

Meeting of the Alternatives to the Exam Development Committee
Oregon State Board of Bar Examiners
May 18, 2022
Zoom Meeting – Invites are sent via Outlook Calendar
Open Session Agenda

Wednesday, May 18, 2022, 12:00 p.m. – 1:00 p.m.

1. Call to Order/Finalization of Agenda

- A. Roll of Attendees
- B. Finalize Agenda
- C. Approve Minutes from Past Meeting **Exhibit 1**

2. Updates on Events/News/Developments of Interest

- A. Provisional Licensing Program – Approved by Court for February Cohort **Exhibit 2**
 - i. BBX has until June 30, to present Program

3. Old Business

- A. Implementation of Advisory Group Policies – Invites Ready? **Exhibit 3**
 - i. Any Groups Missing? Discussion
- B. Listening Session Presentation **Exhibit 4**
 - i. Two types of presentations:
 - a. Licensing Pathways Presentation (15 min.)
 - b. Licensing Pathways Information / Feedback Meeting (45 minutes)
 - ii. Next Steps for editing and finalizing presentation
 - iii. Should it be one video-recorded presentation for consistency purposes? Discussion
 - iv. Order / Timing of Presentations/Discuss Process how orgs are selected Discussion

4. New Business

- A. Committee Members Immediate Interest (SPP/OEP/Community Presentations) Discussion
- B. Should Provisional Licensing Program be a project for this committee/liaisons Discussion
 - i. Could provide study of Rubrics that might work for SPP/OEP
 - ii. Could provide stats for marketplace viability/needs/placements

5. Set Objectives for Next Meeting

- A. Next Meeting will be June 1, 2022 from Noon to 1PM – Zoom Meeting Inform
- B. What should members complete between now and Next Meeting Discussion
- C. Any assignments for Liaisons? Discussion

EXHIBIT 1

**Meeting of the *Licensure Pathways Development Committee (LPDC)*
Oregon State Board of Bar Examiners
May 4, 2022 - Open Session Meeting Minutes**

Wednesday, May 4, 2022, 12:00 p.m. – 1:30 p.m.

1. Call to Order/Finalization of Agenda

- A. Roll of Committee Members Attending: Joanna Perini-Abbott; Kendra Matthews; Addie Tobin Smith; Dr. Anthony Rosilez; Dean John Perry; Dean Stuart Chinn; Dean Brian Gallini; Hon. Thomas Ryan; Erin Biencourt; Helen Hierschbiel; Akitri Bhargava; Lee Ann Donaldson;

Court Liaisons Attending: Hon. Justice Meagan Flynn; Jason Specht;

OSB Staff Attending: Troy Wood, Sarah Haugstad, Jenni Abalan, Vickie Hansen

- B. Report by the Chair [Jo Perini-Abbott]

- 12:05PM Call to Order
- Chair's report consisted of where we are in this process and who everyone is on the committee. The decisions made by this committee will go to the court for voting. Justice Flynn will not have a voting role on this committee.
- Troy will send all group emails, to ensure we do not go into a public meeting. The reply all button should never be used to respond to an email. At a later time bar counsel will speak to the group about what constitutes a public meeting.

Chair Ms. Perini-Abbott asked committee members to state who they are and their role as a member. Chair Ms. Perini-Abbott introduced herself and went down the list for others on the call to complete an introduction. Introductions included; Chair Jo Perini-Abbott, Kendra Matthews, Addie Smith, Tony Rosilez, Dean Stuart Chinn, Dean John Parry, Helen Hierschbiel, Akitri Bhargava, Dean Brian Gallini, Hon. Tom Ryan, Erin Biencourt, Lee Ann Donaldson, Logan Cornett, James Swearingen, Jonna Perlinger, Deborah Merritt, Danette McKinley, Joanne Kane, Justice Flynn, Jason Specht.

- C. Discuss and Select Official Acronym

The current title has been the Alternatives to the Exam, possible move to Alternatives to the Exam Development Committee. Dean Brian Gallini suggested removing the term "alternatives" due to the negative connotation. Ms. Matthews suggested "Pathways to Licensure." Mr. Rosilez agrees with removing the negative connotation of the word alternative.

Motion Made:

Motion moved by Ms. Matthews to adopt the name suggestion proposed by Dean Parry.

Second by Hon. Ryan.

Unanimous vote for the new name of, "Licensing Pathways Development Committee."

2. Charge of the Court

A. Court's Charge from January Public Meeting

- In September of 2020, the Chief Justice asked the Oregon State Board of Bar Examiners (“BBX”) to study whether there were any viable alternatives to the bar exam that Oregon may want to consider adopting on a more permanent basis. In 2021 the “Taskforce” produced an original and supplemental report to the Oregon Supreme Court recommending the Oregon Experiential Program (OEP) and the Supervised Practice Program (SPP). The Court voted to approve the concepts provided in the Reports, and asked that the BBX establish a new committee to further develop ATE’s concepts into models, systems and programs that can create new regulated pathways to licensure. It is now time to create a more detailed proposal and to engage with the public extensively.

3. Liaisons to the Committee

A. National Conference of Bar Examiners (NCBE)

- On the committee, in attendance

B. Institute for the Advancement of the American Legal System (IAALS)

- On the committee, in attendance

C. Joint Statements/Services Offered/Relationships with Committee

(IAALS)

- Logan Cornett, her envisions of the primary contributions from IAALS would be related to research expertise on minimum competency as well as helping to develop assessments for each of the pathways in partnership with the NCBE.
- Deborah Merritt, IAALS and NCBE are working as partners on this project. IAALS can help with research and complete targeted work. IAALS has expertise in both survey research and focus group research.

(NCBE)

- Danette McKinley, wants to look at the claims we want to make with each type of assessment and then to use that information to develop and target research.
- Joanne Kane, help to provide resources and connections to the committee.

D. Other Organizations with Liaisons (Court, OSB, Missing Groups)

- Discussed during introductions.

4. Advisory Group

A. Discuss limitations of the Advisory Group

- JB Kim, will assist as a liaison between the two groups.
- Troy suggested Susan and Kateri, who have worked on the para-professional licensing program.
- Reach out to the full list of members from that committee.

B. Discuss Stakeholders who should be represented on the Advisory Group

- Addie Smith suggested that we seek to obtain consumer and client perspectives. It would be helpful to hear from a variety of consumers, this will help earn trust from the community that we are creating and ensuring good practitioners.
- Chair Ms. Perini-Abbott, we can hold listener sessions as well as advisory group sessions.
- Ms. Matthews, public meetings will assist with input as well as listening meetings. Liaisons will be stakeholders with information about what is going forward. Ms. Matthews is working on a list.
- Mr. Wood added his input regarding the various groups. He believes liaisons will provide service and guidance to create the final product.

C. Discuss a Liaison for the Advisory Group – Possible Selection

D. Discuss Possible Invites

- Law Schools – who needs to be represented?
- The law school Deans would like a faculty representative from each school.
- Dean Chinn; Faculty tied to bar prep and bar success, those teaching core doctoral areas, those surrounding the overall structure.
- Dean Parry suggested adding the Skills Faculty.
- Chair Jo Perini-Abbott suggested that the law school Deans reach out to their faculty and decide who should be represented; then invite them to the advisory group.
- Dean Gallini suggested a cap on the representatives from each school. His idea is for two faculty spots and one student representative.
- Chair Ms. Perini-Abbott suggested the addition of career services, four total spots from each law school. Representatives would include; two faculty, one staff, and one student member from each Oregon law school.
- Tony Rosilez suggested we cast a broad net to include diverse individuals in the group.
- JB Kim, we need to include those who have been disenfranchised by the standardized nature of the bar exam. Those who did not pass the bar once or twice will be able to provide perspective and input for this committee.
- Mr. Wood believes the committee represents a population of stakeholders behind them that we will never see but hope to gain insightful feedback from.
- Chair Ms. Perini-Abbott, we should intentionally include attorneys from outside the Willamette Valley, DRO and other diverse populations.
- Helen Hirschbiel, suggested that the committee casts a broad net and allows people to self-select.
- Ms. Matthews wishes to create a presentation to share with others to better understand our committee so they can decide if they would like to join the group. This can be accomplished by going to various chapters and asking the question if they are interested.

Nest Steps described by Chair Ms. Perini-Abbott:

- The Law schools will need to fill their four spots.
- The committee will reach out to county bars, specialty bars, infinity bars, DRO, legal aid, etc.
- Send out an email from the president with a request for interested members.

5. Introductions of Participants and Selection of Subcommittees

- Participant introductions
- Covered during the start of the meeting, after the call to order.

6. Set Goals/Deadlines/Future Meeting Schedules for Committee

A. Discuss Goals and Possible Deadlines for Completion

- Chair Ms. Perini-Abbott views this as a year long process to include three phases.
- Justice Flynn concurs with the time commitment.
- Deborah Merritt spoke about the time commitments involved with gathering research and permissions needed for human subjects.

B. Review schedule for Committee Goals by Deadlines

- Mr. Wood discussed the flow he envisions for these meetings. Committee members will receive an assignment after each meeting that will then be sent out for feedback once completed. The committee will meet bi-weekly to accomplish tasks quickly and efficiently.
- Liaisons will work on the rubrics.
- Ms. Smith, the committee will gather information and hold broad perspective meetings with a combination of listening sessions and focus groups to hear people and for them to be heard with vast backgrounds and knowledge areas.

C. Set recurring schedule or establish scheduling process

- The committee decided on bi-weekly Wednesday meetings.
- Meeting time set for Wednesdays, bi-weekly recurring from 12:00PM – 1:00PM
- Bar staff will send meeting invites.
- Mr. Wood asked for assistance in creating the agenda.
- Listening sessions will need to be identified at the next committee meeting.
- Ms. Matthews suggested that members review the Paralegal Licensing work created online.

Exhibit 2

Exhibit 2 - LPDC Agenda - 5/18/22

IN THE SUPREME COURT OF THE STATE OF OREGON

In re the February 2022 Oregon Uniform)
Bar Examination Cohort) SCO No. 22-019
)
) ORDER ADOPTING REMEDIAL MEASURES
) FOR THE FEBURARY 2022 OREGON
) UNIFORM BAR EXAMINATION COHORT
)
)
)

THE COURT HEREBY FINDS THAT:

1. The Oregon Supreme Court has inherent authority to regulate the practice of law in Oregon, including regulating admissions to the Oregon State Bar (OSB), under Article VII (Amended), section 1, of the Oregon Constitution and ORS 9.006, and has statutory authority to direct the manner of examination of applicants for admission to the OSB under ORS 9.220.
2. The February 2022 Oregon Bar Examination ("Exam") was a Uniform Bar Exam ("UBE") administered on February 22 and 23, 2022. This order collectively refers to the applicants who sat for the Exam as the "Oregon February 2022 Cohort" or "Examinees."
3. The facility that served as the primary exam site, hosting approximately 91 percent of the Examinees, experienced a failure of its HVAC system before the beginning of the first day of the Exam, resulting in extremely cold temperatures. That failure was not cured until the Exam was almost over in the afternoon of the second day. The remedial measures attempted or taken by the OSB staff and the facility staff did not adequately provide acceptable testing conditions. While some Examinees were not directly, physically, affected by the cold temperatures, all Examinees were affected by the disruption.
4. The Oregon State Board of Bar Examiners ("Board") convened public meetings on March 11, March 24, and April 22, 2022, to hear comment on the negative effect of the exam conditions and to consider remedial measures. The Board heard from Examinees, Board staff present during the Exam, and other interested parties. The Board also considered a report by the National Conference of Bar Examiners ("NCBE") providing exam data on the potential effect that the testing conditions had on individuals and groups of Examinees.
5. Based on the evidence presented and statements made at the public meetings listed above, the information received from the NCBE, and the Board's institutional knowledge of past performances from other February cohorts, the Board concluded that the Exam conditions negatively affected the Oregon February 2022 Cohort and that it was imperative that the Board consider recommending nontraditional remedies to address the unique inequities created by the exam environment.
6. The Board submitted a confidential report to the Court, assessing the effect of the cold conditions on the Examinees as a whole, which is based on comparisons of the

Oregon February 2022 Cohort's Exam performance to the average testing performance all past February UBE cohorts. In the report, the Board recommends remedial measures and provides a number of equitable policy concerns that the Board considered when determining which remedial measures to recommend.

7. The Board considered the process and outcome of a recent Court-requested evaluation of the pass score for the UBE in Oregon. At the time of that evaluation, a pass score in Oregon was a UBE score of 274. A Standard Setting Task Force ("SSTF") performed the evaluation by enlisting a panel of respected lawyers to identify competent answers from past UBE bar exams, without knowing the scores assigned to those answers. The panel regularly rated answers scoring between 268 and 273 as demonstrating competence. A psychometrician report reviewed the panel responses and analyzed the policy considerations with selecting a pass score. The SSTF recommended that the Court lower the pass score to a level between the range of 268 and 273, with the consensus that 270 best reflected the standards of the profession, while still giving proper consideration for the primary policy concerns involved in a pass score and appropriately weighing the risk of false positives (a passing score achieved by an examinee who is not competent to practice law) against the risk of false negatives (a failing score achieved by an examinee who is competent to practice law). The Court accepted the SSTF's recommendation and adopted a UBE score of 270 as the pass score for the Oregon State Bar Exam, starting with the July 2021 exam (Supreme Court Order (SCO) 21-024).
8. The Board reported to the Court that, following the grading of the February 2022 Exam, 57 percent of the Oregon February 2022 Cohort obtained a UBE score of 270 or higher and 43 percent obtained a UBE score of 269 or lower. The Board further reported that:
 - a. Comparison of the Oregon February 2022 Cohort's Exam performance to the average testing performance on all past February UBE cohorts in Oregon suggested that the cold temperature conditions affected the February Cohort as a whole;
 - b. Based on the SSTF's recent report, and absent the adverse testing conditions, the Board anticipated a passage rate closer to 68 percent; and
 - c. Applying a passing score of 265 to the Oregon February 2022 Cohort would achieve a result closer to what was anticipated when the new passing score of 270 was established in 2021.
9. The Board, with the Court's approval, is developing proposals to provide pathways to admission to the Bar other than through the Bar examination. That work, while in its early stages, has yielded useful information that could assist in the management of a remedial response to the February 2022 Exam conditions, involving supervised practice.
10. As remedial measures to address the effect of the testing conditions during the February 2022 Exam, the Board recommended that the Court offer a credit toward a future Oregon UBE for Examinees with a score 269 or less, adjust the minimum pass score to 265 for the February 2022 Oregon Bar Examination, and offer a pathway to licensure to Examinees through a provisional license program.

11. The Court has determined:
- a. The testing conditions for the February 2022 Exam negatively affected the test performance and UBE scores of Examinees, but the effect that the conditions had on each affected Examinee is impossible to assess with certainty;
 - b. Based on the SSTF report and presentation to the Court, coupled with the support of the psychometrician study and data, 43 percent of the Oregon February 2022 Cohort, with scores of 269 or lower, may represent a large percentage of false negatives, which the Court finds untenable and inequitable, given the Exam conditions;
 - c. That resulting drop in UBE scores and the inability to identify which Examinees would have passed the Exam but for the testing conditions, has created an emergency licensing issue; and
 - d. The remedial measures suggested by the Board provide a plausible pathway for licensure to all members of the Oregon February 2022 Cohort who have the requisite competence to practice, while still providing sufficient safeguards to protect the public from any unqualified Examinee who would not presently be unconditionally admitted or allowed to engage in the unsupervised practice of law in Oregon.

IT IS HEREBY ORDERED, pursuant to ORS 9.006 and 9.220, as follows:

12. **Credit toward Future Oregon UBE:** Regardless of whether an Examinee is admitted to practice in Oregon or otherwise participates in the Provisional License Program discussed in paragraph 15 of this order, each member of the Oregon February 2022 Cohort who scored 269 or less on the February 2022 Oregon Bar Examination shall receive a credit toward the application fee of one future UBE, held in Oregon and hosted by the OSB, on or before the February 2024 Oregon Bar Examination.
- a. With the exception of the July 2022 Oregon Bar Exam, an eligible Examinee must submit the Examinee's bar exam application for the relevant UBE in the manner prescribed by the Board and by the timely filing deadline set for such exam.
 - b. Because the timely filing deadline for the July 2022 Oregon Bar Exam has already passed, an application for that exam, as described in this paragraph, must be submitted by either the late filing deadline or by two weeks from the Examinee receiving notice indicating whether the Examinee passed the February 2022 Oregon Bar Examination, whichever is later.
13. **Adjustment to the Minimum Pass Score:** As a remedial measure to address the February 2022 Oregon Bar Exam conditions, for the Oregon February 2022 Cohort *only*, and *only* for the UBE score obtained during the February 2022 Oregon Bar Exam, the pass score shall be 265. SCO 21-024, which established a pass score of 270 for the Oregon Bar Exam beginning July 2021, remains in effect. The pass score for any applicant applying for admission using a UBE score *not* obtained from the February 2022 Oregon Bar Exam remains at 270.

14. **Transferability of 2022 February Oregon UBE Scores:** All UBE scores earned from the 2022 February Oregon Bar Exam are transferrable to other UBE jurisdictions in accordance with NCBE policies. Members of the Oregon February 2022 Cohort applying to other jurisdictions may refer to this Order to demonstrate that the Oregon Supreme Court has concluded that the conditions under which the Exam was administered were unacceptable and justified a five-point adjustment to the Oregon pass score.

15. **Provisional License Program:** As a remedial measure to address the February 2022 Exam conditions, the Board is directed to create a Provisional License Program ("Program") as outlined below.

a. **Parameters:** The Program is intended to maintain consumer protection while providing a Qualified Examinee an opportunity to demonstrate competence to practice law to the satisfaction of the Board and, subsequently, the Court, through a term of supervised practice. The Qualified Examinee's competence to practice law will be assessed based on a review of appropriately redacted work product or through other submissions determined by the Board to be necessary to assess the Qualified Examinee's competence. It is anticipated that a Qualified Examinee would have 12 to 18 months to complete 1,500 hours of substantive legal practice under the supervision of an Oregon lawyer. The Board shall:

- (1) Model the Program after the recently implemented Temporary Supervised Practice Rules, RFA 13.01 to 13.85 (which adequately protect the consumer), but modified to ensure that a Qualified Examinee is required to demonstrate to the Board competence to practice law;
- (2) Design the Program to require supervision by a lawyer admitted to the OSB, oversight and assessment of competence by the Board, and appropriate insurance coverage by the PLF (either coverage or an exemption to coverage);
- (3) Include a mechanism for a Qualified Examinee to change supervising attorneys while participating in the Program;
- (4) Require a Qualified Examinee and supervising attorney to submit quarterly reports (with appropriately redacted work product) to the Board for review and assessment;
- (5) Include a system to address how Client Assistance Office complaints or PLF claims affect continued participation in the Program and to provide written notification that failures or incompetence demonstrated in any aspect of the Program, or that development of a character and fitness issue, may result in exclusion from the Program and a denial of admission through the Program; and
- (6) Develop clear guidelines, parameters, and enrollment requirements for employers and supervising attorneys who want to offer supervision to Qualified Examinees.

b. **Eligibility:** Any member of the Oregon February 2022 Cohort whose UBE score

is 264 or lower and who is found by the Board to otherwise meet all other requirements for admission, including the requisite character and fitness to practice law in Oregon, is a "Qualified Examinee" eligible to participate in the Provisional License Program.

c. **Admission to Practice:** Notwithstanding ORS 9.210(2), ORS 9.220(3), or the Rules for Admission of Attorneys (RFAs), a Qualified Examinee may be admitted to the OSB without achieving a passing score on the Oregon Bar examination required by RFA 5.05 and RFA 5.15, so long as the Qualified Examinee fully satisfies the requirements of the Program.

- (1) While participating in the Program, a Qualified Examinee's license is provisional and is subject to the requirements of the Program. Upon successful completion of the Program and full admission to the Bar, no conditions attach to the Qualified Examinee's license based on participation in the Program.
- (2) A Qualified Examinee who successfully completes the Program shall submit an updated RFA 8.10(A)(4) application form and undergo a final character and fitness review by the Board. Upon confirming that the Qualified Examinee has the requisite character and fitness to practice law in Oregon, the Board shall recommend the Qualified Examinee to the Court for admission to the OSB. If the Board determines that it cannot recommend the Qualified Examinee for admission to the OSB, then the Board shall notify the Qualified Examinee that the Qualified Examinee is placed on a character and fitness hold, and the Board and Qualified Examinee shall follow the process outlined in the applicable RFAs to ultimately submit to the Court a recommendation of admission, conditional admission, or denial. If the Board recommends denying admission to the Qualified Examinee, then the Qualified Examinee shall have the right to challenge such recommendation through the process set out in RFA Section 9.

d. **Participation Does Not Preclude Admission via Other Means:** A Qualified Examinee's participation in the Program does not preclude the Qualified Examinee from pursuing admission through a different pathway (e.g., by securing a passing score on a subsequent UBE). The Program shall have in place a mechanism to terminate from the Program a Qualified Examinee who is admitted to practice through a different pathway, while ensuring no lapse in Professional Liability Fund (PLF) coverage.

e. **Timing:** The Board shall provide an update to the Court on its progress in developing the Program at the Court's June 2022 public meeting, with proposed rules to be submitted at the Court's July 2022 public meeting. Assuming that rules are approved:

- (1) By June 30, 2022, and with the caveat that further action depends on the Court's approval of the rules, the Board shall notify any Examinee from the Oregon February 2022 Cohort who scored a 264 or lower as to whether the Examinee is a "Qualified Examinee" and, if not, why not (e.g., the Examinee has not met requirements relating to the Multistate

- Professional Responsibility Exam or has a Character & Fitness hold);
- (2) Beginning August 31, 2022, the Board shall accept applications for the Program from Qualified Examinees;
 - (3) By September 30, 2022, the Board shall publish the assessment forms that will be used in conducting quarterly assessments as part of the Program.
 - (4) The Board may develop further regulations relating to the time by which -- after being deemed a Qualified Examinee -- an Examinee must apply to the Program, but in no event should the Board accept new applications after December 31, 2023;
 - (5) The Board shall complete its review of each completed application submitted by a Qualified Examinee within one month of its submission;
- f. **Fees:** Subject to the parameters set out below, the Court delegates to the Board the discretion to determine the amount of any administrative fee that should be charged to any Qualified Examinee who applies to participate in the Program (Monthly Administrative Fee).
- (1) The Board should consider the costs that the OSB will incur in administering the Program and the costs that the Qualified Examinees already have endured in studying and taking the Oregon Bar Exam, coupled with the average wage or salary that may be earned by a Qualified Examinee while participating in the Program.
 - (2) The Board shall consult with the OSB Chief Financial Officer in setting any administrative fee, and that Officer must consent to the amount that is to be collected by the OSB to support the Program.
 - (3) Notwithstanding the foregoing, no application fee shall be charged to any Qualified Examinee applying for the Program, and the administrative fee shall not be collected more than once per quarter; shall not be greater than \$100 per month; and, if administratively feasible, may be subject to tiering based upon the Qualified Examinee's stated anticipated or actual salary.

16. **Effective Date:** This Order becomes effective immediately.

Dated this 12th day of May, 2022.



Martha L. Walters
Chief Justice, Oregon Supreme Court

Exhibit 3

Exhibit 3 - Advisory Group
Suggested Members

Committee Name	Bar Number	F Name	L. Name	Phone	Email
Campaign for Equal Justice	032966	Maya	Crawford Peacock	(503) 295-8442	maya@cej-oregon.org
Clackamas County Bar Association	122142	Wendy	van Leuven	(503) 707-0295	wendy@leiklaw.com
Clatsop County Bar Association	071660	Sunil	Raju	(503) 470-7070	sunil@coastlandlaw.com
Coos County Bar Association	841520	Nathan	McClintock	(541) 269-1123	nmclintock@epuerto.com
Coos County Bar Association	952965	Karen	McClintock	(541) 396-7885	kmclintock@co.coos.or.us
Crook/Jefferson Counties Bar Association	063181	Phil	Duong	(541) 447-4158	phil.duong@co.crook.or.us
Deschutes County Bar Association	154331	Eric	Taylor	(541) 693-0068	etaylor@brixlaw.com
Disability Rights Oregon (DRO)	182254	Emily	Cooper	503-243-2081	ecooper@droregon.org
Douglas County Bar Association	790078	Daniel	Lang	(541) 459-9898	attorneylang97479@gmail.com
Jackson County Bar Association	154861	Alexzandra	Watson	(541) 843-0706	azcwatson@gmail.com
Josephine County Bar Association	163715	Brendan	Davis	(541) 708-1859	davis@josephinecountylaw.com
Lane County Bar Association	993113	E	Litchfield	(541) 686-9160	brad@eugenelaw.com
Legal Aid Service of Oregon				(503) 224-4094	
Lewis & Clark Law School Advisory Member					
Linn-Benton Bar Association	973732	Teri	Plagmann	(541) 248-3558	teriplagmann@gmail.com
Lincoln County Bar Association	080095	Brian	Gardner	(541) 265-4108	bgardner@co.lincoln.or.us
Malheur County Bar Association	191796	Zach	Olson	(541) 889-5368	zolson@yturrirose.com
Marion County Bar Association	101374	Melissa	Parker	(503) 480-1131	parkerlawpc@gmail.com
Multnomah County Bar Association	105356	Jovita	Wang	(503) 546-4637	jovita@richardsonwang.com
Northwest Indian Bar Association (NIBA)		Anthony	Jones	(206) 359-6128	anthonyjones@perkinscoie.com
Oregon Asian Pacific American Bar Association (OAPABA)	124046	Alexander	Naito	(971) 277-4163	alex.naito@tnslaw.net
Oregon Association of Defense Counsel (OADC)	034545	Katie	Smith	(360) 771-8001	ksmith@walhoodlaw.com
Oregon Attorneys with Disabilities Association (OADA)	850398	Barbara	Diamond	(503) 966-0044	arbiter@diamondadr.com
Oregon Chapter National Bar Association (OC-NBA)	093182	G	Colas	(503) 986-5702	valerie.colas@ojd.state.or.us
Oregon Chapter of the Federal Bar Association (OCFBA)	150975	Randi	Ensley	(503) 595-6112	rensley@sbhlegal.com
Oregon Chinese Lawyers Association (OCLA)	095410	Emery	Wang	(503) 622-8965	emery@vameswang.com
Oregon Crime Victims Law Center (OCVLC)	110093	Rosemary	Brewer	503-208-8160	rosemary@ocvlc.org
Oregon Criminal Defense Lawyers Association (OCDLA)	072226	Stacey	Reding	(503) 226-3083 x15	sreding@multnomahdefenders.org
Oregon Department of Justice					

Exhibit 3 - Advisory Group
Suggested Members

Committee Name	Bar Number	F Name	L. Name	Phone	Email
Oregon District Attorneys Association (ODAA)	992430	Paige	Clarkson	503-303-5071	pclarkson@co.marion.or.us
Oregon Filipino American Lawyers Association (OFALA)	034427	Peter	Sabido	(503) 227-5631	PSabido@chernofflaw.com
(OGALLA) - The LGBT Bar Association of Oregon					
Oregon Hispanic Bar Association (OHBA)					
Oregon Law Center	060650	Monica	Goracke	<u>1-800-672-4919</u>	mgoracke@oregonlawcenter.org
Oregon Minority Lawyer Association (OMLA)	092628	Chase	Morinaka	(971) 266-2800	chase@lawyerspdx.com
Oregon Minority Lawyer Association (OMLA)	154617	Ivan	Resendiz Gutierrez	(503) 205-2377	ivan.resendiz@millernash.com
Oregon Muslim Bar Association (OMBA)					
OSB - Advisory Committee on Diversity and Inclusion	141244	Yazmin	Wadia	(971) 670-1880	yazmin.wadia@doj.state.or.us
OSB - Oregon New Lawyers Division	175234	Yvana	Mols	(503) 648-0707	yvanam@hillsborolawgroup.com
OSB - Professional Liability Fund					
OSB - House of Delegates					
OSB - Consumer Law Section	134674	Emily	Rena-Dozier	(503) 473-8678	erena-dozier@oregonlawcenter.org
OSB - Diversity Section	196420	Jessica	Brown	(541) 682-4261	jessica.brown@lanecountyor.gov
OSB - Non-Provfit Organizations Law	035900	Heather	Weigler	(971) 673-1910	heather.l.weigler@doj.state.or.us
OSB - Solo and Small Firms	981910	Diane	Cady	(503) 352-0731	dcady@trilliumlawpc.com
Oregon South Asian Bar Association (SABA Oregon)	200160	Somya	Kaushik	724 816-3043	sabaoregon@gmail.com
Oregon Trial Lawyers Association (OTLA)	933230	Lara	Johnson	(541) 484-2525	ljohnson@corsonjohnsonlaw.com
Oregon Women Lawyers (OWLS)	003996	Kristin	Sterling	(503) 307-7705	kristinsterling@gmail.com
Polk County Bar Association	151610	Matthew	Wilson	(503) 623-9268	wilson.matt@co.polk.or.us
Sixth Judicial District Bar Association	111282	Justin	Morton	(541) 276-0244	justin@ipdinc.org
The LGBT Bar Association of Oregon (OGALLA)	142844	Alletta	Brenner	(503) 727-2076	abrenner@perkinscoie.com
The LGBT Bar Association of Oregon (OGALLA)	183626	Megan	Hinzdel	(503) 373-8417	meghin@saif.com
Tillamook County Bar Association	053131	Matthew	Lyon	(503) 812-0482	matt@matthewdlyon.com
Twenty-Fourth Judicial District Bar Association	141505	Timothy	Beaubien	(541) 573-2066	tbeaubien1@gmail.com
Union County Bar Association	185086	Zachary	Nice	(541) 963-5259	zachnice@mammenandnull.com
University of Oregon Law School Advisory Members					
Wallowa County Bar Association	111909	Sadie	Kennedy	(541) 963-3104	sadie@baumsmith.com
Washington County Bar Association	092792	Tyler	Beach	(503) 693-7505	tyler@myfamilyfirm.com
Willamette Law School Advisory Member					
Yamhill County Bar Association					

Exhibit 4

Exhibit 4 - LPDC Agenda - 5/18/22

Oregon Alternatives to the Bar Exam Task Force

2022 Report

Organizing Principles

- Consumer Protection
 - Ensuring all licensed attorneys are competent to practice law
 - Oregon Essential Eligibility Requirements (<https://taskforces.osbar.org/files/RFA1.20and1.25EssentialEligibilityRequirementsandGuidelinesforAdmission.pdf>)
 - IAALS Report on Building a Better Bar (https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf)
 - Continued oversight of competence by the Board of Bar Examiners
- Equity
 - Removing unnecessary barriers
 - Providing alternatives

Process

- What is being done now?
 - Wisconsin model – “Diploma Privilege”
 - New Hampshire Model – Experiential curriculum
 - Canada/Utah/Washington D.C. Model – apprenticeship/supervised practice
- How would these models fit with Oregon
- Report to the Court

Recommendation

- Full report is available here: <https://taskforces.osbar.org/files/Bar-Exam-Alternatives-TFReport.pdf>
- Two Alternative Pathways
 - Oregon Experiential Pathway
 - Supervised Practice Pathway
- BBX to maintain oversight over competence determination for each
- Maintain the UBE as a pathway
- Continue to require MPRE and character and fitness review
- Need for additional administrative resources to successfully implement two alternative pathways

Oregon Experiential Pathway

- Modeled after New Hampshire's Daniel Webster's Honors Program
- 2L and 3L years focused on experiential learning and courses critical for practice
 - Curriculum to be developed between the BBX and Oregon law schools
 - Key components:
 - Mix of guided experiential learning (clinics or experiential courses) and externships
 - Practice-based courses like evidence, ethics, administrative law, statutory interpretation, criminal procedure, etc
- Portfolio work produced throughout 2L and 3L year
 - Feedback from BBX allows for course correction if applicant is not meeting standards
 - Simulated real world work samples allow a true assessment of competence to practice
- Following a ramp up period, open to all students who opt in
- Permit out-of-state schools to apply once program is up and running

Supervised Practice Pathway

- Post-graduation apprenticeship for 1000-1500 hours of legal work under qualified supervising attorneys
- Open to applicants from out-of-state or those that failed the bar exam
- Produce portfolio of real-world work product for review by BBX
- Additional considerations
 - Delaware-style “scavenger hunt”
(<https://www.courts.delaware.gov/forms/download.aspx?id=28478>)
 - CLE requirements

Addressing Consumer Protection Concerns

- Ensuring competence of applicants
 - Same people who grade the bar exam will be grading portfolios
 - Competence determinations are not outsourced to law schools or supervising attorneys who have a direct mentorship relationship with the applicants
- Breadth of knowledge requirements can be retained
 - Mandatory courses through the OEP; CLE requirements or “scavenger hunt” requirements for the SPP

Addressing Equity Concerns

- Multiple pathways = options and balance
- OEP
 - Program is exclusionary ► following ramp-up period, making it accessible to larger and larger cohorts
 - Non-blind grading of work product may introduce bias ► work with experienced professors and psychometrician to identify a rubric that applies to all students' work to limit possible bias
- SPP
 - Applicant feels “trapped” with bad supervisor ► allow for multiple supervisors
 - First generation students struggle with finding supervisors ► leverage Oregon's first-year mentorship program to assist applicants with finding supervisors

Next Steps

- Public comment
- Implementation committees
 - OEP
 - Curriculum
 - Portfolio requirements
 - Grading rubrics for portfolios
 - SPP
 - Qualifications for supervising attorneys
 - Portfolio requirements
 - Grading rubrics for portfolios
 - What constitutes “legal work” for purposes of hours requirements