

Questions for Committee Analysis – Fall 2021

1. Who does the Board protect?
2. What does public protection mean?
3. What role does the Board have in increasing diversity?
4. How does equity factor into the review of these issues?
5. How does the Board's role differ from the role of other stakeholders?
6. Who are the stakeholders and interest groups that are key to this discussion?
7. Given the Court is the ultimate decision maker, how does the Board ensure that the Court receives differing viewpoints on this issue to best allow the Court to make an informed decision?
8. What has "minimum competency" generally meant?
 - a. Educational component
 - b. Examination component
9. What are the minimum competency standards that all newly licensed lawyers must meet?
10. History and case law
11. National Trends:
 - a. How many jurisdictions are reviewing this issue?
 - i. How many jurisdictions are UBE?
 - ii. Is there information that can be shared?
 - iii. What processes have they followed?
 - iv. How were the committees/task forces formed?
 - v. Who is on the committees?
 - vi. What recommendations have been made?
 - vii. What timelines are they following?
12. Are there any examination-based alternatives to the Uniform Bar Examination?
13. What programs exist in other jurisdictions that assess competency through alternative measures to an examination?
14. Overview of the alternatives that were offered in other jurisdictions in 2020
 - a. What jurisdictions implemented alternatives?
 - b. Did they extend beyond July 2020 examination?
 - c. How many individuals participated?
 - d. Any data on the success of the programs?
 - e. What has the impact been to portability for these lawyers?
15. What issues have been raised with current licensure models?
 - a. Does a proposed solution solve that issue?
 - b. Does the proposed solution create new issues?
 - i. Are there ways to resolve new issues?
16. Are there any measures of competency that will not be reviewed as part of the process?
17. If there are options that appear too costly or administratively burdensome, are there ways to overcome those obstacles?
18. What does it mean to be a self-regulated profession?

19. How do we solicit information in a way that there is a centralized repository of information for all stakeholders to review?
20. What data would be helpful for the Committee to have?
 - a. Is that data available?
21. As we received public comments and proposals, how should this information be stored and made available to interested parties?
22. How do we address equity?
23. How do we ensure fairness and uniformity?
24. What is the impact on any decision to portability?
25. What are the costs? (Board, law schools, applicants, public)
26. Conceptually, what does the Committee envision for the final report? What do the deliverables look like? Starting point:
 - a. Overview and framework
 - b. History of the bar examination
 - i. MN
 - ii. Generally
 - c. Current licensure process
 - d. What role does each entity have in the licensure process?
 - e. Discussion of alternative approaches
 - i. Evaluation of pros and cons
 - ii. Discussion of differences in conclusions (if any) between various stakeholders
 - iii. Recommendations
 1. Continue with exam (in modified form)?
 2. Alternative pathways?
 3. Other options?
27. Other topics?