

Working Group 2 Initial Report

I. History of Working Group 2

The members of Working Group 2 are: Alix Bruce, Andrew Rhoades, Dean Anthony Niedwiecki, Cresston Gackle (co-chair), Frank Aba-Onu, Gabriel Ramirez-Hernandez, Hon. JaPaul Harris, Jonathan Nelson, Hon. Juan Hoyos (co-chair), Professor Kate Kruse, Dean Lisa Montpetit Brabbit, Lisa Peralta, Dean Lynn LeMoine, Mariah Colvard, Michael Studer, Natasha Melchionne, and Tom Nelson.

Working Group 2 was tasked with the following:

Undertake an **in-depth review of potential models that focus on experiential or hands-on methods to licensure during law school**. Evaluate the use of portfolios to show progress, time commitment by law professors and law students, a standard rubric for grading purposes, and any requirements for entry into or maintenance in the program. **Consider the “diploma privilege”** method of licensure, including what an ABA degree means, for in-state versus out-of-state law schools, and variations between law schools.

In undertaking this examination, Working Group 2 began with knowledge shared at the initial Competency Working Group meeting held on January 14, 2022, in which there was discussion of recent and extensive work performed by groups in two other states. In Indiana, a study commission published its report on December 11, 2019. In Oregon, a task force submitted various reports, including a letter dated June 18, 2021, recommending adoption of alternative pathways to bar admission including a curricular and experiential pathway based in law school. The Oregon Supreme Court has since approved this recommendation of adding alternative pathways to bar admission permanently and an implementation committee is now working on operationalizing the recommendation in close consultation with their local law schools.

During this initial period, Working Group 2 met three times, first on March 21, 2022, then subsequently on April 20 and 25. Working Group 2 also held brief collaborative drafting sessions on May 26 and 27.

At the first meeting of Working Group 2, members reviewed a collection of documents describing the work of other state task forces examining alternative pathways to bar licensure, measuring minimum competency to practice law, identifying bias in bar exam admission processes and outcomes, and proposing curricular and experiential models of bar licensure. These materials are described in greater detail later on in this report and are contained in the attached appendix.

In reviewing these documents, members of Working Group 2 identified interest in the University of New Hampshire Franklin Pierce School of Law’s Daniel Webster Scholars Honors Program in which students create a portfolio of legal work over the course of a two-year program in law school after which they are licensed to practice upon successful completion, evaluation by their board of law examiners, and graduation from law school.

Working Group 2 also identified significant cross-over with Working Group 3 which is examining a post-law school graduation supervised practice model of bar licensure, particularly in the area of evaluative measures and competencies. To that end, collaboration with Working Group 3 was established via a competencies subgroup aimed at identifying the core and minimum competencies for bar licensure that should be evaluated for in any program, whether in a clinical “during law school” setting or in a supervised practice “after law school” setting.

In discussing the potential for licensure through a clinical and experiential learning program, Working Group 2 noted that the clinical programs at each of the Minnesota law schools are especially strong in their structures and outcomes. Each law school’s clinical program features substantial skills-based learning that includes highly practical and often highly client-oriented simulation or student practice under the supervision of experts in their respective fields.

Members of Working Group 2 and 3 both identified the importance of scalability which has been raised as an issue by both Dean Brian Gallini of the Oregon task force and Director Courtney Brooks of the UNH Daniel Webster Scholars program. Members noted the potential to adapt and certify programs that already exist at the law schools in line with ABA standards for law school curriculum.

Members also expressed concern and interest in learning more about the future of portability of bar licensure when using the curricular pathway, including diploma privilege, as well as ensuring that program requirements could eventually be applied to non-Minnesota law school programs to comply with the Dormant Commerce Clause and be fair to non-Minnesota law school students.

Overall, members of Working Group 2 expressed strong interest in crafting a curricular pathway that is more skills based and more relevant to practice than the knowledge-based and speed-based bar exam.

At the second meeting of Working Group 2 on April 20, 2022, members engaged in two hour-long presentations and question and answer sessions with Courtney Brooks, Director of the UNH Daniel Webster Scholars Program, and Professor Joan Howarth of the William S. Boyd School of Law in Nevada.

Director Brooks shared an overview of the program, program outcomes, student outcomes, and reception by the New Hampshire bar and bench. Their two-year program emerged as a collaboration of the New Hampshire Supreme Court, law school, bar association, and board of law examiners. The DWS program is simulation-based and skills-focused, not focused on substantive law, and includes a pretrial advocacy simulation, simulated litigation of a case through federal courts, negotiations and dispute resolutions, community lawyering, a business transaction, and a capstone course with client counseling and interviewing of simulated clients who evaluate the students on their skills. Scoring of the evaluations is calibrated. Currently, the DWS program is capped at 24 students though Director Brooks noted the program could be scaled higher with approval of their Supreme Court and provision of additional resources for evaluation, such as additional evaluators for the simulated client interviews. Director Brooks also stated she would not be concerned if the program were condensed into one year of building skills

based on simulations followed by a year of participating in experiential learning, such as clinical student practice.

Their program has had excellent outcomes for students and the bar, their students are sought after for employment, and their students have enjoyed marked success in the legal community. No significant issues with discipline rates or other markers of competency were noted though those continue to be in need of data for further study. The scholars were also allowed to participate in traditional legal writing experiences, including moot court and law reviews, as well as clerkships. Resistance by the New Hampshire bar to the program as a path to licensure has dissipated substantially since inception of the program and the results, both practical and employment-wise, the students have achieved.

In regard to time commitment, the examiners each take roughly three hours per student per semester to provide evaluation of the students and their portfolio of work product. Finally, Director Brooks noted that of scholars program graduates, about half remain in New Hampshire and the other half practice elsewhere, taking the bar exam in another jurisdiction. The bar passage rate of their students is in the 90th percentile and has been studied by their program. Director Brooks emphasized that the scholars program is directly transferable to all states because it is skill-focused and simulations are based on federal law. Additionally, Maine and Vermont allow scholars graduates to waive in to practice after three years in practice and Massachusetts and New York allow the same after five years. Currently, Minnesota bar regulations would also allow Daniel Webster scholars graduates to waive in after three (3) years if they meet the requirements of Rule 7A.

For the second half of the meeting on April 20, members of Working Group 2 heard from and asked questions of Professor Joan Howarth. Professor Howarth has been doing extensive research on bar admission practices for a new book she has coming out entitled “Shaping the Bar: The Future of Attorney Licensing.” Professor Howarth emphasized the importance of practicing law under the supervision of a licensed attorney before practicing alone, drawing upon the experience of professionals in other fields, particularly in engineering and medicine, as well as in other jurisdictions, including Canada. Practicing under skilled supervision imparts not only practical skills, but also habits of professionalism and competence that transcend specializations. Professor Howarth stated she believes at least one-sixth of law school credits earned should be experiential and skills-based learning.

In reflecting on the information shared by Director Brooks and Professor Howarth, Working Group 2 noted that there is a distinct focus on clients and the responsibility to clients that the licensing process should also be focused on. Additionally, members observed that the bar exam itself contributes substantially negatively to law student well-being and the interest of law students and law school graduates to practice law. A practice pathway would provide a consistent, reflective, and graduated experience that would serve as a foundation for a student’s confident and competent entry into the practice of law.

Between the second and third meeting of Working Group 2, Mitchell Hamline held the Building a Better Bar Conference on April 22 at which many if not all of the leading scholars on bar

licensure reform presented. The presentations were attended by some members of the working group and the materials were placed in the group's shared file drive for review.

Working Group 2 met for a third time on April 25 and heard from Dean Brian Gallini of Willamette University. Dean Gallini is a key member of Oregon's task force examining the bar exam and alternatives. Dean Gallini shared in detail the information and questions examined by their task force in deciding to recommend a clinical or curricular path to law practice. Dean Gallini noted that the task force was focused on consumer protection, the protection of the potential legal client, from lack of competence. He shared that the task force concluded that closed-book exams offer a poor measure of minimum competence, time constraints on the bar exam distort an assessment of minimum competence, and multiple choice questions bear little resemblance to cognitive skills or practice. In addition, there are substantial gaps in bar exam passage rates by race.

Oregon is poised to implement a curricular pathway that is a mix of experiential learning (simulation learning, clinics, etc.), along with a core base of practice-based courses for doctrinal knowledge. Students would be able to declare their intent to proceed along the experiential pathway in their 2L year and then throughout the balance of their time of their last four semesters, the student would interact with a bar examiner with the student's work culminating in a transactional path or litigation path. At this time, Dean Gallini's institution is going to start with a pilot program of approximately 40 students (out of a school size of 130) to be allowed into the program, then expand and scale from there.

In addition to its meetings, Working Group 2 has examined substantial materials on the Daniel Webster Scholar program, minimum competence, bar licensure, and the bar exam as reflected in the Appendix.

The essential elements of the Daniel Webster Honors Program at the University of New Hampshire School of Law include the following:

- Students may apply for the program at the end of their 1L year.
- Upon graduation, and upon passing the MPRE and the Good Character evaluation, the students are admitted to the New Hampshire bar.
- Students are required to maintain a B- GPA in the program, and a 3.0 GPA in their overall curriculum.
- There are roughly 20 students in each class.
- The school completed a three year "pilot" program in 2009, and graduated its first class of 13 in 2008.
- The goal of the program is to make students "client ready" by way of a practice-based and client-oriented experiential program.

- The school articulated 10 Foundational Skills, and 4 Fundamental Values, that form the conceptual core of the program.
- The assessment of the students' performance is rigorous, including the on-going and eventual development of a "portfolio" of performance, which is then evaluated by the state's Board of Law Examiners.
- The program is both experiential and curricular.
- The program was initially championed by members of the New Hampshire Supreme Court, and the support for the experiment grew from there.¹

The essential elements of the Oregon Experiential Pathway (OEP) are as follows:

- A two-year curriculum-based experiential learning pathway.
- A set curriculum during law school, culminating in a capstone portfolio and/or an examination assessment by the Bar Examiners (similar to the New Hampshire program).
- The OEP recognizes the value of experiential learning, focusing on aspects of active law practice including: document creation, client interviews, depositions, trial practice, and practice management, particularly regarding deadline management. This would establish the student's minimum competency while under the supervision of a member of the BBX.
- The recommendations of the Oregon Task Force included a sample curriculum, including the successful completion of Professional Responsibility, Evidence, a graduate writing requirement, and several of the following: state/local law, constitutional interpretation, administrative law, criminal procedure, business associations, family law, personal income tax, or trusts and estates as well as the completion of "no fewer than 9 credits of closely supervised clinical work or simulation coursework."²
- The curricular pathway begins in the student's 2L year after students apply to participate in the program.
- This pathway is designed for law students in the state of Oregon who plan to practice in the state of Oregon.

Working Group 2 examined the diploma privilege by taking a look at the practice in Wisconsin. The essential elements of the diploma privilege in Wisconsin, under which students at the University of Wisconsin School of Law or at Marquette University Law School are automatically admitted to the bar upon complying with the terms of SCR 40.03, are as follows:

¹ "New Hampshire's Performance-Based Variant of the Bar Examination," by John Burwell Garvey, Director of the Daniel Webster Scholar Honors Program (2010).

² "Recommendation of the Alternatives to the Bar Exam Task Force," Report to the Oregon State Board of Bar Examiners (June 18, 2021), *12-13.

An applicant who has been awarded a first professional degree in law from a law school in this state that is fully, not provisionally, approved by the American bar association shall satisfy the legal competence requirement by presenting to the clerk certification of the board showing:

(1) Satisfactory completion of legal studies leading to the first professional degree in law. The law school shall certify to the board satisfactory completion of not less than 84 semester credits earned by the applicant for purposes of the degree awarded.

(2) Satisfactory completion of study in mandatory and elective subject matter areas. The law school shall certify to the board satisfactory completion of not less than 60 semester credits in the mandatory and elective subject matter areas as provided in (a) and (b). All semester credits so certified shall have been earned in regular law school courses having as their primary and direct purpose the study of rules and principles of substantive and procedural law as they may arise in the courts and administrative agencies of the United States and this state.

(a) Elective subject matter areas; 60-credit rule. Not less than 60 semester credits shall have been earned in regular law school courses in the subject matter areas generally known as: Administrative law, appellate practice and procedure, commercial transactions, conflict of laws, constitutional law, contracts, corporations, creditors' rights, criminal law and procedure, damages, domestic relations, equity, evidence, future interests, insurance, jurisdiction of courts, legislation, labor law, ethics and legal responsibilities of the profession, partnership, personal property, pleading and practice, public utilities, quasi-contracts, real property, 212 taxation, torts, trade regulation, trusts, and wills and estates. The 60-credit subject matter requirement may be satisfied by combinations of the curricular offerings in each approved law school in this state.

(b) Mandatory subject matter areas; 30-credit rule. Not less than 30 of the 60 semester credits shall have been earned in regular law school courses in each of the following subject matter areas: constitutional law, contracts, criminal law and procedure, evidence, jurisdiction of courts, ethics and legal responsibilities of the legal profession, pleading and practice, real property, torts, and wills and estates.

(c) Law school certification of subject matter content of curricular offerings. Upon the request of the supreme court, the dean of each such law school shall file with the clerk a certified statement setting forth the courses taught in the law school which satisfy the requirements for a first professional degree in law, together with a statement of the percentage of

time devoted in each course to the subject matter of the areas of law specified in this rule.³

II. Guiding Principles

Based on the above information and the analysis of the Working Group members, Working Group 2 has developed the following guiding principles:

(1) The purpose of Working Group 2 is not to examine or evaluate the current or NextGen bar exam pathway to the licensure of attorneys. We leave that to Working Group 1, and to the broader group, as well. Nor do our explorations and recommendations arise out of an assumption or a conclusion that either the existing or the NextGen bar exam are somehow flawed, intentionally discriminatory, or otherwise insufficient or inappropriate. The primary question that we are considering is whether there should be an additional pathway to licensure, providing a choice to aspiring attorneys where none now exists; and, if so, what that additional pathway should look like. Toward that end, we have most often asked ourselves the question: "Why not?" instead of "Why?" Based on our review, it appears that all three working groups believe in the importance of additional or alternative pathways to bar licensure.

We are also mindful not only of the positive opportunity before us, but also the potential for thoughtful hesitations regarding our recommendations. Put somewhat humorously, we note the old saying about how there are two things that all lawyers seem to disfavor—the status quo, and change. Our hope, though, is to not make the perfect the enemy of the good, while we explore the "art of the possible."

(2) Our explorations and recommendations are decidedly not directed toward an alternative pathway to licensure that is somehow "easier" or "less demanding" than the bar exam. Indeed, we have instead been considering pathways that may in some ways be more or differently demanding than the current bar exam experience, including both curricular and experiential elements that are directly related to the competency of new and young lawyers to practice law in Minnesota, all of which would be subject to important evaluation and assessment to ensure the continuing high quality of the practice of law in Minnesota. These pathways are firmly rooted in comprehensive studies of what competency to practice law actually is in practice, including the Twelve Building Blocks study by IAALS and most comprehensively addressed in Working Group 3's initial report.

Along the way, we should be mindful of the practicalities of this exploration, and the potential practical consequences. Based on our conversations among the Working Group, including with clinical professors, this curricular pathway could be integrated into current law school curriculum naturally and without significant disruption except for additional logistical burdens for law schools in making clinical and other programs available to all of their students as a matter of course. Similarly, an effective additional alternative pathway to licensure may have positive practical consequences for both employers and their new attorney employees—allowing new attorneys to start out as members of the bar immediately upon graduation (rather than imposing the uncertain waiting period of the bar exam results on both the employer and the new

³ Wi. SCR 40.03 (2020).

attorney employee), and avoiding the unfortunate cost inflicted upon bar exam candidates of delayed employment and the inevitable expense of the virtually-mandatory bar review courses.

(3) In terms of the curricular aspect of our explorations, we remain committed to the notion that any pathway toward licensure cannot function or succeed without a deep academic understanding of the law beyond the practice of law. Students would continue to gain academic credits in traditional doctrinal courses as well as being educated in substantive law connected with their experiential courses. during each of the student's years in law schools, with at least 15 credits of clinical experience as recommended by Professor Howarth in her presentation to the Working Group. We are considering the development of a new and unique "Minnesota Bar Curriculum," establishing the core, and perhaps somewhat conventional, courses that we believe should be studied and passed with excellence before being admitted to the bar. We are also considering a unique, to our knowledge, curricular element that would relate directly to the history and character of the practice of law in Minnesota.

(4) In terms of experiential learning opportunities during law school and before graduation and admission to the bar, we have focused on the skills and experiences that young lawyers should be introduced to and capable of prior to starting the practice of law, whether those students are currently intent on a life in trial and litigation, or in personal and corporate transactions, or in public service. Fortunately, our Minnesota law schools already have strong experiential programs and learning opportunities, all of which could and should be incorporated into the new framework that we are proposing while maintaining the core elements and guidelines of those existing programs.

(5) Because of the new and unique nature of our exploration and proposals, we envision recommending a "pilot" period of implementation and evaluation during which each law school determines a limited number of students are permitted to pursue, based on the students' choice, this additional pathway.

(6) This exploration will require new, unique, and considerable collaboration amongst the many communities that make up our legal profession including law students and newly admitted lawyers, the law schools and their leadership, faculty, and staff; the Minnesota Supreme Court and the broader judiciary; our bar associations, particularly affinity bar organizations, and members of the bar; and the ABA and LSAC, along with the Board of Law Examiners to ensure this pathway serves the needs of all in the legal community and the public. From our investigation into the diploma privilege, including the experience in Wisconsin, public interest firms and private law firms both have benefitted immensely from the immediacy and certainty of admission from the diploma privilege.

(7) This exploration will also require new and unique protocols of assessment, both with respect to the evaluation of the candidates themselves and with respect to the evaluation of the pilot program. Both assessments should be rigorous and reliable, and their hallmarks should include equity, validity, reliability, fairness, feasibility, and the alignment of the spheres of education, licensing, and the practice of law in Minnesota.

(8) All that said, it seems safe to say that our Working Group 2 has been intrigued by, and impressed by, two existing models, in particular—the Daniel Webster Scholar Honors Program at the University of New Hampshire School of Law, and the new State of Oregon model. We have also been impressed by the experience and success of our neighbor to the East, Wisconsin, which has for years operated successfully by making available a "diploma privilege" to successful graduates of the two law schools in Wisconsin who wish to practice law in the State of Wisconsin. These models and the diploma privilege should be adapted to the clinical programs currently available at the three Minnesota law schools that ensures a minimum standard of competence is developed by each student. These programs should be open to each law student and not based primarily or solely on prior academic achievement.

III. Recommendations

In examining the curricular pathway and diploma privilege, Working Group 2 acknowledges there may be pushback and potential stigmatization of a curricular pathway as an easier alternative than taking the bar exam. Working Group 2 specifically rejects this analysis for the following reasons. First, a curricular pathway with substantial experience practicing law promises to raise the bar of minimum competence by evaluating competencies not currently tested on the bar exam, particularly practical skills such as client counseling, or not tested well on the bar exam, including careful evaluation of client problems. As noted by one law professor the Working Group heard from during the Mitchell Hamline conference on bar licensure, many if not all of her students who passed the LSAT with flying colors could, if permitted, simply take the bar exam review course and pass the bar exam without even setting foot in a law school. Second, a curricular pathway would not be easier than taking a bar exam given the length, program requirements, intensity of supervision, and work product. Third, based on the experience of the Daniel Webster Scholar program, adaptation of a curricular pathway done in close coordination with the law schools is likely to be a plus on a law graduate's resume given their readiness to practice.

Working Group 2 believes the curricular pathway is as good or better than the current testing regime. The core evaluation of this pathway however must simply be whether it prepares students for their first year of actual practice. Based on our reading of reports on competency and our knowledge of the clinical programs, we believe that this pathway would best prepare students for their first year of practice and set them on a course for success and competence in the law without creating any artificial barriers.

Finally, Working Group 2 expresses a strong trust in the law schools and the Minnesota legal community to ensure programs certified as curricular pathways to bar licensure will be strong and include substantial skill-building through mentorship, evaluation, and simulation.

With these thoughts in mind, Working Group 2 has concluded and therefore recommends adoption of a curricular, experiential pathway to the practice of law would ensure that members of the bar are worthy of public trust and competent to practice law across Minnesota. In examining alternative pathways to bar licensure, Working Group 2 believes our responsibility includes eliminating inequitable barriers to the practice of law and ensuring law student and lawyer well-being. To that end, this additional pathway may indeed provide a route that reduces

inequity in bar licensure, increases the diversity of the profession, and maintains well-being by providing a rigorous and solid foundation for new lawyers.

Working Group 2's remaining goals for evaluation include scalability and examination of current resources and future costs to clinical programs. Working Group 2 intends to engage with the law school clinical and externship programs on this proposal to determine their needs if the program is to be implemented. To date, Working Group 2 has members from Mitchell Hamline who have expressed support for this pathway as well as a readiness to begin examination of implementation. Outreach has been made to the programs at St. Thomas School of Law and University of Minnesota Law School and the intent is that with the solid proposal in the form of the guiding principles and recommendations below, discussions could be more fully engaged in and discussed with the law schools on implementation.

Working Group 2 believes that the curricular pathway to practice is a transformative opportunity to set the bar for legal education in a way that serves everyone equitably, from law firms and public service organizations, to law schools, to clients and the community, to law students and their families. In particular, Working Group 2 believes that this graduated and foundationally practical model of bar licensure would set students on a solid footing while also developing their skills to maintain well-being during law school and in practice.

It is the recommendation of this Working Group to create a set of minimum competence standards to certify curricular and experiential pathways to bar licensure at each of the Minnesota law schools, similar to working examples drawn from the states of New Hampshire and Oregon. These learning pathways could have two tracks: trials and litigation or personal and corporate transactions. The programs would be available to all students and would be administered by the Minnesota Board of Law Examiners to ensure each student meets minimum practice standards with the law schools providing the foundation of curricula, day-to-day evaluation, and supervision. These programs could include study of unique or notable Minnesota law-related matters, including treaties with Native American nations, amendments to the Minnesota Constitution, the requirements of the Minnesota Rules of Professional Responsibility on pro bono work, the economics of practicing law in Minnesota, and so on. Additionally, these programs could include competence on lawyer well-being by which we mean evaluating the ability of lawyers to set and hold boundaries with clients, supervisors, and themselves and to know their own limits. We believe the law schools are in the best position, although the implementation committee may have additional insight, to determine the core coursework to be required with the above firmly in mind.

This curricular pathway would, based on the models in other states, require students to elect to proceed on this pathway by the start of their second year of law school. Working Group 2 acknowledges the difficulty and rigor required in graduating from law school and expresses confidence in the law schools' clinical programs to fully train students to be prepared for their first year in legal practice. We acknowledge that our neighbors in Wisconsin have a diploma privilege based on a set of core courses and authorize their students to practice based on graduation. In evaluating adoption of the diploma privilege in Minnesota, we acknowledge the following pros and cons. First, the diploma privilege is a relatively simple, direct, and historically used route of admitting law students to the bar. Adoption in Minnesota as part of this

curricular pathway would not reduce the quality of law practice nor set a lower bar than the exam based on our evaluation of the Daniel Webster scholars program, Wisconsin's experience, and competencies served by clinical experience. We similarly note that a diploma privilege would be relatively easier to administer from the Board of Law Examiners' perspective as only regular auditing would need to be conducted, rather than an individual evaluation of each student, and would not create a bottleneck for student participation in the curricular pathway. On the other hand, we note the potential for an increased logistical burden on law schools to certify students as having obtained the diploma privilege via the curricular/clinical pathway as well as the perception, though not the fact, of some decreased level of difficulty and rigor such that those obtaining the diploma privilege are not prepared to competently practice law in their first year of practice.

This effort will require collaboration from the entire legal community to be successful. We expect that the implementation committee which operationalizes this recommendation would evaluate and determine the role and interactions between the law school clinical programs and the Board of Law Examiners. We expect that on the front end, the BLE would certify clinical programs as training students in the required areas of minimum competence and credit requirements. We would expect the implementation committee to evaluate the BLE's role on the back end, particularly in determining whether the BLE has capacity and a necessary role in evaluating each individual student's work product to determine whether they should be admitted based on their diploma and fulfillment of the curricular pathway requirements. We are inclined to believe that law schools are in a better position for this evaluation and that the BLE's role would remain auditing of the curricular pathways to ensure minimum competence in the areas identified in the IAALS study are adequately trained.

Working Group 2 recommends that pilot programs be initiated at each of Minnesota's law schools in line with the above guiding principles within one (1) year of completion of the implementation committee's work at each of Minnesota's law schools. Each of the law schools would have independent programs certified by the BLE to meet the requirements of training for the competencies identified and, beyond the estimated 15-credit client-oriented practice requirement, would allow flexibility by law schools and students to determine the structure of their pathway beginning in the second year of law school. This would necessitate close collaboration between Minnesota law schools; full-time and adjunct faculty, staff, externship and internship providers, and law students; the Minnesota Supreme Court; Minnesota bar associations and affinity groups; the LSAC; and the Minnesota Board of Law Examiners. Following this pilot implementation at each of Minnesota's law schools, the BLE would then apply the same criteria developed by the implementation committee to programs outside of Minnesota, including foreign jurisdictions to comply with the Dormant Commerce Clause and to encourage the increase of the portability of Minnesota's curricular pathway admissions.

Working Group 2 is deeply invested in this work and strongly endorses the above guiding principles and recommendations. We invite members of the BLE and Supreme Court to engage with us on these matters and help develop this pathway for the benefit of all.

Appendix

These materials were reviewed by members of Working Group 2 in evaluating the curricular pathway to bar admission and the diploma privilege.

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