some states have promulgated policies on continuing remote appearances post-COVID 19, specifying availability and distance to counsel, others are more reluctant, citing the value of in-person appearances to the application of justice. Additionally, some areas lack the infrastructures that are necessary for the use of remote technology to be successful.
- **Lack of support for new attorneys**: Many new attorneys cite a strong interest in mentorship and training programs to support their early career development. They perceive rural communities as lacking structured training programs and meaningful mentorship opportunities due to their small size. In so doing, these attorneys may be discounting critical experiential learning that can occur when working in more rural communities, where the need is high and the small bar may facilitate informal mentorship, training, and second chair opportunities.
- **Lower salaries**: Though some rural DA and public defender offices can o fer salaries that meet or exceed those in comparable urban areas, many rural salaries cannot compete with their urban counterparts. Across the public interest sector, these lower salaries along with other unique challenges in rural areas can negatively affect retention.
- **Lack of educational debt support**: Although much of the public service representation in rural communities is provided by private attorneys working in small firms and as solo practitioners, Public Service Loan Forgiveness (PSLF) is typically not available to lawyers working in private practice, even when the overwhelming majority of their work is providing public defense representation and pro bono civil services. This leaves lawyers wishing to practice in rural communities without meaningful access to long-term student debt relief despite their performing otherwise qualifying services. While other programs such as LRPA offer helpful incentives, they are not widely available, and some do not apply to solo practitioners in rural areas.
- **Low contract/appointment rates**: Many rural practitioners take on court appointments or government contracts to provide a flow of income combined with paying clients. Howeve , many stakeholders interviewed commented that the rates paid for these appointments were often too low for sustainability and may result in having to take on higher caseloads to generate steady income.
- **Lack of affordable housing options**: One barrier for students performing rural internships and attorneys relocating to rural areas to practice is the ability to find a fordable housing options. Law students, especially those not from the community, require access to free, or low-cost, short-term

housing options, allowing them to maintain housing near their university or home community while they complete internships and externships in rural communities. New attorneys often need access to long-term, affordable housing options while they work to build their rural practices. Unfortunately, many rural spaces have minimal housing growth, few (if any) rental properties, and limited access to other affordable, long-term housing options.

- **Lack of health insurance for solo practitioners**: Solo practitioners are consistently concerned with finding a fordable self-funded healthcare insurance and not having other benefits package components (e.g., retirement plans, paid time o f, life insurance, etc.) that are normally afforded to those working for an employer. Healthcare insurance is often prohibitively expensive for solo practitioners, creating a significant financial barri , especially if family healthcare insurance is not otherwise available through a spouse.

WHY ATTORNEYS COME AND STAY IN RURAL COMMUNITIES

In contrast to the barriers to rural practice cited above, there are a number of reasons attorneys proactively choose to practice in rural areas. These include senses of familiarity and deep connections with rural areas and their inhabitants, the benefits of a rural lifestyle, and the ability to gain practical experience early in one's career.

- **Familiarity with rural communities**: Attorneys who are personally familiar with small towns and rural areas are more likely to choose and stay in rural practice. Though some attorneys without a background in rural areas can become integrated over time, having grown up in a rural area (not necessarily the same one that they eventually practice in), having family nearby, or having a partner or spouse from the area is the typical path to rural practice.
- **Rural lifestyle**: Lifestyle factors are important to many rural practitioners, with many opting for a perceived slower pace of life, higher safety rankings, conduciveness to raising a family, closeness to nature, and increased ability to participate in outdoor recreational activities.
- **Community connections and mentorship**: Once in place, the ability to integrate into the legal and wider community has been identified by rural attorneys as an important factor in the decision to stay in the community. Mentorship provides new attorneys with a strong connection and support system as they enter their first years of practice. Judicial clerkships also help to integrate law students and new attorneys into the community, enabling them to work under the guidance of a rural judge while learning about the issues that the community's constituents commonly face.
- **Practical litigation experience**: Many stakeholders accredit rural practice with relatively early exposure to a variety of case types (solo practitioners) and ample opportunities for litigation (DA and public defender offices). Some offices have used the ability to build professional skills as par of a recruitment strategy to draw in outside attorneys, even if only for a few years.

RURAL RECRUITMENT AND RETENTION PROGRAMS

Across the country, a variety of programs work to increase the number of attorneys in rural practice.[381] A full listing of the components of the 18 programs identified by CLEAR is attached in Appendix G. Models reviewed by CLEAR include pre-law and law school initiatives, solo and small firm incubator projects, and broader statewide initiatives. While few evaluations of rural recruitment and retention programs have been conducted, CLEAR has identified key program elements that appear to contribute to their success

EARLY ENGAGEMENT

Early engagement with potential candidates can highlight the opportunities for lawyers in underserved communities as well as showcase the benefits of practicing in a rural area. Providing this exposure early in a lawyer's career, including prior to law school, can help illuminate a pathway that extends from law school to practice.

- Through the Rural Legal Practice Initiative, a partnership between Kansas State University and Washburn University's Rural Legal program, declared pre-law students at Kansas State can learn about legal career opportunities in rural communities as well as what it takes to gain admission to and successfully complete law school.[382]
- Nebraska's Rural Law Opportunities Program (RLOP) engages students at one of three Nebraska universities who are interested in practicing rural law and enables qualifying students to gain automatic admission to the University of Nebraska Law School.[383]
- The LSAC Prelaw Undergraduate Scholars (PLUS) Program at Heritage University is an innovative partnership among three Washington universities aimed at making a law degree more accessible to diverse students, especially Latino/Latina/Latinx and Indigenous students.[384]

FINANCIAL INCENTIVES

Financial incentives can be crucial in attracting and retaining lawyers. Such financial support helps law students, new graduates, and experienced attorneys offset expenses, pay down educational debt, establish practices, and create economic sustainability.

- The Oregon State Bar's Loan Repayment Assistance Program awards eligible lawyers, which includes rural practitioners, up to $7,500 for every 12 months of eligible service, for a maximum of three consecutive years.[385]
- Court-appointed counsel in South Dakota are compensated at rates that are tied to other government employee compensation rates by statute. The state's statutes also support regular pay raises that keep pace with inflation and require that assigned counsel rates are raised in an amount equal to any legislative raises to the cost-of-living increase for state employees.[386]
- Law clerks under the New Mexico Judiciary's Rural Justice Initiative Clerkship program commit to two years' service in a rural jurisdiction for fixed salaries of $70,000 per year plus all judicial branch benefits.

ELIGIBILITY AND PROGRAM REQUIREMENTS

Programmatic aspects, such as eligibility, participation requirements, and program durations are not just operational; they can be tailored to attract new recruits and encourage retention, such as by offering incentives for remaining in the program or incurring penalties for exiting the program early. They can also be structured to support pathways to attorney licensure.

- Participants of South Dakota's Rural Attorney Recruitment Program who leave the program before five years of practice are required to repay their payments, creating a lock-in e fect for the duration of the program. As of 2024, there have been 31 participants in the program across 26 rural counties, with 75% continuing to remain in practice in their rural community after their five-year commitment ends
- Participants of the Illinois State Bar Association Rural Practice Associate Fellows Program receive a $5,000 stipend at the beginning of employment and an additional $5,000 stipend if the associate is still working for the same firm after one yea .[387]
- The Arizona Lawyer Apprentice Program (ALAP) aims to expand the number of lawyers available to serve the public in rural communities by allowing candidates who score within ten points (4%) of passing on the Uniform Bar Exam (UBE)—and meet all other eligibility requirements, including graduating from an ABA-accredited law school and meeting character and fitness requirements—to perform two years of supervised practice in a rural Arizona community or in a public law office located anywhere in the state [388] ALAP participants who satisfy all requirements and conditions of the program may "be recommended for admission to the practice of law, with the same rights and privileges as any other attorney admitted to the practice of law" in Arizona.[389]

EXPERIENTIAL OPPORTUNITIES

Experiential learning opportunities not only provide valuable hands-on, practical experience with the types of cases a rural attorney may encounter, but can also help foster integration into the community and further reinforce the commitment to practicing in a rural area.

- The Supporting Rural Justice Initiative at the Indiana University Indianapolis Robert H. McKinney School of Law places students with judges in rural counties (and has been expanded to include placement of rising third-year students as certified legal interns with prosecutor and public defender offices) [390]
- Through the University of Maine School of Law, students selected for the Rural Law Fellowship Students work full-time over 10 weeks in the summer under the guidance of practitioners on legal research and drafting, dispute resolution, general practice case management, real estate transactions, trial practice, and ethics.[391]

MENTORSHIP SUPPORT

Mentorship allows program participants to receive guidance, advice, and insights from experienced rural practitioners that can support attorneys along the pathway into rural service as well as during their first years of practice

- Through mentorship programs geared toward young attorneys in rural practice, the Illinois State Bar Association Rural Practice Summer Fellows Program aims to connect law students with rural practitioners and to give them a taste of rural practice before they leave law school.[392]
- The Rural Practice Incubator Project in Arkansas supports UA Little Rock William H. Bowen School of Law alumni in launching viable solo or small practices in rural, underserved Arkansas communities by providing a number of early-career resources, including ongoing support and guidance from mentors with substantive legal expertise.[393]

JOB PLACEMENT AND CAREER SUPPORT

Targeted job placement services can support lawyers in finding and securing employment opportunities in rural parts of the state and ensure that the state's rural population will continue to have convenient access to legal services. Ongoing career support helps attorneys as they navigate the first years of practice or even establish law practices of their own and can bolster retention by giving attorneys access to the tools and resources they need.

- The Iowa State Bar Rural Practice Committee Program aims to find opportunities for ne , young attorneys in rural areas to replace attorneys who want to retire so that the state's rural population will continue to have convenient access to legal services.[394]
- The Louisiana Bar Association's LIFT Rural Justice Legal Incubator Project helps solo practitioners build public interest-focused practices serving rural communities and provides participants with access to free case management, legal research programs, business development services, training, and CLEs.[395]

PARTNERSHIPS

Collaborations among members of the legal community can leverage resources and outreach, which can have a compounding effect on the overall success of the program. They can also help strengthen the state's commitment to mitigating the rural justice gap.

- Participants in South Dakota's Rural Attorney Recruitment Program receive five annual payments of around $12,000, of which 35% is paid by the rural county or municipality, 15% is paid by the State Bar, and 50% is paid by the Unified Judicial System [396]
- The Maine Rural Law Fellowship pairs fellows with rural practitioners through a partnership between the Maine Justice Foundation, the Maine State Bar Association, the Maine Board of Overseers of the Bar, and the Betterment Fund.
- The Kansas Farm Bureau is a collaborator in the Kansas Rural Legal Practice Initiative, helping it reach across the state.

ACKNOWLEDGEMENTS

CLEAR would like to acknowledge the contributions of the staff at the National Center for State Courts, without whom this work would not have been possible.

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CLEAR

CLEAR Resolution

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION 1

In Support of Establishing the Working Committee on Legal Education and Admissions Reform (CLEAR)

WHEREAS, the state courts of the United States handle some 97% of our citizens' court cases involving almost every conceivable legal problem they may face in their lifetimes; and

WHEREAS, many people across the United States have difficulty accessing our justice institutions, particularly courts, due to many factors, including geography and the high costs of securing competent legal representation; and

WHEREAS, the difficulty in securing access to justice and competent legal representation has a direct and palpable impact on the public's perception of justice and its trust and confidence in state courts; and

WHEREAS, the rule of law is indispensable to democracy, which requires both a competent legal profession and independent courts; and

WHEREAS, it is the responsibility of state supreme courts to regulate admission to and the practice of law in their states to ensure a competent legal profession and protect the public; and

WHEREAS, given the many challenges facing the legal profession, it is necessary that the Conference of Chief Justices and the Conference of State Court Administrators examine legal education and bar admissions to understand the impact of these challenges on the profession and the public and to undertake appropriate reforms; and

WHEREAS, state supreme courts cannot relinquish responsibility over the profession to others but must be active participants in the regulation of the profession; and

WHEREAS, an ethical judiciary and legal profession promote public confidence and support for the rule of law;

NOW, THEREFORE, BE IT RESOLVED, that the Conferences shall establish a working Committee on Legal Education and Admissions Reform (CLEAR) to undertake the following tasks:

- Examine the current state of legal education in the United States to ascertain how changes
- to it are impacting the professionalism and competence of law school graduates;
- Consider the role of state supreme courts as the profession's primary regulators and their responsibility for new lawyer preparation;
- Determine what reforms should be considered to legal education to produce "practice- ready" and ethical lawyers who clearly understand their roles as both advocates and officers of the court
- Consider admissions testing requirements on legal ethics, promote and create ethics standards for new attorneys, and review the role of state supreme courts in training on those subjects as well as the procedural and substantive methods to enforce ethical standards;
- Assess what types of legal education programs might encourage law school graduates to pursue careers in public service or to represent those currently underserved by the profession; and
- Examine the bar admissions process and recommend reforms that appropriately assess bar applicants' doctrinal, ethical, and practice-ready competence at a time when the legal profession is experiencing profound change, which reforms may include alternative paths to bar admission programs and alternative testing approaches; and

BE IT FURTHER RESOLVED, that in discharging these tasks, the Committee should engage with critical stakeholders from legal education, bar admissions, the courts, and the practicing bar to ensure broad consideration of the issues. The Committee should affirmatively engage with the Council and the Accreditation Committee of the American Bar Association Section of Legal Education and Admissions to the Bar; and

BE IT FURTHER RESOLVED, that the Conferences request that the National Center for State Courts assign one or more staff to provide support to the Committee. Upon the conclusion of its work, the Committee shall issue a report on its work including recommendations for any changes or reform that it considers necessary to improve preparation to practice law, increase the professionalism of the bar, and expand access to justice.

Adopted as proposed by the CCJ Professionalism & Competence of the Bar Committee and the Executive Board of the Conference of State Court Administrators at the CCJ/COSCA Annual Meeting on August 2, 2023.

APPENDIX **B**

CLEAR Working Groups

PRACTICE READINESS WORKING GROUP

The Practice Readiness Working Group focused on legal education and the training that newly admitted attorneys receive as they transition into practice. The working group sought to 1) develop a general definition of practice readiness and minimum competence, 2) examine the state of practice readiness of newly admitted attorneys, 3) identify impediments to strengthening practice readiness, and 4) propose recommendations to improve the education and training newly admitted attorneys receive. A wealth of research identifies the most important competencies newly licensed attorneys should possess and e fective approaches to teaching them. The working group focused on what institutional and structural factors limit these innovations from being more widely adopted.

Membership

CHAIR

Chief Justice Valerie Stanfil
Maine Supreme Judicial Court

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Martin Pritikin
Dean
Purdue Global Law School

Chief Justice Loretta H. Rush
Indiana Supreme Court

Nick Smithberg
Executive Director
Iowa Legal Aid

BAR ADMISSIONS WORKING GROUP

The Bar Admissions Working Group focused on issues related to the assessment of minimum competence and the bar admissions process. The working group examined 1) the traditional bar exam and modifications to written exams, 2) character and fitness processes, and 3) innovations in licensing, including portfolio assessment, diploma privilege, and supervised practice. The working group proposed recommendations meant to strengthen the public protection role of bar licensure to effectively assess minimum competence while removing unnecessary and inefficient barriers to bar licensure.

Membership

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Supreme Court of Oregon

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Senior Counsel
Alston & Bird
and *Former Justice*
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Former Executive Director
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APPENDIX B – CLEAR WORKING GROUPS

PROMOTING PUBLIC INTEREST WORKING GROUP

The Promoting Public Interest Working Group focused on the unique challenges faced by public interest and public service attorneys. The working group examined national and regional trends related to public interest and public service work and proposed recommendations in the following areas to better support public interest attorneys: 1) law school experiences, 2) cost, debt, and salary, 3) the first years of practice, and 4) rural practice. The working group's recommendations reflect the principle that it is the work of all segments of the legal profession and legal education to address the urgent justice gap and its negative effects on communities across the country.

Membership

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Elisa Butler
State Court Administrator
Supreme Court of Wyoming

James E. Doyle
District Court Judge (Retired)
11th Judicial District, Nebraska

Ronald Flagg
President
Legal Services Corporation

Steve Grumm
Consultant
thredpartners

Bonnie Hoffman
Director of Public Defense Reform and Training
National Association of Criminal
Defense Lawyers

Fletcher Hiigel
Librarian
AccessLex Institute

Joann Lee
Special Counsel on Language Justice
Legal Aid Foundation of Los Angeles

Alexander Mackler
Former Chief Deputy Attorney General
Delaware Department of Justice;
Counsel in the Litigation Department
Wachtell, Lipton, Rosen & Katz

Andrew Perlman
Dean and Professor of Law
Suffolk University Law School

Raymond C. Pierce
President and CEO
Southern Education Foundation

Thomas Ross
Former state superior court judge; former Director, North Carolina Administrative Office of Courts; former President
University of North Carolina System

Verna Williams
CEO
Equal Justice Works

Listening Sessions

Washington, D.C., May 1, 2024

ATTENDEES

Aaron Taylor – *Senior Vice President and Executive Director, Center for Legal Education Excellence,* AccessLex Institute

Braeden Kelly – *Managing Director of Initiatives,* Addiction Policy Forum

Cassidy Stoneback – *Director, Office of Public Interest,* American University Washington College of Law

Chief Judge Anna Blackburne-Rigsby – District of Columbia Court of Appeals

Chief Justice Collins Seitz, Jr. – Supreme Court of Delaware

Danielle Taylor – *Director of Research and Chief Data Strategist,* National Association for Law Placement

Diane Holt – *Principal,* Transitions International

Grace McGann – *Policy Analyst,* Addiction Policy Forum

James Gatto – *Partner, AI Team Co-Leader, Blockchain & Finch Team Co-Leader, and Open Source Team Leader,* Sheppard Mullin

Judge Roy W. McLeese – *Associate Judge,* District of Columbia Court of Appeals

Lauren Hartley – *Associate Director of Network Engagement,* Equal Justice Works

Libby Bingham – *Director, Education and Mentoring Programs,* American Inns of Court

Lisa Curtis – *Director of Academic Success and Deputy Title IX Coordinator,* Georgetown Law

Lisa Dewey – *Pro Bono Partner,* DLA Piper

Lynne Halbrooks – *Attorney,* Cassidy Law

Marc Fleischaker – *Chairman Emeritus,* ArentFox Schiff

Matt Paul – *Senior Attorney Advisor,* Administrative Office of the U.S. Court

Melanie Wilson – *Dean and Professor of Law,* Washington and Lee University School of Law

Michelle White – *Senior Program Advisor,* State Justice Institute

Nancy Drane – *Executive Director,* D.C. Access to Justice Commission

Ronald Flagg – *President,* Legal Services Corporation

Ruth Rosenthal – *Project Director, Courts and Communities,* Pew Charitable Trusts

Sadina Montani – *President-Elect, D.C. Bar; Partner,* Crowell & Moring LLP

Shaun Snyder – *CEO,* National Association of State Treasurers

Sheldon Krantz – *Visiting Professor of Law and Co-Director, Justice Lab,* Georgetown Law*; Partner in Residence (Retired),* DLA Piper

Stephanie Troyer – *Legal Director, Direct Legal Services Program,* Legal Aid D.C.

Tim Reagan – *Senior Research Associate,* Federal Judicial Center

Todd Clark – *Dean and Professor of Law,* Widener University Delaware Law School

KEY TAKEAWAYS

- Bar exam and licensure reform should focus on specialization in public interest law.
- Public interest law requires specialized skills such as "soft skills" and navigating ethical issues in representation.
- The Multistate Professional Responsibility Examination (MPRE) is geared toward corporate law and individual representation (e.g., taking client funds).
- Failing the bar exam is stigmatizing, and the test can disproportionately impact bar exam takers with family or other obligations who do not have significant time for test preparation
- Although it makes up 96% of the caseload across the county and is the area where most lawyers will practice, state law is not thoroughly addressed in legal education.
- There is a tension between practice readiness and bar passage.
- Deans and school administrators are under pressure to ensure students pass the bar.
- Clinical education has a high cost and a low return on investment.
- To the extent possible, public interest employers should start hiring earlier to compete with the early hiring methods of private practice.

Albuquerque, NM, July 15, 2024

ATTENDEES

Aaron Holloman – *Deputy General Counsel,* New Mexico Administrative Office of the Court

Abby Lewis – *Attorney,* Equity in Justice

Agnes Fuentevilla Padilla – *Shareholder,* Butt Thornton & Baehr PC

Aja Brooks – *Executive Assistant,* United States Attorney for the District of New Mexico*; 2025 President,* State Bar of New Mexico

Allison Block Chavez – *Partner and Attorney,* Aldridge, Hammar & Wexler, P.A.*; 2025 President-Elect,* State Bar of New Mexico

Andrea Salazar – *Chief General Counsel,* New Mexico Office of the State Auditor

Benjamin I. Sherman – *Founder, Ben Sherman Law LLC*

Bennett Baur – *Chief Public Defender,* New Mexico Law Offices of the Public Defende

Bette Fleishman – *Executive Director,* Pegasus Legal Services for Children

Sara Yvonne "Bonnie" Escobar – *Executive Director,* Enlace Comunitario

Bonnie Stapleton – *Director of Student and Career Services (Retired),* University of New Mexico School of Law

Camille Carey – *Dean,* University of New Mexico School of Law

Camille Pedrick – *Executive Director,* New Mexico Board of Bar Examiners

Chief Judge Marie Ward – New Mexico Second Judicial District Court

Chief Justice Ann Scott Timmer – Arizona Supreme Court

Cid Lopez – *Attorney,* Law Offices of Cid Lopez, LLC

Dylan O'Reilly – *Attorney, Shareholder, and Director,* Miller Stratvert P.A.*; Out of State Representative,* State Bar of New Mexico Board of Bar Commissioners

Erinna "Erin" Atkins – *Attorney; Immediate Past President,* State Bar of New Mexico

Evelyn Ibarra – *Ortiz – Attorney, Martindale*-Hubble

Helen Padilla – *Attorney; Chair, Committee on Diversity in the Legal Profession,* State Bar of New Mexico*; Board of Directors,* Laguna Development Corporation

John Min Kang – *Associate Dean for Faculty Development and Professor of Law,* University of New Mexico School of Law

Judge Donna Mowrer – New Mexico Ninth Judicial District Court

Judge Erin O'Connell – New Mexico Second Judicial District Court

Judge Michael Aragon – New Mexico Fourth Judicial District Court

Justice Briana Zamora – Supreme Court of New Mexico

Justice Michael Vigil – Supreme Court of New Mexico

Karl Reifsteck – *Director,* Administrative Office of the Courts, New Mexic

Lucy Sinkular – *Attorney,* Ashton Horton Mullins PC*; 2025 Secretary-Treasurer,* State Bar of New Mexico

Maria Montoya Chavez – *President and CEO,* Sutin, Thayer & Browne

Mark Fidel – *Founder and Principal Consultant,* Fidel Consulting Group

Matt Page – *Assistant District Attorney,* State of New Mexico, Second Judicial District Attorney's Offic

Meryl Sutton – *Paralegal Division Liaison,* State Bar of New Mexico

Mixcoatl "Mish" Miera-Rosete – *Partner,* Shekter Rosete Law

Richard Spinello – *Attorney, Executive Director,* State Bar of New Mexico

Rosalyn Nguyen Chafey – *Attorney,* Presbyterian Healthcare Services

Justice Roshanna Toya – *Chief Justice,* Pueblo of Isleta

Rodolfo Sanchez – *Executive Director, DNA*-People's Legal Services, Inc.

Serge Martinez – *Associate Dean of Experiential Learning and Professor of Law,* University of New Mexico School of Law

Sonya Bellafant – *Executive Director,* New Mexico Legal Aid

Stephanie Wilson – *State Law Librarian,* Supreme Court of New Mexico

Steven Homer – *Vice Dean, Associate Dean for Academic Affairs and Professor of Law,* University of New Mexico School of Law

Stormy Ralston – *Attorney, Pregenzer, Baysinger,* Wideman, & Sale PC

Teague Gonzalez – *Deputy Director of Programs, People, and Advocacy,* New Mexico Immigrant Law Center

Tiffany Roach Martin – *Shareholder,* Modrall Sperling Law Firm

Timothy Fields – *President, M*odrall Sperling Law Firm

Tomas Garcia – *Vice President and Shareholder,* New Mexico Defense Lawyers Association*; Commissioner,* Second Judicial District, State Bar of New Mexico Board of Bar Commissioners

Torri Jacobus – *Managing Assistant City Attorney, Office of Civil Rights*, City of Albuquerque

Twila Hoon – *Attorney,* Hoon Law, LLC

Tyler Atkins – *Attorney,* Atkins & Walker Law

KEY TAKEAWAYS

- The bar exam is exclusionary by nature, and we need to think outside of the box when considering innovative pathways.
- Historically, there were other apprentice models for practice, and we've seen examples in states like Vermont and New Hampshire that have tried different pathways.
- We need lawyers that are representatives of the community and should prioritize both educational training and lived experience.
- Innovative pathways must be carefully communicated to avoid the perception of a lower standard or lesser requirements.
- There were mixed opinions on whether the bar exam measures minimum competence, and questions on the effectiveness of the NextGen bar exam.
- Practice readiness must include doctrinal knowledge (e.g., making a record, jury management), "soft skills" (e.g., work/life balance), and durable skills (e.g., client communication).
- There were no observations of a significant di ference in readiness between law students after 1L and 2L summers, which signals that upper-level law school may not prepare students for private practice.
- Given the need, there should be a requirement for upper-level legal classes in family law or wills and trusts, both for private practice and pro bono (e.g., the Wills for Heroes program).
- Many agreed that while remote hearings can be practical and convenient, they present a challenge in learning good lawyering compared to traditional court settings.
- Public interest law can cause burnout due to high caseloads, vicarious trauma, and low pay.
- Loan forgiveness programs alone are not sufficient, as they are lengthy and have limitations.
- Public interest law should be less narrow and offer a wider skill set, especially in rural practice.

Chicago, IL, August 1, 2024

ATTENDEES

Members of the American Bar Association Young Lawyers Division.

KEY TAKEAWAYS

- Participants recommended that all ABA -accredited law schools offer clinical and real-world experience, especially in the 2L and 3L years.
- Programs at Baylor were highlighted because they can provide students with experience from client intake through the lifetime of the case.
- Participants suggested offering a small stipend or credit hours to law students for clerkships and externships to increase participation.
- ABA Legal Incubator Programs were mentioned as models to gain experience practicing law and receive training in areas such as technology and AI.
- Clerkships were seen as some of the most important training and educational opportunities to learn legal writing skills, research, and professionalism.
- Participants stressed the importance of learning the business side of law.
- Law schools (and students) should create community through collaboration with state bar associations or opportunities to meet with judges.
- Participants were supportive of “character and fitness” and felt that the bar exam was irrelevant.
- Many saw the bar exam as rote memorization, lacking (i.e., it doesn’t test all areas of law), and a barrier to entry.
- Most were supportive of licensure reform pathways.
- Schools can offer more support for part-time students, weekend clinical opportunities, and “after hours” opportunities.
- Early exposure to public interest and government jobs is key as they may not be advertised or may have a negative perception.

Los Angeles, CA: October 23, 2024

ATTENDEES

Ana Maria Garcia – *Vice President of Access to Justice Initiatives,* Neighborhood Legal Services of Los Angeles County

Barrett Schreiner – *Associate Professor of Lawyering Skills and Associate Director of Academic Success Program,* University of Southern California Gould School of Law

Robert Bradley Sears – *Associate Dean of Public Interest Law, University of California,* Los Angeles School of Law*; Founding Executive Director and Roberta A. Conroy Distinguished Scholar of Law & Policy,* The Williams Institute

Bridget Fogarty Gramme – *Special Counsel, Division of Consumer Protection, Admissions, Access and Inclusion,* State Bar of California

Chris Punongbayan – *Executive Director,* California ChangeLawyers

Christine Schumacher – *Pro Bono Managing Attorney,* Legal Aid Society of San Diego

Christopher McConkey – *Program Manager, Office of Access and Inclusion,* State Bar of California

Claire M. Solot – *Co-Founder and Managing Director,* Bigglesworth Family Foundation

Cody Hounanian – *Program Director, Office of Admissions,* State Bar of California

Diego Cartagena – *President and CEO,* Bet Tzedek Legal Services

Elizabeth Carroll – *Vice Dean for Curriculum, Professor of Lawyering Skills, and Director of Legal Writing and Advocacy Program,* University of Southern California Gould School of Law

Elena Baca – *Partner and Global Chair, Employment Law Department,* Paul Hastings

Elizabeth Bluestein – *Associate Clinical Professor of Law and Executive Director of Loyola Social Justice Law Clinic,* Loyola Law School

Elizabeth Hom – *Director, Office of Access and Inclusion,* State Bar of California

Fletcher Hiigel – *Librarian,* AccessLex Institute

Grace Meng – *Executive Director, David J. Epstein Program in Public Interest Law and Policy,* University of California, Los Angeles School of Law

Jack Londen – *Executive Director,* California Access to Justice Commission

Jackie Gardina – *Dean and Chief Academic Officer,* Santa Barbara and Ventura Colleges of Law

Jasminder Deol – *Assistant Dean for Career Development,* University of California, Irvine School of Law

Jennifer Kalish – *Program Director, California JusticeCorps,* Superior Court of Los Angeles County

Joann Lee – *Special Counsel on Language Justice,* Legal Aid Foundation of Los Angeles

Judge Lynne Hobbs – Superior Court of Los Angeles County

Judge Mark Juhas – Superior Court of Los Angeles County

Judge Renee C. Reyna – Superior Court of San Mateo County

Judge Shelly B. Torrealba – Superior Court of Los Angeles County

Justice Shama Hakim Mesiwala – California Courts of Appeal, Third Appellate District

Karin Wang – *Program Director,* OneJustice

Leah Wilson – *Former Executive Director,* State Bar of California

Martin Pritikin – *Dean,* Purdue Global Law School

Mary Basick – *Assistant Dean of Academic Skills,* University of California, Irvine School of Law

Natalie Leonard – State Bar of California

Neesa Sethi – *Pro Bono Project Manager,* Legal Aid Foundation of Los Angeles

Nicole Claro – *Quinn – Statewide Director,* California JusticeCorps

Philip Cook – *Managing Attorney,* Cook Law Firm

Phong Wong – *Pro Bono Director,* Legal Aid Foundation of Los Angeles

Rachel Kronick Rothbart – *Senior Director of Career Services,*
University of Southern California Gould School of Law

Judge Robert Brody – *Administrative Law Judge,* State of California

Salena Copeland – *Executive Director,* Legal Aid Association of California

Samuel Halpert – *Director of Public Service Initiatives,* National Association for Law Placement

Sara Berman – *Professor of Lawyering Skills and Director of the Academic Success Program,* University of Southern California Gould School of Law

Scott Ventrudo – *Pro Bono Senior Staff Attorney,* Esperanza Immigrant Rights Project

Silvia Argueta – *Executive Director,* Legal Aid Foundation of Los Angeles

Susan Smith Bakhshian – *Clinical Professor of Law and Director of Bar Programs,* Loyola Marymount University Loyola Law School

Sylvia White-Irby – *Judicial and Executive Support Director,* Superior Court of Los Angeles County

Tiffane Cochran – *Vice President of Research,* AccessLex Institute

KEY TAKEAWAYS

- Pro bono work is critical for practice readiness, but many participants felt that younger lawyers are taking fewer pro bono cases, or the cases that they take are more limited in scope.
- Practice readiness should include business logistics (e.g., trust accounts, retainer agreements) to properly prepare lawyers to operate a small business and, in turn, directly serve their communities.
- The issues addressed by CLEAR are tied to public trust and confidence.
- Several participants discussed the need to ensure that bar membership is reflective of (and understanding of) the communities they serve.
- While there were some unintended consequences for public interest employers, it was a novel way to expand access to opportunities.

Rancho Mirage, CA: October 24, 2024

ATTENDEES

Attendees of the American Bar Association Access to Justice Chairs Meeting.

KEY TAKEAWAYS

- The LSAT can be a barrier to entry into law school, but there are concerns about innovative pathways being used to avoid traditional exams.
- There was discussion around alternatives such as the medical model and the apprenticeship model.
- It is a challenge to operationalize apprenticeship models and supervised practice exams.
- Participants noted the importance of engaging law clerks with a preference for public interest roles.
- Participants highlighted law schools with a focus on pro bono work and legal aid services ingrained into their foundations.

Austin, TX: October 28, 2024

ATTENDEES

Afton Cavanaugh – *Assistant Dean of Law Success and Service Professor of Law,* St. Mary's University School of Law

Harold A. "Al" Odom – *Partner and Owner, Odom Law Firm; Board Member and former Chair,* Texas Board of Law Examiners

C. Alfred Mackenzie – *Senior Attorney, The Lanier Law Firm; Board Member,* Texas Board of Law Examiners

Allison Drish – *Director of Investigations,* Texas Board of Law Examiners

Amy Starnes – *Former Director of Public Affairs,* Supreme Court of Texas

Angela Cruseturner – *Senior Assistant Dean,* Baylor University Law School

Anna McKim – *Shareholder,* Field, Manning, Stone & Aycock PC*; Board Member,* Texas Board of Law Examiners

April Shaheen – *Assistant Director of Investigations,* Texas Board of Law Examiners

Augustin Rivera, Jr. – *General Counsel,* Del Mar College*; Chair,* Texas Board of Law Examiners

Barbara Ellis – *Board Member,* Texas Board of Law Examiners

Carlos Soltero – *Shareholder,* Maynard Nexsen PC*; Board Member,* Texas Board of Law Examiners

Caryn Truitt – *Events Manager, Marketing and Outreach,* State Bar of Texas

Chief Justice Nathan L. Hecht (Retired) – Supreme Court of Texas

Chris Ritter – *Chief Legal Counsel,* State Bar of Texas

Ciara Parks – *General Counsel,* Travis County Juvenile Probation Department*; General Counsel,* Texas Board of Law Examiners

Cynthia Orr – *Attorney,* Goldstein & Orr*; Board Member,* Texas Board of Law Examiners

Dondraius Mayhew – *Managing Attorney,* Texas Board of Law Examiners

Dwaine Massey – *Attorney and Founder,* Massey Law*; Board Member,* Texas Board of Law Examiners

Jack Nowlin – *Dean,* Texas Tech University School of Law

Jaclyn Daumerie – *Rules Attorney,* Supreme Court of Texas

Jason Nance – *Dean,* Southern Methodist University (SMU) Dedman School of Law

Jeff Rensberger – *Interim President and Dean,* South Texas College of Law Houston

Jenn Rosato Perea – *Managing Director, Accreditation and Legal Education,* American Bar Association

Jeremy Counseller – *Dean,* Baylor University Law School

John Murphy – *Instructional Professor of Law and Director of Academic Support & Bar Passage,* Texas A&M University School of Law

Justice Brett Busby – Supreme Court of Texas

Justice Debra Lehrmann – Supreme Court of Texas

Justice Evan Young – Supreme Court of Texas

Justice Jimmy Blacklock – Supreme Court of Texas

Justice Jane Bland – Supreme Court of Texas

Justice Jeff Boyd – Supreme Court of Texas

Justice John Devine – Supreme Court of Texas

Justice Rebeca Huddle – Supreme Court of Texas

KaLyn Laney – *Deputy Executive Director, State Bar of Texas*

Kendelyn Schiller – *Assistant Director of Investigations,* Texas Board of Law Examiners

Kristina McGuire – *Coordinator of Governmental Relations,* State Bar of Texas

Ky Strunc – *Assistant Director of Admissions,* Texas Board of Law Examiners

Laurie Gonzales – *Executive Assistant,* Texas Board of Law Examiners

Lisa Yarrow – *Assistant Dean, Bar Preparation and Academic Support and Associate Professor, Clinical Studies,* South Texas College of Law Houston

Lowell Brown – *Associate Deputy Director and Communications Director,* State Bar of Texas*; Executive Editor,* Texas Bar Journal

Michael Sullivan – *Director of Admissions,* Texas Board of Law Examiners

Michelle Fontenot – *Director, Texas Lawyers' Assistant Program,* State Bar of Texas

Misty Birdsong – *Co-Director of Legal Analysis, Writing and Research and Clinical Professor of Law,* Southern Methodist University Dedman School of Law

Nahdiah Hoang – *Executive Director,* Texas Board of Law Examiners

Nina Hess Hsu – *Attorney; Board Member,* Texas General Counsel Forum

Patricia Wilson – *Associate Dean and the William Boswell Chair of Law,* Baylor University School of Law

Patricia Roberts – *Dean and Charles E. Cantú Distinguished Professor of Law,* St. Mary's University School of Law

Paul Stafford – *Chair of the Board of Directors,* State Bar of Texas

Ray Cantu – *Assistant Deputy Director,* State Bar of Texas

APPENDIX C – LISTENING SESSIONS

Robert Ahdieh – *Dean,* Texas A&M University School of Law

Santos Vargas – *President,* State Bar of Texas

Seana Willing – *Chief Disciplinary Counsel,* State Bar of Texas

Steve Benesh – *Partner, Bracewell LLP; Immediate Past President,* State Bar of Texas

Teresa Ereon Giltner – *Vice Chair,* Texas Board of Law Examiners

Terri Helge – *Associate Dean of Academic Affairs,* Texas A&M University School of Law

Trey Apffel – *Executive Director,* State Bar of Texas

KEY TAKEAWAYS

- Many participants felt that the bar exam does show minimal competence and knowledge, but that other options should be available, or the bar exam could be changed.
- Some expressed support for the bar exam because it is a universal standard; every lawyer has attended law school and taken the bar exam.
- Many law students are working and don't have time to study, which is a barrier to the bar exam.
- The bar exam is not "one size fits all," and there could be di ferent pathways for different areas of the law.
- To think about issues with the bar exam, you must try to understand the pressures students face today, such as the high cost of law school and lack of paid student jobs.
- Participants noted that there are fewer people taking the bar and fewer applicants to law school than a decade ago.
- Training through mentorship and practice in the local court(s) are important for practice readiness.
- One suggested alternative to the bar exam was an apprenticeship program where the supervising attorney attests to the competency of the new lawyer, because there is trust in the clinical professional's consideration of competency.
- Specialized apprenticeship programs could also incentivize lawyers to work in legal deserts and rural areas.
- Alternatives to the bar exam could include pathways to legal specialization, offering certificate programs, or a pathway based on the residency model of medical schools.
- It was suggested that students from underserved communities could be offered a pathway to practice if they committed to working in those communities.
- Participants discussed ways to improve practice readiness, but there were concerns about lack of students and economic incentives.
- Practice readiness is essential, but more incentives are needed to encourage specialization tracks and mentorship.
- Another potential solution is to create a national program like the Daniel Webster Scholar Honors Program (DWS).
- Participants agreed that the solution to the problem involves all the stakeholders in the room, the courts, law schools, and the board of law examiners.

Boston, MA: November 13, 2024

ATTENDEES

Alfonso Villegas – *Attorney, Gravel & Shea PC; Diversity Section Chair,* Vermont Bar Association

Andrew Perlman – *Dean and Professor of Law,* Suffolk University Law School

Angela McConney – *Commissioner,* Civil Service Commission

Anna Rachel Dray-Siegel – *Assistant Legal Counsel,* Massachusetts Supreme Judicial Court

Aria Eee – *Executive Director,* Maine Board of Overseers of the Bar

Bob Paolini – *Executive Director,* Vermont Bar Association

Brian Gallini – *Dean and Professor of Law,* Quinnipiac University School of Law

Cassandra LaRae-Perez – *Clinical Assistant Professor and Director of Intellectual Property and Transaction Clinic,* University of New Hampshire Franklin Pierce School of Law

Chief Justice Kimberly Budd – Massachusetts Supreme Judicial Court

Chief Justice Paul Suttell – Supreme Court of Rhode Island

Chris Reed – *Affiliate Faculty,* University of New Hampshire Franklin Pierce School of Law

Chrisanne Wyrzykowski – *Deputy General Counsel,* Supreme Court of Rhode Island

Courtney Brooks – *Associate Dean for Faculty and Director of the Daniel Webster Scholar Honors Program,* University of New Hampshire Franklin Pierce School of Law

Danielle Johnson – *Director, Office of Housing Stability,* City of Boston*;*
Adjunct Professor, Northeastern University School of Law and Suffolk University Law School

Deirdre Smith – *Executive Director,* Maine Volunteer Lawyers Project

Diane Laliberte – *Legal Assistant,* Decof, Decof & Barry

E. William Stockmeyer – *Attorney and Managing Director,* Drummond Woodsum

Ellie Maciag – *Deputy Executive Director,* Maine Commission on Public Defense Services

Hamza Chaudary – *Shareholder,* Adler Pollock & Sheehan P.C.

Jack Crisp – The Crisp Law Firm, PLLC

Jaye Martin – *Executive Director,* Legal Services for the Elderly

Jenn Rosato Perea – *Managing Director, Accreditation and Legal Education,* American Bar Association

Jennifer MacBeth – *Executive Assistant,* Massachusetts Supreme Judicial Court

Jennifer Haggar – *Superior Court Administrator,* Superior Court of New Hampshire

Jennifer Sylvia – *Principal,* Moses Ryan Ltd.

Jessica Bullock – *Associate,* Latham & Watkins LLP

Jim Billings – *Executive Director,* Maine Commission on Public Defense Services

John Gause – *Attorney,* Eastern Maine Law

Judith Dillon – *Executive Director,* Vermont Labor Relations Board

Justice Donald Alexander (Retired) – Maine Supreme Judicial Court

Justice Melissa Long – Supreme Court of Rhode Island

APPENDIX C – LISTENING SESSIONS

Kate Mahan – *Partner,* Hinckley Allen

Leigh Saufley – *President and Dean,* University of Maine School of Law

Melissa Davis – *Clinical Associate Professor and Director, Criminal Practice Clinic,* University of New Hampshire Franklin Pierce School of Law

Meredith Benoit – *Supreme Court Clerk,* Supreme Court of Rhode Island

Michael A. St. Pierre – *Attorney,* Revens, Revens, St. Pierre & Wyllie, P.C.

Nina Gardner – *Chair and Lay Member,* New Hampshire Judicial Council

Peyton Vaillancourt – *Student,* University of New Hampshire Franklin Pierce School of Law

Richard Samdperil – *Attorney and Vice Chair,* New Hampshire Judicial Council

Ryan Avery – *Partner,* Seder & Chandler, LLP

Sam Panarella – *Dean,* University of Massachusetts School of Law

Sarah Blodgett – *Executive Director,* New Hampshire Bar Association

Sarah Mattson Dustin – *Executive Director,* New Hampshire Legal Assistance

Shaun Kahn – *Partner,* DDSK Law, LLC

Tom Dickinson – *Attorney and Owner,* Law Office of Thomas M. Dickinson*; Municipal Court Judge,* City of Woonsocket*; Member, Board of Bar Examiners,* Rhode Island Judiciary

Tracy Collins Ferland – *Attorney,* Lanman Rayne Nelson Reade

Veronica Tomasko-Silva – Law Offices of Little & Tomasko, PLLC

KEY TAKEAWAYS

- Participants candidly shared personal experiences with the challenges of the bar exam such as needing to take the exam multiple times, taking on significant debt while preparing for the exam, and seein trial-ready classmates unable to practice due to bar exam failure.
- Bar licensure needs to be nimble, adaptable, and responsive to an ever-changing legal landscape.
- Since the bar exam drives so much classroom attention and focus, those doctrinal courses should also evolve to meet modern legal practice needs.
- Many participants discussed how medical practitioners must stay current on trends in medicine due to tests every ten years, but the CLE (for those states that require it) does not have the same impact of requiring lawyers to stay current on modern legal practice.
- Several attendees expressed a push-pull in doctrinal courses for the bar exam, where skills are always viewed as an add-on.
- While the ABA Council requires six hours of experiential learning, there is a huge range of how those credits are being fulfilled
- Participants proposed that state supreme courts should pressure for increased meaningful mentorship, direct representation, and experiential learning as part of licensure requirements.
- Mentorship makes a big difference in a career, and participants were concerned that the legal profession is doing less and less of this.
- Participants stated the need for an increased push to encourage practitioners to offer longer-term mentorship of new lawyers, connecting them to legal communities and supporting their growth.

New York, NY: December 6, 2024

ATTENDEES

Amy Wochos – *Pro Bono Coordinating Attorney,* Legal Services of the Hudson Valley

Andrea Hutchinson – *Judicial Assistant for Former Justice Elizabeth T. Clement,* Michigan Supreme Court

Barbara Mule – *Staff Counsel,* New York State Permanent Commission on Access to Justice

Carmen Ciparick – *Former Senior Associate Judge of the New York State Court of Appeals, Of Counsel,* Greenberg Traurig, LLP*; Chair,* New York State Board of Bar Examiners

Carol C. Villegas – *Partner,* Labaton Keller Sucharow LLP

Elise Geltzer – *Counsel,* New York State Continuing Legal Education Board

Fletcher Hiigel – *Librarian,* AccessLex Institute

Heidi Dennis – *Executive Director,* Rural Law Center of New York

Henry "Hank" Greenberg – *Shareholder, Greenberg Traurig, LLP; Chair, Commission to Reimagine the Future of New York Courts*

Janet Sabel – *Adjunct Professor of Law and Director, Access to Justice Initiative, Center on Civil Justice, New York University School of Law*

Joel Chanvisanuruk – *Director, Programs for Academic and Bar Success, AccessLex Institute*

John Gross – *Former Program Chair, Judicial Institute on Professionalism and the Law; Partner,* Ingerman Smith LLP

John McAlary – *Executive Director,* New York State Board of Law Examiners

Judge Jenny Rivera – *Judge,* New York State Court of Appeals

Kathleen Rubenstein – *Former Executive Director,* Skadden Foundation

Kim Diana Connolly – *Professor and Vice Dean,* University at Buffalo School of Law

Lee-Althea Griffith – *Attorney,* New York State

Lisa Drury – *Court Attorney for Professional Matters,* New York State Court of Appeals

Madison Scarfaro – *Associate,* Ruskin Moscou Faltischek, P.C.

Mary Jane Kimmeth – *Assistant Deputy Counsel, New York State Continuing Legal Education Board; Attorney,* New York State Office of Court Administration

Maryann Joyner – *Program Director,* Rural Law Center of New York

Matt Hill – *Legislative Counsel,* New York City Council

Matthew Diller – *Former Dean,* Fordham University School of Law and Benjamin N. Cardozo School of Law*; Member,* New York State Permanent Commission on Access to Justice

Michaela Azemi – *Managing Attorney, Pro Bono Services,* Legal Aid Society of Mid New York, Inc.; *Public Interest Resource Center Counselor,* Fordham University School of Law*; Interim Government Career Advisor,* Columbia Law School

Mindy Jeng – *Special Counsel to OCA Executive Director,* New York Office of Court Administration

Paul Saunders – *Former Chair, Judicial Institute on Professionalism and the Law; Partner (Retired),* Cravath, Swaine & Moore LLP

Twyla Carter – *Attorney-in-Chief and CEO,* The Legal Aid Society New York

KEY TAKEAWAYS

- Participants recognized that Artificial Intelligence (AI) is changing the legal profession and will requir law schools to adapt their curricula to better prepare students for the evolving job market.
- Continuous dialogue between law schools and the bar is essential for aligning education with professional needs. It was suggested that law schools, especially those in New York with a large legal market, should engage practicing attorneys in teaching.
- Participants report a decline in writing and communication skills and see a need for enhanced skills training and competency requirements. However, the integration of practical experience into law school curricula has been beneficial
- Economic viability and the challenges of public interest careers are critical issues.
- The Pro Bono Scholars Program was highlighted for its work in increasing engagement in public service. The program allows students to work in public interest roles while completing their studies and taking the bar early.
- Pro bono law and skills competency pathways enhance legal education, but careful consideration is needed to avoid overburdening students and organizations.

San Francisco, CA: January 10, 2025

ATTENDEES

Attendees of the Association of American Law Schools Deans Convening:

Angela Onwuach-Willig – *Dean and Ryan Roth Gallo Professor of Law,* Boston University School of Law

Antony Page – *Dean and Professor of Law,* Florida International University College of Law

Ben Barros – *Dean and Professor of Law,* Stetson University College of Law

Beth McCormack – *Dean and Professor of Law,* Vermont Law School

Christiana Ochoa – *Dean and Herman B. Wells Endowed Professor,* Indiana University Maurer School of Law

Colin Crawford – *Dean, William H. Bowen School of Law,* University of Arkansas at Little Rock

Daniel Filler – *Dean,* Drexel University Thomas R. Kline School of Law

Elizabeth Kronk Warner – *Dean,* University of Utah S.J. Quinney College of Law

Gregory Bowman – *Dean and Professor of Law,* Roger Williams University School of Law

Hari Osofsky – *Dean and Myra and James Bradwell Professor of Law,*
Northwestern University Pritzker School of Law

James McGrath – *President, Dean, and Professor of Law,* Cooley Law School

Johanna Kalb – *Dean,* University of San Francisco School of Law

Joshua Fershee – *Dean and Professor of Law,* Creighton University School of Law

Karen Sneddon – *Dean,* Mercer University School of Law

Kent Barnett – *Dean and J. Gilbert Reese Chair in Contract Law,*
The Ohio State University Moritz College of Law

Lumen Mulligan – *Dean and Professor of Law,* University of Missouri – Kansas City School of Law

Matt Lyon – *Vice President and Dean,* Lincoln Memorial University Duncan School of Law

Melanie B. Jacobs – *Dean and Professor of Law,* University of Louisville Louis D. Brandeis School of Law

Michelle Behnke – *President-Elect,* American Bar Association

Nick Schroeck – *Dean and Professor of Law,* University of Detroit Mercy School of Law

Patricia Roberts – *Dean,* St. Mary's University School of Law

Paul Paton – *Dean,* Chapman University Fowler School of Law

Ronald Weich – *Dean and Professor of Law,* Seton Hall University School of Law

Stacy Leeds – *Dean and Professor of Law,* Arizona State University Sandra Day O'Connor College of Law

Sudha Setty – *Dean and Professor of Law,* City University New York (CUNY) School of Law*,*
Incoming President and CEO, Law School Admission Council (LSAC)

Twinette Johnson – *Dean and Professor,* Saint Louis University School of Law

William S. Brewbaker III – *Dean and Professor of Law,* University of Alabama School of Law

KEY TAKEAWAYS

- Thought the concept of "practice readiness" can be difficult to precisely define, it is important to pinpoi what we expect of law school graduates to better understand how the practicing bar, law schools, regulators, and others can contribute.
- Law schools are operating in a larger context as it relates to developing practice skills that include the skills students enter law school with as well as the involvement of the practicing bar in partnering to provide mentorship and real-world experiences. Collaboration from actors across the profession and beyond is necessary to effectively address these issues.
- While tuition and debt play a part, public interest salaries are a foundational challenge in bringing law students into public interest careers. Additionally, law school clinics are expensive and can potentially drive up tuition costs.

New Orleans, LA: February 1, 2025

ATTENDEES

Alena Allen – *Dean and Professor of Law,* Louisiana State University Paul M. Hebert Law Center

Amanda Brown – *Founder and Executive Director,* Lagniappe Law Lab

Amy Duncan – *Counsel, Access to Justice Training and Projects,* Louisiana State Bar Association

Andrea Ewalefo – *Law Clerk,* Proskauer Rose LLP

Blaine LeCesne – *Associate Dean of Diversity, Equity, and Inclusion and Professor of Law,* Loyola University New Orleans College of Law

C.C. Kahr – *Executive Director, The Pro Bono Project,* Tulane University School of Professional Advancement

Carlos Pollard, Jr. – *Student,* Southern University Law Center

Douglas Carey – *Director of Pro Bono Programs,* Southeast Louisiana Legal Services

Evan J. Bergeron – *Advocacy Center Director and Professor of Practice,* Loyola University New Orleans College of Law

Madeleine Landrieu – *Dean and Professor of Law,* Loyola University New Orleans College of Law

Mary Garvey Algero – *Associate Dean for Faculty Development and Academic Affairs and Professor of Law,* Loyola University New Orleans College of Law

Roxanne Newman – *Deputy Director,* Southeast Louisiana Legal Services

Tonya Jupiter – *Associate Dean for Experiential Learning and Public Interest Programs,* Tulane University Law School

KEY TAKEAWAYS

- Participants indicated that lawyers can only handle a portion of their current workload adequately.
- Professional Responsibility is a changing landscape, impacted by factors like the pandemic and economic constraints.
- There is a disconnect between academic knowledge and the practical skills required in legal settings.
- There was discussion around aligning both law school curricula and the bar exam with contemporary practice needs and essential competencies.
- Legal aid organizations struggle with funding, which contributes to retention issues and unfulfilled community legal needs.
- Recommendations were made to allow first- and second-year law students to gain practical experience by participating in public defender offices, which could help with retention in public interest work
- Efforts to promote diversity within the legal profession, particularly for students from non-traditional backgrounds, were discussed to ensure equitable access to resources and opportunities in law.
- The integration of technology to enhance access to justice and expand the reach of legal services was highlighted, with an emphasis on maintaining human interaction in service delivery.

Lansing, MI: February 11, 2025

ATTENDEES

Andrea Hutchinson – *Judicial Assistant for Former Justice Elizabeth T. Clement,* Michigan Supreme Court

Ashleigh Russett – *Attorney,* Bloom Sluggett, PC

Ashley Lowe – *Chief Executive Officer,* Lakeshore Legal Aid*; Commissioner District I, Board of Commissioners,* State Bar of Michigan

Bob Glaves – *Executive Director,* The Chicago Bar Foundation

Brianna Gohlke-Clausen – *Executive Director,* Grand Rapids Bar Association

Chief Justice Elizabeth Clement – Michigan Supreme Court

Claudnyse Holloman – *President and CEO,* Voices for Children Child Advocacy Center*; Commissioner-at-Large, Board of Commissioners,* State Bar of Michigan

Dana Bennett – *Former Shareholder,* Foster Swift Collins & Smith PC

David Anderson – *Secretary, Board of Commissioners,* State Bar of Michigan

David Watson – *Executive Director,* Institute of Continuing Legal Education

Derek Muller – *Professor of Law,* University of Notre Dame Law School

Elizabeth Kitchen-Troop – *Attorney and Co-Founder,* Kitchen Sharkey*; Commissioner-at-Large, Board of Commissioners,* State Bar of Michigan

Elizabeth Luckenbach – *Member and Division Director, Regulatory/Administration,* Dickinson Wright, PLLC; *Commissioner District I, Board of Commissioners,* State Bar of Michigan

Erika Lorraine Bryant – *Attorney,* Butler Davis PLLC; *Vice President and Commissioner District H, Board of Commissioners,* State Bar of Michigan

Gerard Mantese – *CEO and Senior Principal,* Mantese Honigman, PC; *Commissioner District I, Board of Commissioners,* State Bar of Michigan

Jackie Gordon – *Shareholder, Rhoades McKee; Trustee,* Grand Rapids Bar Association

Jacob Eccleston – *Staff Attorney,* Michigan State Housing Development Authority

Jeff Kirkey – *Chief Learning Officer,* Institute of Continuing Legal Education

Jennifer Quick – *Executive Director,* Oakland County Bar Association

Joseph McGill – *President, Board of Commissioners,* State Bar of Michigan

Joshua Lerner – *Founding Partner,* Cohen, Lerner & Rabinovitz; *Commissioner District I, Board of Commissioners,* State Bar of Michigan

Judge Chris Christenson – *Judge, 7th Judicial Circuit Court,* Genesee County, Michigan

Judge Douglas Shapiro (Retired) – *Commissioner, Board of Commissioners,* State Bar of Michigan

Judge Michelle Rick – Michigan Court of Appeals

Judge Nicholas Ohanesian – *Administrative Law Judge,* Social Security Administration*; Commissioner District C, Board of Commissioners,* State Bar of Michigan

Lauren Walson – *Attorney,* Olsman MacKenzie Peacock

Lisa Geherin – *Education Director,* Institute of Continuing Legal Education

Lisa Hamameh – *President-Elect, Board of Commissioners,* State Bar of Michigan

Marge Bossenbery – *Executive Coordinator,* State Bar of Michigan

Nicole Evans – *Court Administrator, 54B District Court; Commissioner, Board of Commissioners,* State Bar of Michigan

Patrick Crowley – *Chief Public Defender, Office of the Public Defender,* Marquette County

Peter Cunningham – *Executive Director,* State Bar of Michigan

Robert Easterly – *Managing Attorney,* Easterly Law PLLC*; Commissioner District D, Board of Commissioners,* State Bar of Michigan

Samantha Harkins – *Founder and CEO,* Hundred Place Consulting, LLC

Sherriee Detzler – *Attorney, The Law Offices of Sherriee L. Detzler PLLC; Commissioner, Board of Commissioners,* State Bar of Michigan

Suzanne Larsen – *City Attorney,* City of Marquette, Michigan; *Commissioner District A, Board of Commissioners,* State Bar of Michigan

Takura Nyamfukudza – *Attorney,* Chartier & Nyamfukudza, P.L.C.*; Commissioner-at-Large, Board of Commissioners,* State Bar of Michigan

Thomas Howlett – *Partner,* The Googasian Firm, P.C.; *Treasurer and Commissioner District I, Board of Commissioners,* State Bar of Michigan

Tiffane Cochran – *Vice President of Research,* AccessLex Institute

Valerie Jo MacMillan Brader – *Partner,* Rivenoak Law Group PC

KEY TAKEAWAYS

- Various mentorship and practical training programs, such as the Justice Entrepreneurs Project and MentorJet, were highlighted as effective models for preparing recent law graduates for legal practice.
- Apprenticeship programs were discussed to address the decline in licensed attorneys due to difficult passing the bar exam.
- Initiatives are being proposed to enhance diversity in the legal field and to make legal education mor accessible to underrepresented groups, including outreach to students in elementary and high schools.
- Participants highlighted the financial burdens new lawyers face, including student loans and the hig costs associated with legal education.
- Even with many available resources, a significant number of new attorneys are unaware of them sometimes leading to low participation in programs designed to assist them.

Cincinnati, OH: March 13, 2025

ATTENDEES

Bart Darrell – *Attorney,* Foreman Watson Holtrey, LLP; *Bar Examiner,* State of Kentucky

Brandon Woodard – *Partner,* Porter Rennie Woodard Kendall, LLP

Caleigh Harris – *Municipal Trial Counsel,* Hamilton County Public Defender

David Sturkey – *Zoning Hearing Examiner,* City of Cincinnati

Dustin Meek – *Attorney,* Tachau Meek PLC; *Chair,* Kentucky Board of Bar Examiners

Erica Faaborg – *Deputy City Solicitor,* City of Cincinnati

Felix Chang – *Professor of Law,* The Ohio State University Moritz College of Law

Gabe Davis – *CEO,* Ohio Justice and Policy Center

Haider Ala Hamoudi – *Dean and Nippert Professor of Law,* University of Cincinnati College of Law

Ian Doig – *General Counsel, Ethics and Good Government,* City of Cincinnati

Jennifer Brinkman – *Assistant Professor of Law and Director, Children's Law Center Clinic,* Northern Kentucky University Salmon P. Chase College of Law

Judge Ginger S. Bock – *First District Court of Appeals,* State of Ohio

Judge Kari Bloom – Hamilton County Court of Common Pleas Juvenile Division

Judge Virginia Tallent – Hamilton County Court of Common Pleas

Kelly Meurer – *Interim Director, Academic Support and Bar Preparation,* Northern Kentucky University Salmon P. Chase College of Law

Laura Welles Wilson – *Attorney,* Freking Myers & Reul, LLC; *Vice Chair, Commission on Professionalism,* Supreme Court of Ohio

Melanie B. Jacobs – *Dean and Professor of Law,* University of Louisville Louis D. Brandeis School of Law

Nicholas DeSantis – *Assistant Dean, Student Success,* Cleveland State University College of Law

Paul Salamanca – *Acting Dean and Professor of Law,* University of Kentucky Rosenberg College of Law

Sarah Adkins – *Associate Professor of Clinical Law and Director, Legal Access Clinic,* University of Cincinnati College of Law

Sasha Naiman – *Executive Director,* Children's Law Center

Shelby Adams – *Attorney,* Shelby L. Adams, Attorney at Law

Valetta Browne – *Director and General Counsel,* Kentucky Office of Bar Admissions

KEY TAKEAWAYS

- Legal nonprofits are facing financial challenges, and public interest salaries are a concern. In additio law school programs, particularly clinical ones that offer hands-on training, are experiencing cuts.
- Participants discussed how new attorneys are entering the workforce facing economic pressures and emotional challenges and are perhaps less prepared compared to previous years. Participants stressed the importance of preparing students for real-world public interest practice and utilizing trauma-informative practices when dealing with clients.
- Artificial Intelligence (AI) tools can enhance legal writing and research, and aid in practical training i legal settings.
- Participants discussed the need to re-evaluate the current bar exam structure and possible experiential pathways to licensure.
- There were suggestions to implement robust supervised practice programs to foster skill development, especially in small firms where associates often lack practical experience
- There is a need to raise awareness about the benefits of a career in public interest la .

APPENDIX **D**

Stakeholder Interviews

ATTORNEYS

Anne Kearney – *Director of Clinical Education and Clinical Professor of Law,* Marquette University

Antonio Gualco – *Attorney,* The Law Office of Benjamin | Leibrock

Blythe Phillips – *Assistant City Attorney,* City of Renton

Caleigh Harris – *Municipal Trial Counsel,* Hamilton County Public Defender

Claire Solot – *Co-Founder and Managing Director,* Bigglesworth Family Foundation

Claudia Angelos – *Clinical Professor of Law and Externship Director,* New York University School of Law

Elise Tincher – *Associate Director of Public Service and Pro Bono, Career Services*, University of Chicago Law School

Emily Boylan – *Legal Director,* Milwaukee Justice Center

Jared Morris – *Partner,* Harmon, Barnett and Morris P.C.

Jason T. Umbarger – *Attorney,* The Law Office of Jason T. Umbarger JD MBA LLC

Jennifer Hill – *Founder,* Advocacy Partners Team

Jessica Ramos – *Adjunct Professor of Law,* University of Dayton School of Law; *Attorney,* Advocates for Basic Legal Equality (ABLE

Joseph Dallaire – *District Attorney,* Fairbanks District Attorney's Office

Jordan Berger – *Associate,* Terrell Marshall Law Group PLLC

Laura Chiera – *Executive Director and Managing Attorney,* Legal Assistance to the Elderly (LAE **Laurel**

Jones – *Deputy Director of Advocacy,* Columbia Legal Services

Maggie Humm – *Executive Director,* Alaska Legal Services Corporation (ALSC

Mary Ferwerda – *Chief Deputy Clerk of Circuit Court,* Milwaukee County; *Adjunct Professor of Law,* Marquette University Law School

Melissa Friedman – *Attorney in Charge, Legal Strategy and Training*, The Legal Aid Society's Juvenile Rights Practice

Neesa Sethi – *Pro Bono Project Manager,* Legal Aid Foundation of Los Angeles (LAFLA

Nelson Bunn – *Executive Director,* National District Attorneys Association (NDAA

Quentin Ray – *District Attorney, Ninth Judicial District,* New Mexico Administrative Office of the District Attorneys

Ryan Daisy – *Associate Attorney,* Wilson and Pechacek, PLC; *Co-Chair, Rural Practice Committee,* Iowa State Bar Association

Salena Copeland – *Executive Director,* Legal Aid Association of California (LAAC)

Tara Kniep – *Director of Operations,* Milwaukee Justice Center

Veronica Tomasko-Silva – Law Offices of Little & Tomasko, PLLC

Vivek Puri – *Attorney,* Puri Law Firm, LLC

BAR ASSOCIATIONS

Bridget Fogarty Gramme – *Special Counsel,* Division of Consumer Protection, Admissions, Access and Inclusion (CPAAI), State Bar of California

Cody Hounanian – *Program Director, Office of Admissions*, State Bar of California

Elizabeth Kocienda – *Director of Advocacy,* New York City Bar

Kevin Plachy – *Director of Advancement,* Washington State Bar Association

BAR EXAMINERS

Nahdiah Hoang – *Executive Director,* Texas Board of Law Examiners

JUDICIAL OFFICERS

Judge Charles Dow – Maine District Court

Judge Curtis Gurley – New Mexico Eleventh Judicial District Court

Judge Donna Mowrer – New Mexico Ninth Judicial District Court

Judge Erin O'Connell – New Mexico Second Judicial District Court

Judge Jane Levy – New Mexico Second Judicial District Court

Judge Jed French – Maine District Court

Judge Zachary Walden – *Criminal Court Judge,* Eighth Judicial District of Tennessee

Justice Ann Murray – Maine Superior Court

Justice Brett Busby – Supreme Court of Texas

Justice John O'Neil – Maine Superior Court

LAW SCHOOL DEANS

Antony Page – *Dean and FIU Professor of Law,* Florida International University College of Law

David Faigman – *Chancellor,* Dean, *and Professor of Law*,
University of California College of the Law, San Francisco

Haider Ala Hamoudi – *Dean and Nippert Professor of Law,* University of Cincinnati College of Law

Jackie Gardina – *Dean and Chief Academic Officer,* Santa Barbara and Ventura Colleges of Law

Megan Carpenter – *Dean and Professor of Law,*
University of New Hampshire Franklin Pierce School of Law

Sudha Setty – *Incoming President and CEO,* Law School Admission Council, *Former Dean and Professor of Law,* City University New York School of Law

APPENDIX D – STAKEHOLDER INTERVIEWS

LAW SCHOOL FACULTY

Curtis Anderson – *Professor of Law,* Brigham Young University J. Reuben Clark Law School

Shaun Jamison – *Associate Dean of Faculty,* Purdue Global Law School

David Thompson – *Professor of the Practice of Law,* University of Denver Sturm College of Law

Eileen Kaufman – *Professor Emerita,* Touro University Jacob D. Fuchsberg Law Center

Eve Brensike Primus – *Professor of Law, Director*, MDefenders, and *Director, Public Defender Training Institute*, University of Michigan Law School

Gary S. Gildin – *Emeritus Dean, Professor of Law, and Director, Center for Public Interest Law and Advocacy*, Pennsylvania State University Dickinson Law

Gordon Smith – *Professor of Law,* Brigham Young University Law School

Hannah Haksgaard – *Professor,* University of South Dakota Knudson School of Law

Janet Sabel – *Adjunct Professor of Law and Director, Access to Justice Initiative, Center on Civil Justice*, New York University School of Law

Jessica Lefort – *Clinical Assistant Professor of Law, Legal Practice Program*, University of Michigan Law School

Marsha Cohen – *Emeritus Professor of Law,* University of California College of the Law, San Francisco

Michele Pistone – *Professor of Law,* Villanova University Charles Widger School of Law

Paul Belonick – *Professor of Practice and Faculty Assistant Director,* Center for Innovation, and *Director,* Startup Legal Garage, University of California College of the Law, San Francisco

Paul Maharg – *Professor of Law,* Manchester Metropolitan University Law School; *Consultant*, Osgoode Professional Development, Osgoode Hall Law School, York University

Roberto Corrada – *Professor of Law,* University of Denver Sturm College of Law

Robin Feldman – *Professor of Law and Director, Center for Innovation*, University of California College of the Law, San Francisco

Sarah Rogerson – *Professor of Law and Director,* Edward P. Swyer Justice Center, Albany Law School

Shirley Lin – *Associate Professor of Law,* Brooklyn Law School

Susan Smith Bakhshian – *Clinical Professor of Law and Director of Bar Programs,* Loyola Law School

LAW SCHOOL STAFF

Angela Joseph – *Director of Financial Aid (Retired),* City University New York School of Law

Angela Schultz – *Assistant Dean for Public Service,* Marquette University Law School

Catherine Bramble – *Associate Professor of Law,* Brigham Young University J. Reuben Clark Law School

Dane Thorley – *Associate Professor of Law,* Brigham Young University J. Reuben Clark Law School

Joi Pearson – *Director of Academic Development,* Brigham Young University J. Reuben Clark Law School

Judy Prosper-Kumbalek – *Director,* Career Services Office,

University of New Hampshire Franklin Pierce School of Law

Kelly McTear – *Clinical Associate Professor of Law, Director,* Generational and Ancestral Property Clinic, and *Director,* Public Interest Program, Faulkner University Thomas Goode Jones School of Law

Leah Horowitz – *Assistant Dean for Public Interest and Social Initiatives,* Fordham University School of Law

Lisa Curtis – *Director of Academic Success,* Georgetown Law

Neil Sirota – *Assistant Dean for Career Services and Strategic Initiatives,* University of New Hampshire Franklin Pierce School of Law

Quaime Lee – *Assistant Dean, Center for Co – op and Career Development*, Northeastern University School of Law

Rachael Shulman – *Associate Director of Career Services,* University of California Davis School of Law

Sam Sue – *Director,* Career Planning, City University New York School of Law

OTHER

Aoife Delargy Lowe – *Former Vice President, Law School Engagement and Advocacy,* Equal Justice Works

John Kelly – *Vice President, Business Development*, Member Benefits, Inc

Leanne Rupp – *Executive Director,* National Association of Social Workers Colorado Chapter

RURAL PROGRAMS

Joel Schumm – *Professor of Law, Director,* Judicial Externship Program, Appellate Clinic, and *Interim Director of Experiential Learning,* Indiana University Robert H. McKinney School of Law

Phil Garland – *Attorney; Former Chair,* Iowa State Bar Association Rural Practice Committee; *Contact,* ISBA Iowa Rural Practice Program

Sam Clinch – *Associate Executive Director,* Nebraska State Bar Association

LAW STUDENTS

Monika Myers – *Student,* University of New Mexico School of Law

Myka Curtis – *Student,* University of New Mexico School of Law

Danielle Lopez – *Student,* University of New Mexico School of Law

Ursula Wilkinson – *Graduate,* University of New Mexico School of Law

PROSPECTIVE LAW STUDENTS

Lindsey Newcomer – *Class of 2027,* Lycoming College

CLEAR Surveys

Judicial Survey

From November 2024-January 2025, NCSC conducted an online questionnaire for judges. During this period, NCSC collected 4,155 complete judicial responses from all 50 states and three territories. Incomplete responses were not analyzed, nor were they included in the survey responses below.

INTRODUCTION:

The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) want to hear from judges across the country about their experience with newly admitted attorneys in their first five years of practice. Your perspective will help inform the Committee on Legal Education and Education Reform (CLEAR) as it works to develop recommendations to improve bar admissions, the practice readiness of newly admitted attorneys, and pathways into public service. This survey is anonymous, and your identity and individual response will not be shared.

This survey should take between 5-10 minutes, and your responses will be saved if you exit before completion.

We thank you for your participation!

Your current court level:

Selected Choice	Percentage
Trial	91%
Appellate	4%
Other (please specify)	5%

Practice area covered in your court. Select all that apply:

Selected Choice	Percentage
Criminal	26%
General jurisdiction civil	22%
Housing	9%
Family	16%
Probate	10%
Juvenile	11%
Other (please specify)	4%
Tribal	0%

Total number of years you have served as a judge:	
Selected Choice	**Percentage**
Less than 1 year	4%
1-3 years	16%
4- 6 years	19%
7-9 years	14%
10-12 years	11%
12-15 years	10%
16-20 years	11%
More than 20 years	15%

Over the past two years, how often have attorneys in their first five years of practice appeared before you?	
Selected Choice	**Percentage**
Frequently	60%
Occasionally	31%
Rarely	8%
Never	1%

Please rate the following statements					
Question	**Strongly Disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly Agree**
Unprepared attorneys in their first five years of practice hav negatively affected my ability to manage my docket.	10%	32%	20%	29%	10%
Unprepared attorneys in their first five years of practice hav negatively affected client advocacy.	6%	21%	16%	39%	18%
Attorneys in their first five year of practice should receive further training before they are prepared to practice in my court.	5%	19%	23%	35%	18%
Unprepared attorneys in their first five years of practice pose significant challenge in my court	12%	34%	25%	21%	9%

LITIGATION

Please indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice:

Question	Never	Rarely	Sometimes	Most of the time	Always
Understanding court processes and structures	1%	5%	44%	48%	2%
Maintaining core knowledge of substantive and procedural law	1%	8%	44%	45%	3%
Appropriately citing legal authority	1%	15%	40%	41%	3%
Appropriately applying rules of evidence	1%	19%	45%	33%	3%
Appropriately applying rules of procedure	1%	14%	45%	38%	3%
Appropriately applying local rules	3%	20%	40%	33%	3%
Drafting logical and procedurally appropriate pleadings, motions, and/or briefs	1%	12%	40%	44%	3%
Meeting court filing deadline	1%	9%	25%	55%	11%
Appearing appropriately prepared for hearings, trials and/or appellate arguments	1%	10%	38%	45%	6%
Making logical and procedurally appropriate arguments in law and fact	0%	8%	43%	45%	3%
Competency conducting direct and cross examinations	1%	21%	44%	31%	3%
Provide quality oral advocacy	1%	12%	47%	37%	3%
Provide quality written advocacy	1%	13%	44%	38%	4%

PROFESSIONALISM

The following questions will ask you about your experience with attorneys in their first five years of practice in your court. Please indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice:

Question	Never	Rarely	Sometimes	Most of the time	Always
Acting ethically in accordance with the rules of professional conduct	0%	3%	12%	66%	19%
Speaking in a manner that meets legal and professional standards	0%	4%	23%	59%	14%
Writing in a manner that meets legal and professional standards	1%	5%	32%	53%	9%
Arriving on time for meetings, appointments, and hearings	1%	6%	24%	56%	13%
Understanding and conforming to appropriate appearance in court	1%	6%	21%	50%	21%
Treating opposing parties and opposing counsel with courtesy and respect	1%	6%	24%	53%	17%
Expressing disagreement thoughtfully and respectfully	1%	8%	29%	49%	13%

JUDGES WITH FEWER THAN 10 YEARS' EXPERIENCE

Please rate the following statements based on your experience over the last five years:

Question	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The overall litigation skills of attorneys in their first five year of practice have declined over the past 5 years.	3%	20%	31%	31%	16%
The understanding and application of court rules of attorneys in their first five years of practice ha declined over the past 5 years.	3%	21%	32%	32%	13%
The quality of written advocacy of attorneys in their first five years o practice has declined over the past 5 years.	3%	23%	37%	27%	10%
The quality of oral advocacy of attorneys in their first five years o practice has declined over the past 5 years.	3%	21%	33%	31%	12%

Please rate the following statements based on your experience over the last five years:

Question	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The overall professionalism of attorneys in their first five years o practice declined over the past 5 years.	4%	26%	25%	30%	14%
The decorum of attorneys in their first five years of practice decline over the past 5 years.	4%	26%	23%	31%	16%
The ethical behavior of attorneys in their first five years of practic declined over the past 5 years.	6%	35%	37%	16%	6%

JUDGES WITH MORE THAN 10 YEARS' EXPERIENCE

Please rate the following statements based on your experience over the last 10 years:

Question	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The overall litigation skills of attorneys in their first five year of practice have declined over the past 10 years.	3%	18%	24%	36%	19%
The understanding and application of court rules of attorneys in their first five years of practice ha declined over the past 10 years.	3%	20%	24%	37%	16%
The quality of written advocacy of attorneys in their first five years o practice has declined over the past 10 years.	3%	21%	27%	34%	15%
The quality of oral advocacy of attorneys in their first five years o practice has declined over the past 10 years.	3%	20%	25%	36%	15%

Please rate the following statements based on your experience over the last 10 years:

Question	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The overall professionalism of attorneys in their first five years o practice declined over the past 10 years.	4%	23%	21%	34%	17%
The decorum of attorneys in their first five years of practice decline over the past 10 years.	4%	23%	19%	35%	19%
The ethical behavior of attorneys in their first five years of practic declined over the past 10 years.	5%	28%	38%	20%	8%

Lawyer and Law Student Survey

From January 2025 to April 2025, NCSC conducted an online questionnaire for law students and practicing attorneys. During this period, NCSC collected 5,990 completed responses, 5,000 of which from practicing attorneys or law students. Incomplete responses were not analyzed, nor were they included in the survey responses below.

INTRODUCTION:

The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) want to hear from law students and practicing attorneys across the country about their law school and legal experience. Your perspective will help inform the Committee on Legal Education and Education Reform (CLEAR) as it works to develop recommendations to improve bar admissions, ensure practice readiness of newly admitted attorneys, and pathways into public service.

This survey is anonymous, and your identity and individual response will not be shared. This survey should take between 5-7 minutes and your responses will be saved if you exit before completion.

We thank you for your participation!

What best describes you?

Selected Choice	Percentage
Law student	10%
Practicing attorney	74%
Other	16%
Total	5991

LAW STUDENT RESPONSES

What year of law school are you currently enrolled in?

Selected Choice	Percentage
1L	34%
2L	31%
3L	36%
LLM	0%
Total	599

PRACTICE READINESS

For this section, please respond whether you agree or disagree with the following statements:

Question	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
Law schools are providing students with the necessary skills and knowledge to adequately practice law.	5%	18%	17%	51%	10%
Faculty scholarship has enhanced my educational experience.	8%	13%	23%	34%	21%
Faculty with experience practicing law has enhanced my educational experience.	1%	3%	3%	26%	67%
The bar exam influences what classes I take in law school.	5%	11%	8%	36%	40%
I have received adequate mentorship from practicing attorneys in law school.	6%	18%	21%	34%	22%

Please rate how well your experience in law school has prepared you to practice in the following areas:					
Question	**Not well at all**	**Slightly well**	**Moderately well**	**Very well**	**Extremely well**
Communicating effectively with clients	14%	23%	34%	19%	11%
Communicating effectively with opposing counsel	17%	25%	32%	17%	8%
Recognizing client needs and goals	11%	20%	32%	26%	12%
Identifying legal issues in real client fact patterns	3%	5%	23%	40%	29%
Developing and applying strategy to client matters	9%	19%	33%	26%	13%
Navigating court and other legal processes to advocate for a client	22%	29%	24%	18%	7%
Understanding how to approach ethical issues that arise in your practice area	8%	16%	31%	27%	17%
Understanding and acting within professional norms	5%	14%	30%	28%	23%
Managing a law-related workload	18%	18%	27%	21%	15%
Taking ownership of work	7%	11%	23%	34%	24%
Using technology in legal practice effectively and appropriately	12%	17%	25%	27%	19%
Interpreting legal materials	3%	6%	21%	38%	32%
Conducting research	3%	7%	18%	35%	37%
Legal writing	4%	7%	19%	33%	36%
Drafting discovery	50%	21%	18%	6%	5%
Oral advocacy	10%	21%	33%	22%	14%
Negotiating	19%	27%	28%	15%	11%
Questioning and interviewing witnesses	30%	29%	20%	14%	7%
Executing filing	53%	25%	13%	5%	5%
Document review	36%	22%	19%	14%	8%

Please rate how well you feel the following experiences are preparing you to practice law:					
Question	Not well at all	Slightly well	Moderately well	Very well	Extremely well
1L doctrinal class	11%	22%	37%	22%	8%
Research and writing class	4%	11%	22%	34%	29%
Externship	4%	2%	9%	29%	56%
Clinic	5%	5%	12%	26%	52%
Simulation course	6%	7%	19%	31%	38%
Summer internship	4%	2%	9%	27%	58%
Mentorship from a practicing attorney	5%	5%	15%	29%	46%
A legal job	2%	2%	7%	21%	67%

INNOVATIVE PATHWAYS

Some states have enacted or are considering ways to become licensed that do not involve the traditional bar exam. You will be asked about the following options as alternative licensing processes to the traditional bar exam: Curricular, where students may have required courses and/or be evaluated on practice-based experiences, like clinics and externships; Staged testing, where students take shorter written tests at different points throughout law school and/or immediately post-graduation; Supervised practice, where graduates work under the supervision of an attorney with a provisional license before being fully licensed. Please rate your support for the following options as processes for bar licensure:

Question	Not supportive at all	Somewhat support	Neutral	Support	Highly support
Curricular	7%	10%	13%	33%	37%
Staged testing	10%	15%	21%	32%	21%
Supervised practice	6%	5%	7%	26%	56%
A combination of curricular, staged testing, and/or supervised practice	4%	7%	10%	34%	44%
The traditional bar exam	27%	19%	25%	20%	10%

PUBLIC INTEREST

How would you describe your interest in pursuing public interest as a career? Public interest includes non-profit civil legal services, public defender, and local, state or federal government (including judges, prosecutors, and court personnel).

Selected Choice	Percentage
Very interested	45%
Somewhat interested	28%
Not interested	27%

What law school experiences have been most helpful in pursuing your public interest career path?					
Question	Not helpful	Somewhat helpful	Neither helpful nor unhelpful	Helpful	Very helpful
1L doctrinal class	30%	23%	18%	24%	5%
Research and writing class	24%	15%	16%	27%	17%
Externship	9%	3%	5%	28%	55%
Clinic	12%	5%	12%	23%	49%
Simulation course	21%	12%	20%	22%	26%
Summer internship	8%	6%	9%	24%	54%
Law school student groups	21%	13%	19%	28%	19%
Having a public interest law student community	20%	12%	23%	24%	21%
Having another law student act as a mentor	28%	12%	20%	26%	14%
Having a public interest attorney act as a mentor	11%	7%	9%	33%	40%
Having a law school faculty or staff member act as a mentor	14%	10%	12%	35%	29%
Other (please specify)	26%	0%	9%	4%	61%

For this section, please indicate whether you agree or disagree that the following issues may prevent you from pursuing a career in public interest:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	13%	23%	13%	34%	18%
Unpredictable and later hiring cycles in public interest hiring as compared to firms or judicial clerkships	7%	15%	16%	40%	22%
Salary	4%	8%	11%	28%	49%
Educational debt	14%	14%	13%	19%	41%
Stressful work environments	12%	28%	22%	21%	16%
High caseloads	9%	24%	21%	26%	20%
Career advancement opportunities	9%	19%	20%	34%	17%
Professional development/training opportunities	14%	26%	25%	24%	10%
Adequate mentorship and support	13%	26%	19%	27%	15%
Other (please specify)	27%	0%	27%	0%	47%

ATTORNEY RESPONSES

How many years have you practiced law?

Selected Choice	Percentage
Less than 1 year	4%
5 years or less	13%
More than 5 years	10%
More than 10 years	73%

Do you practice in a rural community?

Selected Choice	Percentage
None of my practice is in rural communities	42%
Part of my practice is in rural communities	46%
All my practice is in rural communities	12%

ATTORNEYS WITH FEWER THAN 5 YEARS' EXPERIENCE

What best describes your practice setting?

Selected Choice	Percentage
Judge or magistrate	0%
State or local prosecutor	9%
Public defender	11%
Nonprofit civil legal service	12%
Court staff	3%
Other state or local government	6%
Federal government	2%
Solo practitioner	4%
Private firm, over 50 attorney	12%
Private firm, under 50 attorney	31%
General Counsel	4%
Other legal employment	1%
Not practicing law	1%
Other (please specify)	3%

PRACTICE READINESS

For this section, please respond whether you agree or disagree with the following statements:

Question	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
Law schools are providing students with the necessary skills and knowledge to adequately practice law.	6%	34%	17%	39%	4%
I received adequate mentorship as a newly admitted attorney.	7%	18%	14%	37%	24%
I received adequate training at my employer as a newly admitted attorney.	6%	16%	12%	35%	31%
I received adequate supervision as a newly admitted attorney.	5%	14%	13%	37%	31%

Please rate how well-prepared you were when you were newly admitted in each of the following areas:					
Question	Not well at all	Slightly well	Moderately well	Very well	Extremely well
Communicating effectively with clients	6%	18%	32%	28%	17%
Communicating effectively with opposing counsel	13%	24%	34%	21%	8%
Recognizing client needs and goals	5%	18%	36%	29%	12%
Identifying legal issues in real client fact patterns	2%	7%	26%	42%	22%
Developing and applying strategy to client matters	7%	18%	38%	30%	8%
Navigating court and other legal processes to advocate for a client	24%	32%	26%	14%	4%
Understanding how to approach ethical issues that arise in your practice area	6%	19%	31%	32%	11%
Understanding and acting within professional norms	3%	12%	23%	39%	23%
Managing a law-related workload	17%	22%	30%	23%	8%
Taking ownership of work	3%	9%	28%	36%	24%
Using technology in legal practice effectively and appropriately	6%	12%	28%	34%	19%
Interpreting legal materials	1%	6%	20%	44%	29%
Conducting research	1%	6%	17%	39%	37%
Legal writing	2%	8%	20%	40%	30%
Drafting discovery	38%	26%	19%	12%	4%
Oral advocacy	9%	23%	31%	24%	12%
Negotiating	17%	26%	30%	20%	7%
Questioning and interviewing witnesses	21%	25%	28%	20%	6%
Executing filing	33%	24%	21%	15%	7%
Document review	16%	18%	27%	25%	13%

Please rate how the following experiences prepared you to practice law:					
Question	**Not helpful**	**Somewhat helpful**	**Neither helpful nor unhelpful**	**Helpful**	**Very helpful**
1L doctrinal class	13%	26%	19%	33%	9%
Research and writing class	3%	12%	6%	40%	39%
Externship	2%	4%	9%	28%	57%
Clinic	3%	4%	8%	25%	59%
Simulation course	4%	7%	12%	42%	34%
Summer internship	2%	4%	8%	30%	56%
A legal job while I was in law school	1%	4%	10%	26%	59%
Mentorship from a practicing attorney while in law school	7%	9%	18%	30%	36%
Mentorship from a practicing attorney when I was a new attorney	4%	5%	9%	27%	56%
On-the-job training as a new attorney	3%	7%	8%	24%	58%

BAR ADMISSIONS

For this section, please respond whether you agree or disagree with the following statements:

Question	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
The bar exam effectively tests whether an applicant has the necessary skills and knowledge to adequately practice law.	38%	30%	13%	14%	5%
The bar exam is a fair test.	28%	20%	20%	22%	10%

INNOVATIVE PATHWAYS

Some states have enacted or are considering ways to become licensed that do not involve the traditional bar exam. You will be asked about the following options as alternative licensing processes to the traditional bar exam: Curricular, where students may have required courses and/or be evaluated on practice-based experiences, like clinics and externships; Staged testing, where students take shorter written tests at different points throughout law school and/or immediately post-graduation; Supervised practice, where graduates work under the supervision of an attorney with a provisional license before being fully licensed. Please rate your support for the following options as processes for bar licensure:

Question	Not supportive at all	Somewhat support	Neutral	Support	Highly support
Curricular	15%	11%	13%	37%	25%
Staged testing	18%	17%	22%	30%	13%
Supervised practice	8%	7%	7%	28%	49%
A combination of curricular, staged testing, and/or supervised practice	7%	8%	7%	35%	43%
The traditional bar exam	39%	19%	14%	18%	11%

PUBLIC INTEREST

For purposes of this survey, "public interest" includes non-profit civil legal services, public defender, and local, state or federal government (including judges, prosecutors, and court personnel). What best describes you?

Selected Choice	Percentage
I am currently a public interest attorney	47%
I practiced as a public interest attorney, but am no longer a public interest attorney	6%
I am not a public interest attorney, but considered public interest in law school	24%
I am not a public interest attorney and did not consider public interest in law school	23%

When did you first decide to pursue a public interest career?

Selected Choice	Percentage
Before I went to law school	58%
During law school	24%
After I graduated from law school	17%

What experiences were most helpful in pursuing your public interest career path?					
Question	Not helpful	Somewhat helpful	Neither helpful nor unhelpful	Helpful	Very helpful
1L doctrinal class	43%	19%	17%	16%	4%
Research and writing class	29%	14%	17%	21%	18%
Externship	7%	6%	11%	21%	56%
Clinic	9%	2%	11%	18%	59%
Simulation course	19%	8%	26%	30%	17%
Summer internship	7%	3%	9%	20%	61%
Law school student groups	26%	17%	17%	22%	18%
Having a public interest law student community	24%	12%	17%	22%	26%
Having a public interest attorney act as a mentor	11%	7%	12%	32%	39%
Having a law school faculty or staff member act as a mentor	18%	9%	14%	23%	38%
Professional experience after law school	3%	1%	9%	23%	63%
Other (please specify)	7%	0%	5%	2%	85%

For this section, please respond whether you agree or disagree that the following concerns may prevent you from continuing to pursue a career in public interest:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	19%	24%	16%	29%	12%
Salary	3%	6%	9%	41%	42%
Educational debt	10%	14%	14%	23%	39%
Stressful work environments	6%	19%	15%	28%	31%
High caseloads	5%	15%	15%	28%	36%
Career advancement opportunities	8%	23%	21%	29%	18%
Professional development/training opportunities	19%	37%	20%	15%	8%
Adequate mentorship and support	21%	30%	18%	19%	12%
Other (please specify)	0%	0%	8%	0%	92%

For this section, please respond whether you agree or disagree that the following concerns led you to move out of public interest employment:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	24%	22%	20%	24%	10%
Salary	2%	10%	2%	19%	67%
Educational debt	10%	8%	10%	23%	49%
Stressful work environments	12%	26%	14%	19%	29%
High caseloads	12%	21%	14%	24%	29%
Career advancement opportunities	7%	15%	12%	46%	20%
Professional development/training opportunities	12%	12%	31%	26%	19%
Adequate mentorship and support	10%	17%	31%	19%	24%
Other (specify)	0%	0%	17%	17%	67%

For this section, please respond whether you agree or disagree that the following concerns led you to not pursue a public interest career:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	14%	28%	18%	23%	17%
Unpredictable and later hiring cycles in public interest hiring as compared to firms or judicial clerkships	12%	28%	20%	26%	14%
Salary	2%	7%	6%	26%	59%
Educational debt	11%	14%	10%	19%	46%
Stressful work environments	13%	25%	26%	17%	18%
High caseloads	10%	21%	22%	27%	20%
Career advancement opportunities	9%	27%	16%	35%	14%
Professional development/training opportunities	17%	32%	23%	19%	10%
Adequate mentorship and support	17%	33%	19%	20%	11%
Other (specify)	0%	13%	0%	13%	75%

ATTORNEYS WITH MORE THAN 5 YEARS' EXPERIENCE

What best describes your practice setting?

Selected Choice	Percentage
Judge or magistrate	2%
State or local prosecutor	7%
Public defender	5%
Nonprofit civil legal service	8%
Court staff	1%
Other state or local government	8%
Federal government	2%
Solo practitioner	19%
Private firm, over 50 attorney	7%
Private firm, under 50 attorney	27%
General Counsel	6%
Other legal employment	3%
Not practicing law	1%
Other (please specify)	3%

Do you supervise new attorneys in your office?

Selected Choice	Percentage
Yes	41%
No	59%

Do you mentor new attorneys in your office?

Selected Choice	Percentage
Yes	63%
No	37%

PRACTICE READINESS

For this section, please respond whether you agree or disagree with the following statements:

Question	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
Law schools are providing students with the necessary skills and knowledge to adequately practice law.	7%	30%	21%	38%	4%
I received adequate mentorship as a newly admitted attorney.	10%	24%	11%	34%	22%
I received adequate training at my employer as a newly admitted attorney.	7%	19%	12%	37%	25%
I received adequate supervision as a newly admitted attorney.	6%	17%	15%	39%	24%
The availability of mentorship for newly admitted attorneys has declined over time.	6%	17%	43%	23%	11%
Employers expect newly admitted attorneys to be more ready to practice than when I was admitted.	7%	27%	41%	17%	9%

When did you feel adequately prepared to practice law at a novice level without supervision?

Selected Choice	Percentage
At law school graduation	3%
First year of practice	22%
First 3 years of practice	40%
After 3 years of practice	31%
Other (please specify):	4%

Please rate how the following experiences prepared you to practice law:					
Question	Not helpful	Somewhat helpful	Neither helpful nor unhelpful	Helpful	Very helpful
1L doctrinal class	14%	24%	21%	33%	8%
Research and writing class	3%	13%	6%	43%	35%
Externship	2%	5%	10%	34%	49%
Clinic	2%	6%	13%	30%	49%
Simulation course	4%	8%	21%	42%	26%
Summer internship	2%	5%	8%	36%	48%
A legal job while I was in law school	1%	5%	8%	34%	52%
Mentorship from a practicing attorney while in law school	5%	9%	19%	33%	34%
Mentorship from a practicing attorney when I was a new attorney	2%	6%	6%	30%	56%
On-the-job training as a new attorney	1%	4%	4%	25%	65%

Please rate how important the following knowledge and skills are for newly admitted attorneys to possess:					
Question	Not at all important	Slightly important	Moderately important	Very important	Extremely important
Communicating effectively with clients	0%	2%	8%	32%	57%
Communicating effectively with opposing counsel	0%	2%	13%	38%	46%
Recognizing client needs and goals	0%	1%	8%	37%	54%
Identifying legal issues in real client fact patterns	0%	1%	6%	36%	57%
Developing and applying strategy to client matters	0%	3%	16%	40%	41%
Navigating court and other legal processes to advocate for a client	0%	3%	16%	37%	43%
Understanding how to approach ethical issues that arise in your practice area	0%	3%	15%	36%	45%
Understanding and acting within professional norms	0%	3%	16%	40%	41%
Managing a law-related workload	0%	3%	18%	42%	37%
Taking ownership of work	0%	2%	12%	36%	49%
Using technology in legal practice effectively and appropriately	0%	4%	25%	42%	29%
Interpreting legal materials	0%	2%	14%	44%	40%
Conducting research	0%	3%	16%	39%	42%
Legal writing	0%	2%	13%	36%	49%
Drafting discovery	2%	11%	38%	34%	16%
Oral advocacy	1%	7%	25%	40%	29%
Negotiating	1%	7%	22%	37%	33%
Questioning and interviewing witnesses	1%	7%	26%	40%	26%
Executing filing	2%	11%	33%	33%	22%
Document review	1%	7%	26%	38%	27%

Please rate how well-prepared newly admitted attorneys are in each of the following areas:					
Question	**Not well at all**	**Slightly well**	**Moderately well**	**Very well**	**Extremely well**
Communicating effectively with clients	15%	34%	44%	6%	2%
Communicating effectively with opposing counsel	17%	36%	40%	5%	1%
Recognizing client needs and goals	11%	35%	45%	8%	2%
Identifying legal issues in real client fact patterns	5%	21%	51%	19%	4%
Developing and applying strategy to client matters	12%	35%	43%	8%	2%
Navigating court and other legal processes to advocate for a client	20%	36%	35%	7%	2%
Understanding how to approach ethical issues that arise in your practice area	9%	29%	43%	15%	3%
Understanding and acting within professional norms	9%	25%	45%	18%	3%
Managing a law-related workload	20%	33%	37%	8%	2%
Taking ownership of work	13%	31%	38%	15%	3%
Using technology in legal practice effectively and appropriately	2%	7%	29%	41%	20%
Interpreting legal materials	2%	16%	51%	26%	5%
Conducting research	2%	10%	37%	37%	13%
Legal writing	6%	20%	45%	24%	5%
Drafting discovery	21%	35%	38%	5%	1%
Oral advocacy	8%	34%	46%	11%	2%
Negotiating	18%	41%	35%	4%	1%
Questioning and interviewing witnesses	15%	40%	38%	6%	1%
Executing filing	17%	29%	39%	12%	3%
Document review	6%	25%	48%	18%	3%

BAR ADMISSIONS

For this section, please respond whether you agree or disagree with the following statements:

Question	Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree
The bar exam effectively tests whether an applicant has the necessary skills and knowledge to adequately practice law.	18%	30%	19%	26%	7%
The bar exam is a fair test.	10%	15%	26%	35%	14%

INNOVATIVE PATHWAYS

Some states have enacted or are considering ways to become licensed that do not involve the traditional bar exam. You will be asked about the following options as alternative licensing processes to the traditional bar exam: Curricular, where students may have required courses and/or be evaluated on practice-based experiences, like clinics and externships; Staged testing, where students take shorter written tests at different points throughout law school and/or immediately post-graduation; Supervised practice, where graduates work under the supervision of an attorney with a provisional license before being fully licensed. Please rate your support for the following options as processes for bar licensure:

Question	Not supportive at all	Somewhat support	Neutral	Support	Highly support
Curricular	25%	15%	18%	26%	16%
Staged testing	22%	16%	23%	29%	10%
Supervised practice	15%	10%	10%	31%	34%
A combination of curricular, staged testing, and/or supervised practice	13%	10%	11%	33%	34%
The traditional bar exam	14%	14%	20%	29%	23%

PUBLIC INTEREST

For purposes of this survey, "public interest" includes nonprofit civil legal services, public defender, and local, state or federal government (including judges, prosecutors, and court personnel). What best describes you?

Selected Choice	Percentage
I am currently a public interest attorney	37%
I practiced as a public interest attorney but am no longer a public interest attorney	16%
I am not a public interest attorney but considered public interest in law school.	15%
I am not a public interest attorney and did not consider public interest in law school.	32%

When did you first decide to pursue a public interest career?

Selected Choice	Percentage
Before I went to law school	37%
During law school	16%
After I graduated law school	15%

What experiences were most helpful in pursuing your public interest career path?					
Question	**Not helpful**	**Somewhat helpful**	**Neither helpful nor unhelpful**	**Helpful**	**Very helpful**
1L doctrinal class	38%	18%	20%	18%	7%
Research and writing class	25%	13%	17%	24%	22%
Externship	11%	6%	9%	25%	49%
Clinic	11%	5%	12%	24%	48%
Simulation course	20%	8%	21%	29%	22%
Summer internship	9%	5%	10%	26%	49%
Law school student groups	33%	14%	26%	17%	11%
Having a public interest law student community	28%	9%	22%	21%	19%
Having a public interest attorney act as a mentor	13%	6%	13%	32%	36%
Having a law school faculty or staff member act as a mentor	21%	9%	22%	26%	22%
Professional experience after law school	2%	2%	4%	21%	71%
Other (please specify)	2%	1%	11%	8%	79%

For this section, please respond whether you agree or disagree that the following concerns may prevent you from continuing to pursue a career in public interest:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	15%	28%	17%	26%	13%
Unpredictable and later hiring cycles in public interest hiring as compared to firms or judicial clerkships	14%	24%	23%	26%	13%
Salary	4%	8%	9%	33%	45%
Educational debt	13%	13%	12%	22%	40%
Stressful work environments	8%	22%	19%	27%	25%
High caseloads	7%	16%	18%	30%	29%
Career advancement opportunities	8%	18%	22%	31%	22%
Professional development/training opportunities	17%	33%	22%	19%	9%
Adequate mentorship and support	16%	30%	21%	21%	11%
Other (please specify)	7%	2%	14%	19%	59%

For this section, please respond whether you agree or disagree that the following concerns led you to move out of public interest employment:					
Question	**Strongly disagree**	**Disagree**	**Neither agree nor disagree**	**Agree**	**Strongly agree**
Finding job opportunities	15%	25%	19%	28%	13%
Unpredictable and later hiring cycles in public interest hiring as compared to firms or judicial clerkships	21%	33%	30%	13%	3%
Salary	5%	9%	11%	29%	46%
Educational debt	15%	19%	19%	18%	28%
Stressful work environments	16%	25%	17%	22%	21%
High caseloads	14%	23%	19%	21%	23%
Career advancement opportunities	7%	14%	18%	28%	32%
Professional development/training opportunities	16%	29%	26%	17%	12%
Adequate mentorship and support	19%	31%	23%	14%	13%
Other (please specify)	3%	0%	9%	16%	72%

For this section, please respond whether you agree or disagree that the following concerns led you to not pursue a public interest career:

Question	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Finding job opportunities	7%	19%	18%	37%	20%
Unpredictable and later hiring cycles in public interest hiring as compared to firms or judicial clerkships	9%	21%	26%	33%	11%
Salary	3%	7%	12%	33%	45%
Educational debt	10%	15%	13%	23%	39%
Stressful work environments	15%	32%	30%	15%	8%
High caseloads	12%	28%	29%	17%	13%
Career advancement opportunities	9%	25%	28%	26%	12%
Professional development/training opportunities	14%	29%	35%	17%	5%
Adequate mentorship and support	14%	32%	34%	14%	6%
Other (please specify)	2%	0%	25%	20%	54%

National Convening on the Future of Legal Education and Admissions

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Austen Parrish – *Dean,* University of California, Irvine School of Law

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Danielle M. Conway – *Dean,* Penn State Dickinson Law and School of International Affairs, and *President-Elect*, Association of American Law Schools

Elizabeth Kronk Warner – *Dean,* S.J. Quinney College of Law, University of Utah

Kellye Testy – *CEO,* Association of American Law Schools

Kerry Abrams – *Dean,* Duke University School of Law

Leonard Baynes – *Dean,* Hugh Roy & Lillie Cranz Cullen Distinguished Chair, and Professor of Law, University of Houston Law Center

Lolita Buckner Inniss – *Dean,* University of Colorado Law School

Melanie Leslie – *Dean,* Benjamin N. Cardozo School of Law

Melanie B. Jacobs – *Dean and Professor of Law,* Louis D. Brandeis School of Law, University of Louisville

Patricia Roberts – *Dean,* St. Mary's University School of Law

Richard Moberly – *Dean,* University of Nebraska College of Law

AMERICAN BAR ASSOCIATION (ABA)

Carla Pratt – *Professor of Law,* University of Oklahoma College of Law

Daniel Thies – *Shareholder,* Webber & Thies, PC

David Brennen – *Frost, Brown & Todd Professor of Law,* Rosenberg College of Law

Jennifer Rosato Perea – *Managing Director, Section of Legal Education and Admissions to the Bar*, American Bar Association

Justice Melissa Hart – Colorado Supreme Court

Kirsten Winek – *Accreditation Counsel, Section of Legal Education and Admissions to the Bar,* American Bar Association

Mary Lu Bilek – *Former Dean and Professor of Law,* City University of New York School of Law; *Former Dean and Professor of Law*, University of Massachusetts School of Law

ACCESSLEX INSTITUTE

Fletcher Hiigel – *Librarian,* AccessLex Institute

Joel Chanvisanuruk – *Senior Director, Programs for Academic and Bar Success,* AccessLex Institute

Mary Crossley – *Professor of Law and John E. Murray Faculty Scholar,* University of Pittsburgh School of Law

THE CONFERENCE OF CHIEF JUSTICES (CCJ) AND THE CONFERENCE OF STATE COURT ADMINISTRATORS (COSCA)

Chief Justice Laurance B. VanMeter (Retired) – Supreme Court of Kentucky

Michel Jendretzky – *Director,* Attorney Services Division, Supreme Court of Ohio

Chief Justice John D. Minton, Jr. (Retired) – Supreme Court of Kentucky

CLEAR EXECUTIVE COMMITTEE

Chief Justice Gordon J. MacDonald – New Hampshire Supreme Court

Chief Justice Loretta H. Rush – Indiana Supreme Court

Chief Justice Meagan A. Flynn – Supreme Court of Oregon

Chief Justice Steven R. Jensen – *Supreme Court of South Dakota*

Chief Justice Valerie Stanfil – Maine Supreme Judicial Court

Dave K. Byers – *Administrative Director of the Courts,* Supreme Court of Arizona

Justice C. Shannon Bacon – New Mexico Supreme Court

APPENDIX F – FUTURE OF LEGAL EDUCATION AND ADMISSIONS

CLEAR WORKING GROUP

Courtney Brooks – *Clinical Director, Associate Dean for Faculty,* and *Director of the Daniel Webster Scholar Honors Program,* University of New Hampshire Franklin Pierce School of Law

Deborah Jones Merritt – *Distinguished University Professor* and *John Deaver Drinko/Baker & Hostetler Chair in Law Emerita,* The Ohio State University Moritz College of Law

Josh Woodward – *Counsel to Chief Justice Loretta H. Rush,* Indiana Supreme Court

Mina Jones Jefferson – *Chief Culture and Engagement Officer,* Bricker Graydon LLP

Nick Smithberg – *Executive Director,* Iowa Legal Aid

Rodina Cave Parnall – *Executive Director,* American Indian Law Center, Inc.

Ronald Flagg – *President,* Legal Services Corporation

Verna Williams – *CEO,* Equal Justice Works

LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT (LSSSE)

Meera E. Deo – *Honorable Vaino Spencer Chair and Professor of Law,* Southwestern Law School

THE LAW SCHOOL ADMISSION COUNCIL (LSAC)

Daniel Filler – *Dean,* Drexel University Thomas R. Kline School of Law

Elizabeth Kronk Warner – *Dean,* S.J. Quinney College of Law, University of Utah

Lolita Buckner Inniss – *Dean,* University of Colorado Law School

Patricia Roberts – *Dean,* St. Mary's University School of Law

Susan Krinsky – *Executive Vice President for Operations and Chief of Staff,* Law School Admission Council

Susannah Pollvogt – *Principal Consultant for Academics and Curriculum,* Law School Admission Council

Zachariah DeMeola – *Senior Director of Strategic Initiatives,* Law School Admission Council

THE NATIONAL ASSOCIATION FOR LAW PLACEMENT (NALP)

Alison Ashe-Card – *Associate Dean for Diversity,* Equity, and Inclusion, Duke University School of Law

Danielle Taylor – *Director of Research and Chief Data Strategist,* National Association for Law Placement

Nikia Gray – *Executive Director,* National Association for Law Placement

Rashida West – *Director, Pro Bono and Public Interest Programs*,
Drexel University Thomas R. Kline School of Law

Tony Waller – *Assistant Dean for Career Development,* University of Georgia School of Law

NATIONAL CONFERENCE OF BAR EXAMINERS (NCBE)

Augustin "Augie" Rivera, Jr. – *General Counsel,* Del Mar College; *Chair,* Texas Board of Law Examiners

Chief Justice Ann Scott Timmer – Arizona Supreme Court

Chief Justice Scott Bales (Retired) – Arizona Supreme Court

Danette McKinley – *Former Director of Strategic Research,* National Conference of Bar Examiners, *Senior Psychometric Analyst*, Foundation for Advancement of Internal Medical Education and Research

Darin Scheer – *Chair,* Board of Trustees, National Conference of Bar Examiners; *Senior Counsel*, Crowley Fleck LLP

John McAlary – *Board Member,* New York State Board of Law Examiners

Judge Phyllis Thompson – *Senior Judge,* District of Columbia Court of Appeals

Judge Cynthia Martin – Missouri Court of Appeals

Judy Gundersen – *President,* National Conference of Bar Examiners

Lisa Perlen – *Board Member,* Tennessee Board of Law Examiners

Marilyn Wellington – *Chief Strategy and Operations Officer,* National Conference of Bar Examiners

Timothy Davis – *Professor,* Wake Forest University School of Law

Rural Recruitment Programs

Program Name	Engagement & Duration	Financial Incentives	Eligibility & Requirements	Experiential Opportunities	Mentorship Support	Job Placement & Career Support	Partnerships
Pre-Admission Recruitment Programs							
Nebraska's Rural Law Opportunities Program	Undergraduate-law school	▪ Undergrad scholarships ▪ Loan forgiveness education	▪ Express interest in rural practice ▪ 3.5 undergrad GPA ▪ Minimum LSAT score ▪ Other minor admissions criteria		▪ Develop relationship with UN Law in freshman year		▪ Undergrads in 1 of 3 state schools who complete the program are enrolled in the University of Nebraska Law School.
Idaho Heritage Project-Rural Services Scholarship Fund	Summers during law school	▪ Stipends of $500 to about $2,000		▪ Internships, externships, or pro bono service in rural communities			▪ Hopwood Endowment for summer internships with nonprofit land trusts in PNW
IU-McKinney Supporting Rural Justice Initiative	Summers during law school	▪ Tuition waiver for three experiential learning credits ▪ $4,000 stipend	▪ At least 200 hours	▪ Rural judicial clerkships ▪ Certified legal internships with prosecutor and public defender offices for 3Ls			
Maine Rural Law Fellowship	Summers during law school	▪ Rising 2Ls: $6,000 stipend ▪ Rising 3Ls: $7,500 stipend	▪ Work 20 weeks, full time ▪ Legal aid volunteer work encouraged	▪ Internships with rural practitioners	▪ Pairs students with rural lawyers who serve as mentors		▪ The Maine Justice Foundation ▪ The Maine State Bar Association ▪ The Maine Board of Overseers of the Bar ▪ The Betterment Fund
Kansas Rural Legal Practice Initiative	Undergraduate-law school	▪ Full tuition paid for six hours of externship credit ▪ $5,000 stipend	▪ Express interest in rural practice	▪ Externships with rural attorneys and judges	▪ Interested Kansas State students learn about Washburn Law and how to gain admission to and successfully complete law school ▪ Mentoring with Washburn Law alumni who practice in rural areas	▪ Identifying rural employment opportunities ▪ Preparing students to transition from law school to practice ▪ Development and networking opportunities through student-run organization	▪ Kansas State University ▪ Washburn University ▪ Kansas Farm Bureau

APPENDIX **G**

Program Name	Engagement & Duration	Financial Incentives	Eligibility & Requirements	Experiential Opportunities	Mentorship Support	Job Placement & Career Support	Partnerships
Pre-Admission Recruitment Programs							
Illinois State Bar Association Rural Practice Summer Fellows Program	Summers during law school	▪ $5,000 fellowship grant		▪ Connections with rural practitioners to get a taste of rural practice	▪ Mentorship programs geared toward young attorneys in rural practice	▪ Assistance in identifying quality job placements in rural areas ▪ Networking opportunities with the local business community	
Wyoming State Bar Rural Practice Opportunity Fund	Summers during law school	▪ Multi-purpose funds		▪ Clerkships, internships			▪ University of Wyoming Foundation
Arizona Lawyer Apprentice Program	2 years; post-law school; prior to bar admission		▪ Score between 260 and 269 on the UBE ▪ Be employed by a public or private law office in a rural AZ community or public law office anywhere in the state ▪ Meet character and fitness requirement	▪ Supervised practice with lawyers with over 5 years' experience			
Post-Admission Recruitment and Retention Programs							
South Dakota Rural Attorney Recruitment Program	5 years, post-graduation Penalty for not completing 5 years	▪ 5 annual payments of $12,513.60	▪ Full-time practice in a rural area				▪ Payments: 35% by rural county or munciality, 15% by state bar, 40% by Unified Judicial Syste

APPENDIX G

Program Name	Engagement & Duration	Financial Incentives	Eligibility & Requirements	Experiential Opportunities	Mentorship Support	Job Placement & Career Support	Partnerships
Post-Admission Recruitment and Retention Programs							
Arkansas Rural Practice Incubator Project	18 months, post-graduation	▪ $6,000 stipend	▪ 100 hours of pro bono or low bono in first year		▪ Ongoing support and guidance from mentors with substantive legal expertise	▪ Training and CLEs on business development, beginning a law practice, law practice management, marketing, substantive law, and lawyering skills ▪ Alumni privileges of the Law Library including a free borrowing membership ▪ Free subscriptions and access to case management software, legal research tools, legal document templates, and forms ▪ Referrals from legal referral services	
Illinois State Bar Association Rural Practice Associates Program	Up to 1-year, post-graduation	▪ $5,000 stipend at the beginning of employment and an additional $5,000 stipend if the associate is still working for the same firm after one year			▪ Mentorship programs geared toward young attorneys in rural practice	▪ Assistance in identifying quality job placements in rural areas ▪ Networking opportunities with the local business community	▪ The program works with rural law firms to prescreen candidates, provide training and support, and subsidize salaries
The Greater Wisconsin Initiative		▪ Loan repayment assistance for rural lawyers			▪ Mentoring opportunities with rural attorneys		▪ Wisconsin State Bar
Oregon State Bar Loan Repayment Assistance Program	12 months to 3 years	▪ Up to $7,500 per year for a maximum of three consecutive years	▪ Qualifying employment ▪ Be licensed to practice in Oregon ▪ Salary cap of $85,000 ▪ Eligible debt over $35,000				

APPENDIX G

Program Name	Engagement & Duration	Financial Incentives	Eligibility & Requirements	Experiential Opportunities	Mentorship Support	Job Placement & Career Support	Partnerships
Post-Admission Recruitment and Retention Programs							
Louisiana State Bar LIFT Rural Justice Legal Incubator Project	12 months	▪ $30/hr for cases where counsel, advice, or brief services are rendered ▪ $50/hr for cases that involve extended representation			▪ Participating attorneys work with experienced lawyers to provide services in identified parishes	▪ Access to free case management, legal research programs, and business development services ▪ Free training and CLEs	▪ Acadiana Legal Service Corporation (ALSC)
Nebraska State Bar Association Rural Practice Loan Repayment Assistance	3 years	▪ Up to $6,000 per year	▪ Be either: 1) a full-time salaried attorney working for a tax-exempt charitable nonprofit organization in Nebraska whose primary duties are public legal service or 2) a full-time attorney primarily serving in a designated legal profession shortage area				
New Mexico Judiciary Rural Justice Initiative Clerkship Program	2 years	▪ Fixed salaries of $70,000 per year plus all judicial branch benefits		▪ Rural judicial clerkships	▪ Graduates work under the guidance of state judicial district Chief Judges		
North Dakota Rural Attorney Recruitment Program	5 years	▪ Salary of $45,000	▪ Work full-time in the participating community ▪ Must live within close proximity to the community for 5 years				▪ State of North Dakota ▪ North Dakota State Bar Association ▪ Participating counties or municipalities ▪ Rural attorneys ▪ Courts

APPENDIX G

Program Name	Engagement & Duration	Financial Incentives	Eligibility & Requirements	Experiential Opportunities	Mentorship Support	Job Placement & Career Support	Partnerships
Post-Admission Recruitment and Retention Programs							
Ohio Rural Practice Incentive Program	3 to 5 years	▪ Loan repayment of up to $10,000 per year	▪ Licensed for 8 years or less ▪ Provide eligible service in areas designated as underserved communities ▪ Be employed by (1) the state public defender, (2) the prosecuting attorney of a county, (3) a county public defender commission, or (4) a joint county public defender commission to represent indigent persons, OR work as counsel appointed by the court or selected by an indigent person AND work in an underserved community for at least 520 hours each year				▪ Ohio Department of Higher Education
Montana Legal Services Association (MSLA) Rural Incubator Project for Lawyers (RIPL)	12 months	▪ Loan Repayment Assistance Progrm (LRAP) for up to $1,800	▪ Provide 50 pro bono hours and 150 reduced-rate hours serving clients referred from MLSA ▪ Form an independent solo or small firm law practice that operates directly in a rural community or offers remote rural services ▪ Participate in RIPL programming, including CLE sessions, regular staffing calls, and mentorship meetings ▪ Maintain malpractice insurance for clients served outside of program referrals	▪ Rural fellowships	▪ Mentorships by experienced practitioners ▪ Weekly calls with MLSA staff attorneys ▪ Monthly training specifically for the RIP fellows from mentors	▪ Training and assistance with business and client development, substantive law, skills, and law practice management ▪ Access to CLEs ▪ Hands-on legal experience ▪ Ability to collaborate with peers and other successful practitioners ▪ Client referral services	▪ Montana Justice Foundation

APPENDIX G

ENDNOTES

1 See *State of the State Courts 2024 Poll*, National Center for State Courts (Dec. 2024), https://www.ncsc.org/sites/default/files/media_document/State-of-the-State-Courts-2024.pdf.

2 Am. Bar Ass'n Section of Legal Educ. & Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools (2024), [hereinafter ABA Standards], https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2024-2025/2024-2025-standards-and-rules-for-approval-of-law-schools.pdf.

3 For purposes of this report, pro bono is defined by ABA Model Rule 6.1, Model Rules of Pro. Conduct r. 6.1 (A.B.A. 1983), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/ (last updated April 17, 2019).

4 *See, e.g.*, *The Justice Gap*, The Legal Services Corporation (2022), https://justicegap.lsc.gov/the-report/.

5 Anna Carpenter et. al., *Judges in Lawyerless Courts*, 110 Geo. L. J. 509 (2022), available at https://scholarship.law.columbia.edu/faculty_scholarship/2742?utm_source=scholarship.law.columbia.edu%2Ffaculty_scholarship%2F2742&utm_medium=PDF&utm_campaign=PDFCoverPages.

6 *Id.*

7 *The Justice Gap, supra note 4.*

8 Matt Reynolds, 2023 *'Profile of the Legal Profession' Report Spotlights the Scarcity of Legal Aid Lawyers*, ABA Journal (Nov. 30, 2023), https://www.abajournal.com/web/article/2023-profile-of-the-legal-profession-spotlights-the-scarcity-of-legal-aid_lawyers#:~:text=%E2%80%9CBut%20some%20sobering%20news%20is,that%20help%2C%E2%80%9D%20he%20said.

9 Debra Cassens Weiss, *Trump Budget Eliminates Legal Services Corporation Funding*, ABA Journal (Mar. 16, 2017), http://www.abajournal.com/news/article/trump_budget_eliminates_funding_for_legal_services_corp/, ("More than 30 cost-benefit studies all show that legal aid delivers far more in benefits than it costs. . . .")

10 American Bar Association, Profile of the Legal Profession, at 16 (2023), https://www.abajournal.com/files/POL_.pdf.

11 *See, e.g., National Public Defense Workload Study*, The Rand Corporation (Jul. 27, 2023), https://www.rand.org/pubs/research_reports/RRA2559-1.html. See also, Bryan Polcyn, *Public Defender Delays Persist Despite Pay Increase* (Jan. 10, 2024), https://www.fox6now.com/news/public-defender-delays-persist-pay-increase.

12 *Id.*

13 *Findings from the NALP/PSJD 2022 Public Service Attorney Salary Survey*, National Association of Law Placement (Jun. 2022), https://www.nalp.org/0622research#table1.

14 Disha Raychaudhuri & Karen Sloan, *Prosecutors Wanted: District Attorneys Struggle to Recruit and Retain Lawyers*, Reuters (Apr.13, 2022), https://www.reuters.com/legal/transactional/prosecutors-wanted-district-attorneys-struggle-recruit-retain-lawyers-2022-04-12/.

15 *See Identifying Legal Deserts*, NCSC GIS Maps, https://www.ncsc.org/resources-courts/mapping-barriers-legal-services; James Teufel & Michael Gallo, *The Minimum Number of Lawyers Needed to Eliminate Legal Deserts in the United States*, Legal Evolution (Dec. 11, 2022), https://www.legalevolution.org/2022/12/the-minimum-number-of-lawyers-needed-to-eliminate-legal-deserts-in-the-united-states-345/ (figure 6, depicting the di ferences in legal deserts by county legal desert status).

16 American Bar Association, Profile of the Legal Profession, at 2 (2020), https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf.

17 *See, e.g., Report of the New York State Bar Association Task Force on Rural Justice*, NY State Bar Association (Apr. 2022), https://nysba.org/wp-content/uploads/2020/04/Report-Task-Force-on-Rural-Justice-April-2020-.pdf?srsltid=AfmBOoryF827i6iIDxHW.

18 As noted by stakeholders interviewed through CLEAR.

19 *See* Michelle Statz & Paula Termuhlen, *Rural Legal Deserts Are a Critical Health Determinant*, Am J Public Health (Oct. 2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7483108/.

20 *Id.*

21 Jeffrey Q. Smith & Grant R. Macqueen, *Going, Going, but Not Quite Gone*, Vol. 101 No. 4 Judicature 26 (Duke L. Ctr for Jud. Stud. 2017), https://judicature.duke.edu/wp-content/uploads/sites/3/2020/06/JUDICATURE101.4-vanishing.pdf.

22 Anna Sims, *A New Experience: As Trials Diminish, New Lawyers Need Additional Options to Hone Courtroom Skills*, Mass. Bar Association: Lawyers Journal (Jan./Feb. 2018), https://massbar.org/publications/lawyers-journal/lawyers-journal-article/lawyers-journal-2018-january-february/a-new-experience-as-trials-diminish-new-lawyers-need-additional-options-to-hone-courtroom-skills.

23 *How AI is Transforming the Legal Profession*, Thompson Reuters Legal Solutions (Jan. 16, 2025), https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/. See also *How is AI Changing the Legal Profession?*, Bloomberg Law (May 23, 2024), https://pro.bloomberglaw.com/insights/technology/how-is-ai-changing-the-legal-profession/#how-technology-is-changing-the-legal-fiel .

24 In the Path to Practice survey, 68% of faculty, 53% of law students, and 41% of practicing attorneys strongly believe that learning to use AI will benefit law students in their careers and should be part of their legal education. Bloomberg Law, *Path to Practice: The Law School Survey* (2024), https://aboutblaw.com/bffS.

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26 Staci Zaretsky, Trendspotting? Major U.K. Client Refuses to Pay Junior Biglaw Attorneys, Above the Law (Mar. 22, 2017), https://abovethelaw.com/2017/03/trendspotting-major-u-k-client-refuses-to-pay-junior-biglaw-attorneys/#:~:text=For%20almost%20a%20decade%2C%20major,Create+%20Delivers%20Personalized%20Legal%20Drafting.

27 *See, e.g., Pandemic Learning Loss and COVID-19: Education Impacts*, Annie E. Casey Foundation (Jun. 10, 2024), https://www.aecf.org/blog/pandemic-learning-loss-impacting-young-peoples-futures.

28 *See, e.g., Analyzing First-Time Bar Exam Passage on the UBE in New York State*, AccessLex Institue & NYBOLE (May 2021), https://www.accesslex.org/NYBOLE; Hong Jiang, Andrea A. Curcio, & Kim D'Haene, *A Preliminary Study Looking Beyond LSAT and LSGPA: Factors During the Bar Study Period That May Affect Bar Exam Passage* (Jun. 2019), https://www.airweb.org/docs/default-source/documents-for-pages/accesslex/curcioscholarlypaper-2.pdf; Derek T. Muller & Christopher J. Ryan Jr., *The Secret Sauce: Examining Law Schools That Overperform on the Bar Exam*, 75 Fla. L. Rev. 65 (2023), https://scholarship.law.nd.edu/cgi/viewcontent.cgi?params=/context/law_faculty_scholarship/article/2521/&path_info=75FlaLRev65.pdf.

29 The CLEAR Resolution focuses on state supreme courts' regulatory authority as it relates to licensed attorneys. While states across the country are examining if and how to regulate non-attorney legal practitioners to increase access to justice, CLEAR's charge does not extend to examining these issues.

30 *See* Comprehensive Guide to Bar Admissions Requirements 2025, National Conference of Bar Examiners, (2025), https://reports.ncbex.org/comp-guide/.

31 See Deborah Jones Merritt & Logan Cornett, Building a Better Bar: The Twelve Building Blocks of Minimum Competence, at 3 (2020), https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_ba .pdf.Importantly, this definition of minimum competence does not mirror the skills and knowledge tested on the current bar exam, which emphasizes a narrower set of legal analysis skills and doctrinal knowledge than contemplated by the Working Group.

32 *See id.* at 7–8.

33 *Id.*

34 Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 Law & Soc. Inquiry 620, 621, 629 (2011).

35 *Id.* at 629.

36 *Id.*

37 See Alli Gerkman & Logan Cornett, Foundations for Practice: The Whole Lawyer and Character Quotient (2016), available at https://iaals.du.edu/sites/default/files/documents/publications/foundations_for_practice_whole_lawyer_character_quotient.pd ; Foundations for Practice: A Brief Project Summary, 4 (2016), available at https://iaals.du.edu/sites/default/files/documents/publications/foundations_project_summary.pdf.

38 *Id.* at 5.

39 *Id.*

40 See Zachariah DeMeola, et. al., Foundations Instructional Design Guide: Use Learning Outcomes & Standards-Based Assessments to Train Better Lawyers, 45 (2021), available at https://iaals.du.edu/sites/default/files/documents/publications/foundations_instructional_design_guide.pdf.

41 **Ethics:** Conclude relationships appropriately; Document or organize a case or matter; Keep information confidential; Recognize and resolve ethical dilemmas in a practical setting; Set clear professional boundaries; Understand and apply legal privilege concepts.

42 **Professionalism:** Arrive on time for meetings; appointments; and hearings; Attention to detail; Conscientiousness; Cope with stress in a healthy manner; Handle dissatisfaction appropriately; Have a commitment to justice and the rule of law; Honor commitments; Humility; Integrity and trustworthiness; Maintain positive professional relationships; Maturity; Patience; Prudence; Strong moral compass; Treat others with courtesy and respect.

43 **Workplace:** Adhere to proper timekeeping and/or billing procedures; Energy; Learn and use relevant technology effectively; Maintain a high-quality work product; Prioritize and manage multiple tasks; See a case or project through from start to timely finish; Show loyalty and dedication to the firm or organization and its clients or stakeholders

44 DeMeola, *supra*, at 37.

45 **Legal thinking and application:** Critically evaluate arguments; Effectively research the law; Effectively use techniques of legal reasoning and argument (case analysis and statutory interpretation); Gather facts through interviews; searches; document/file review; and other methods; Identify relevant facts; legal issues; and informational gaps or discrepancies; Maintain core knowledge of substantive and procedural law in the relevant focus area(s); Speak and write in a manner that meets legal standards.

46 **Legal Practice:** Draft contracts and agreements; Draft pleadings; motions; and briefs; Interview clients and witnesses; Prepare client responses; Request and produce written discovery.

47 DeMeola, *supra*, at 33.

48 **Basic communications:** Listen attentively and respectfully; Proactively provide status updates to those involved on a matter; Promptly respond to inquiries and requests; Speak and write in a manner that meets professional standards; Work cooperatively and collaboratively.

49 **Emotional intelligence:** Demonstrate tolerance, sensitivity, and compassion as part of a team; Exhibit tact and diplomacy; Express disagreement thoughtfully and respectfully; Perceptiveness; Regulate emotions and demonstrate self-control; Understand and conform to appropriate appearance and behavior in a range of situations.

50 DeMeola, *supra*, at 41.

51 **Capacity:** Common Sense, Intelligence, Resourcefulness.

52 **Project management:** Make decisions and deliver results under pressure; React calmly and steadily in challenging or critical situations; Recognize client or stakeholder needs, objectives, priorities, constraints, and expectations; Take ownership; Understand when to engage supervisor or seek advice in problem solving.

53 DeMeola, *supra*, at 53.

54 **Meeting goals:** Adapt work habits to meet demands and expectations; Enjoy overcoming challenges; Have a passion for the work; Have a strong work ethic and put forth best effort; Have an internalized commitment to developing toward excellence; Intellectual curiosity; Possess self-awareness (strengths; weaknesses; boundaries; preferences; sphere of control); Seek and be responsive to feedback; Take individual responsibility for actions and results; Work autonomously.

55 **Drive:** Diligence; Exhibit flexibility and adaptability regarding unforeseen, ambiguous, or changing circumstances; Exhibit resilience after a setback; Grit; Positivity; Set goals and make a plan to meet them; Show initiative.

56 Gerkman & Cornett, Foundations for Practice, *supra* note 37.

57 Logan Cornett, Think Like a Client, IAALS (2019), available at https://iaals.du.edu/sites/default/files/documents/publications/think_like_a_client.pdf.

58 *Id*. at 6.

59 *Id*. at 13.

60 *Id*. at 16.

61 *Id*. at 11.

62 *Id*. at 9.

63 Nat'l Conf. of Bar Exam'rs, 2019 Practice Analysis 1 (2020). NCBE also performed an earlier practice analysis in 2012. See Susan M. Case, *The NCBE Job Analysis: A Study of the Newly Licensed Lawyer*, Bar Exam'r (Mar. 2013).

64 *Id*. at 13.

65 *Id*. at 18. These tasks received mean criticality ratings near 3.0 and were performed by at least 90% of newly-licensed lawyers.

66 *Id*. at 22.

67 *Id*. at 25.

68 Merritt & Cornett, Building a Better Bar, *supra* note 31, at 13-14. The states were California, Colorado, Florida, Georgia, Illinois, Maine, Minnesota, Nevada, New York, North Carolina, Ohio, and Texas.

69 *Id.* at 20.

70 *Id.* at 23-24.

71 *Id.* at 24-25.

72 *Id.* at 25.

73 *Id.* at 26-27.

74 2014 *State of the Legal Field Survey*, The BARBRI Group (Mar. 5, 2015), https://web.archive.org/web/20150508011643/http:/www.thebarbrigroup.com/newsroom/white-papers/barbri-sheds-light-on-industry-trends-with-first-of-its-kind-legal-field-stu__.jsp.

75 *Id.*

76 *Id.*

77 *Law School Preparedness Survey*, Bloomberg Law (2023) https://assets.bbhub.io/bna/sites/18/2024/02/2023-Law-School-Preparedness-Survey.pdf.

78 *Id.*

79 *Id.*

80 Judges were asked to rate a variety of topics on a Likert Scale of 1–5, with 1 being the least favorable answer choice and 5 being the most favorable answer choice.

81 Full responses for this section of the survey are attached as Appendix E.

82 Wiliam Sullivan, et al., Educating Lawyers: Preparing for the Profession of Law (2007), available at http://archive.carnegiefoundation.org/publications/pdfs/elibrary/elibrary_pdf_632.pdf.

83 *Id.* at 4. The report suggests that "law schools could benefit from the approaches used in education of physicians, teachers, nurses, engineers and clergy, as well as from research on learning."

84 *Id.* at 6.

85 *Id.*

86 MP McQueen, *How Law Schools are Preparing Students for the New World of Work*, Bloomberg Law (Oct.10, 2024), https://news.bloomberglaw.com/before-the-bar/how-law-schools-are-preparing-students-for-the-new-world-of-work.

87 *Id.* at 9-10.

88 Meera E. DEO, Jacquelyn Petzold, & Chad Christensen, *LSSSE 2024 Annual Report: Twenty Years of LSSSE: Sharing Trends in Legal Education* 14-15 (2024).

89 Sullivan, et. al. (2007), *supra* note 82, at 7.

90 *Id.* at 8.

91 William M. Sullivan, *After Ten Years: The Carnegie Report and Contemporary Legal Education*, 14 U. St. Thomas L.J 331, 335 (2018).

92 Deo, *supra* note 88, at 15.

93 CLEAR's Bar Admissions Working Group is examining the bar exam and innovative licensure pathways themselves.

94 *See* Merritt & Cornett, Building a Better Bar, *supra* note 31.

95 *Id.*

96 As noted by stakeholders interviewed through CLEAR.

97 ABA Standards and Rules of Procedure for Approval of Law Schools 2024-2025, available at https://www.americanbar.org/groups/legal_education/resources/standards/.

98 *See* Megan Carpenter, *Risk Taking and Reform: Innovation for Beter Education*, 22 U. of New Hampshire L. Rev. 141 (2024), available at https://scholars.unh.edu/cgi/viewcontent.cgi?article=1479&context=unh_lr.

99 ABA Standards, *supra* note 97, Standard 302.

100 *Id.*, Standard 303.

101 *Id.*, Standard 303(b).

102 Deo, *supra* note 88.

103 ABA Standards, *supra* note 97, Standard 304(b).

104 *Id.*, Standard 304(c).

105 *Id.*, Standard 304(d).

106 *Id.*, Standard 304(a).

107 *Id.*

108 *Id.*

109 *See* Robert R. Kuehn, *Implementation of the ABA's New Experiential Training Requirement: More Whimper Than Bang* (Clinical Legal Educ. Assoc. Newsl., Vol. 29 (Spring 2021)), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3837606.

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205 *Id.* at 81.

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