

**STATE BOARD OF LAW EXAMINERS
MINUTES OF THE COMPREHENSIVE COMPETENCY COMMITTEE MEETING**

Tuesday, September 21, 2021
Minnesota Board of Law Examiners - Committee

Present at the meeting via Zoom were the following members of the Committee: John Koneck, Board President; Tom Boyd, Committee Chair; Patricia Beety; Wilbur Fluegel; and Shawne Monahan. Also present were Emily Eschweiler, Director; Natasha Melchionne, Managing Attorney; AJ Dordel, Staff Attorney; Emily Corson, Bar Admission Administrator; and Mariah Colvard, Executive Assistant.

Additional guests in attendance: Kim Ronning (University of Minnesota), Leanne Fuith (Mitchell Hamline Law School), Nancy Mischel (MSBA), Dena Sonbol (Mitchell Hamline), Lynn Lemoine (Mitchell Hamline).

Unable to attend the meeting was Hon. Juan Hoyos, Board Secretary.

Tom Boyd started the meeting at 2:33 p.m.

General Introduction and Discussion of Committee's Purpose (no attachments)

Tom Boyd provided a general introduction and welcomed everyone to the meeting. Emily Eschweiler provided an overview of the materials provided to the Committee members in advance of the meeting. The agenda and the resource list were posted to the website in advance of the meeting. The draft materials provided to the Committee will be posted once finalized. To ensure the Committee benefits from as much commentary as possible, we hope to be as transparent as possible in this process.

Included in the materials is a draft timeline of what we hope to accomplish over the next two years. We have also provided tentative agendas for the next three meetings, a framework for the process, and suggested stakeholders and interest groups. We are interested in knowing what information the Committee would find helpful so that we can provide relevant resources.

As for the timing, we are still recommending that the Board present the materials to the Court in June of 2023. The recommendation is based on the timeline for the NextGen exam recommending changes to the examination in 2026. This timeline is intended to provide the Court with enough time to consider the matter, and to provide law schools and prospective law students adequate time to prepare.

Materials related to Oregon's process are included in the resources provided. We will look at what other jurisdictions have done, including Utah and Washington.

Minnesota is currently one of over 40 states that has adopted the Uniform Bar Examination (UBE). This provides the portability into other jurisdictions. Portability is a factor that will be considered when weighing other options.

There may be some pathways where the Committee identifies early in the process that the obstacles seem to outweigh the benefits. In those cases, the Committee plans to provide transparency in the process so that external stakeholders may explore the issue and potential solutions to the obstacles. The Committee hopes to seek broad public comments as part of this issue.

Tom noted that this process is daunting and exhilarating. He noted that it would be foolish for the Committee to set the framework for the whole process of the study because it won't be a static process. We will both conduct and invite analysis and input, which may result in reshaping the process.

As of now, the Committee is currently comprised of Board members. We anticipate involving stakeholders in the working group process. The working groups are intended to solicit their expertise and inform the discussion. In regards to scope, we need to pay attention to how the bar exam will be reshaping in the next few years, but we also have an opportunity to look at other routes and paths to licensure.

Review, Discuss, and Amend Proposed Timeline

We discussed the scope of the next three meetings:

- October 6:
 - IAALS report with invited guest, Carol Chomsky, a professor at the University of Minnesota
 - Framework of what other jurisdictions are doing
 - Next Gen. exam
 - Materials to include: brief history of the examination in Minnesota.
- November 8:
 - Alternative licensure models in other jurisdictions
 - Discussion with Minnesota law schools (subject to their availability)
- December 8:
 - Synthesis of information from fall meetings
 - Formulation of working group materials

Tom reminded the Committee that the MSBA is also actively evaluating these issues. They are preparing a draft Petition that we anticipate receiving yet this week for the Board's review and consideration. They have asked the Board to keep an open mind at approaching those subjects and we have made it clear that we are not advocating one thing over the other and do not want to be competitive.

Once the Board has a better understanding of the scope of the MSBA's proposal, that may influence the subjects and the matters that the Board will want to look at in the fall meetings. The MSBA may also want to participate in future meetings.

Committee members are encouraged to provide suggestions of anyone that we should be consulting – either now or for participation in the working groups.

Ultimately, the Committee will report to the Board and the Board will file a report with the Court. Any changes to the process will need to be made by the Court. Emily also noted that Minn. Stat. 481.01 requires an examination at least two times per year. We will look at this as part of the discussion.

Tom noted that he had found through the state law library all court orders related to admissions in Minnesota as well as the history on the first 150 years contained in the materials Board members receive as part of their orientation. The Committee also discussed that the Board had provided a brief background on the history of the examination in the Board's response to the Petition filed last summer.

The Committee discussed that in the materials was a general framework for discussion and evaluation. The materials also included preliminary thoughts on how we will go about assembling the finished product not to prejudge the issue, but so that the information can be compiled as we proceed through the process and easily assembled for the Court at the end.

The Committee then discussed the timeline beginning in January 2022.

- **January 2022:** The Committee will host a half-day working session to formulate the discussions and kick-off the working groups. This will include both the BAAC and other interested stakeholder groups
- **January - June 2022:** Working groups form and work through topics. A discussion took place as to what topics the working groups will be divided into. The Committee discussed some of the sub-groups that have been formed in other jurisdictions; stakeholder input will be important in determining these working groups
- **June 2022:** BAAC to meet at the time it normally meets; to include discussion of the working groups findings
- **August – October 2022:** Full Board discusses and frames additional questions for public comment, seeking input from stakeholders
- **November – December 2022:** Public written comment period and public discussion meeting
- **January – February 2023:** refine recommendations
- **March 2023:** Publish initial recommendations

- **April 2023:** Comment period seeking reaction to initial recommendations
- **May 2023:** Board refines and prepares report to the Court

Timeline is not set in stone, but the June 1, 2023 filing deadline with the Court is a strong goal.

The Committee discussed the timeline and the amount of work that will be required to accomplish this. The Committee acknowledged that meeting the timeline will require robust working group participation.

The Committee expressed concern for the amount of staff resources that this could take. The Director acknowledged that staff time could be substantial and she appreciated the Committee raising the concern. The examination is changing and so this is a timely matter. In addition to the upcoming examination changes, it will be important that we study the important and long-standing concerns that have been raised with examination and licensure as part of this process. It is one of many projects the Board is working on, but it is an important issue and we will make the time.

Discussion of stakeholders and how to bring additional stakeholders into the process

Tom stated that a group of stakeholders that he has identified a few times are the clients. The Board's purpose is protecting the public and the clients are important part of that public protection function. Emily suggested that the Committee may wish to reach out to the public members of both the Lawyer's Board and the Client Security Board. Tom noted two principles that had guided the OR report were consumer protection and equity. Demographics will be important when looking at who should be on the working groups. Shawne had suggested reaching out to the Urban League and the Somali community. The Committee also discussed making sure that the group includes legal employers (including public lawyers and private lawyers), new lawyers and their employers, consumer protection groups, judges, affinity bars, and others. Where we have gaps in knowledge, it will be important to fill those gaps. Chambers of commerce may be another avenue.

We discussed how to recruit individuals to the working groups. We have started a listserv to notify individuals when new materials are added to the website. So far, not many have subscribed. The MSBA did include a link to the most recent notice in their weekly distribution. Board staff will work on invitations to make sure that individuals are aware that the information is there. Emily noted that the public notice we posted in June has resulted in very few inquiries. We will need to be more proactive to make sure that we obtain broad input. It is helpful that we now have the framework to provide further input. With the next notice, we will also add an invitation to forward to others.

Committee members were encouraged to provide additional suggestions.

What is the committee analyzing?

The Committee discussed that this is a healthy exercise to go through and that it causes the Committee to rethink what the Board's role is and what is important to protect the public. We will look at standards and so that we can review this matter consistently.

We concluded the meeting by discussing that we will circulate a draft of the materials and then finalize and post to the Board's website.

Format of public comments

The Committee discussed that a portion of each meeting will be set aside for individuals to request time to speak. Written comments are also encouraged.

Tom concluded the meeting by noting that this is an exciting beginning and will be an interesting process. Thank you all for participating.

The meeting adjourned at 3:45 p.m.