

**Meeting of the Alternatives to the Exam Development Committee**  
**Oregon State Board of Bar Examiners**  
**Wednesday, June 15, 2022**  
**Zoom Meeting – Invites are sent via Outlook Calendar**  
**Open Session Agenda**  
*(Items may not be discussed in the order listed)*

**Wednesday, June 15, 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. Old Business/Updates on Events/News/Developments of Interest**

- A. Report from Breakout Groups
  - i. Outreach Group
    - a. What was discussed
    - b. What were goals/assignments were set
    - c. What will be discussed in the next breakout session
  - ii. SPP
    - a. What was discussed
    - b. What were goals/assignments were set
    - c. What will be discussed in the next breakout session
  - iii. OEP
    - a. Groups goal was to Spot issues that could trip up OEP.
    - b. Performed SWOT on Task Force’s OEP Outline
      - i. Faculty needs flexibility/freedom to develop curriculum and tests that match program goals
      - ii. Students need to understand that learning a niche or specialty is part of competence in career
      - iii. Developing a rubric that works for multiple projects/documents/practices is required
    - c. Discuss how to get buy-in from law school faculty in the next breakout session

**B. Update on Advisory Group**

- i. Committed Participants
- ii. Potential Participants who have not answered the call
  - a. Ask for volunteers to contact potential members

**Exhibit 2**

**Exhibit 3**

**C. Update on status of Provisional Licensing Update**

- i. Update from Professor Merritt and Troy Wood

**3. New Business**

- A. Breakout into Groups for 20-minutes
- B. Return to Committee for Breakout Group Reports

**4. Adjourn**

**Meeting of the Licensure Pathways Development Committee (LPDC)  
Oregon State Board of Bar Examiners  
June 1, 2022 - Open Session Meeting Minutes**

**Wednesday, June 1, 2022, 12:00 p.m. – 1:00 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; J.B. Kim; Akitri Bhargava; Lee Ann Donaldson; Beth Donahue (NCBE); Logan Cornett (IAALS); Dr. Danette McKinley (NCBE) and Professor Deborah Merritt.  
Court Liaisons Attending: Hon. Justice Meagan Flynn; Jason Specht  
OSB Staff Attending: Troy Wood, Sarah Haugstad, Jenni Abalan, Vickie Hansen
- B. Finalize Agenda. Chair Joanna Perini-Abbot called the meeting to order at 12:05. There were no additions to the agenda. Going forward, the structure of the meetings will be altered so they are working meetings, with ten minutes at the beginning with the full Committee, followed by work sessions with the three subgroups Outreach, OEP and SPP. Members can switch from group to group at their discretion.
- C. Approve Minutes from Past Meeting. The minutes were approved with no corrections.

**2. Old Business/Updates on Events/News/Developments of Interest.**

A. Finalize Plans on PR/Listening Sessions. Due to calendaring issues with various stakeholders, outreach groups will not occur in some instances until the Fall of 2022. Given the flexibility needed for this timeline, the Committee needs to have parallel tracks for progress on the development of the SPP and OEP, while continuing to push the outreach as opportunities present themselves throughout the next 9 – 12 months.

One plan for outreach is recording an informational video, which the OSB has agreed to assist in creating. IAALS and the NCBE can assist by formulating questions that will generate helpful feedback. These videos can be followed by a QR code allowing viewers to provide feedback. The first task for the outreach group is to solicit volunteers to create the video. OSB's CEO, Helen Hierschbiel along with the BOG president, will be traveling across the state visiting local bar groups. The goal is for the video to be completed in time so it can be presented by Ms. Hierschbiel to those groups.

Kendra Matthews reported that the Oregon Criminal Defense Lawyers Association holds their annual meeting in June and she will be providing them with information about this Committee's work. A QR code could be included on a pamphlet allowing the OCDLA to provide feedback. Ms. Perini-Abbott confirmed there is funding available for travel associated with these outreach efforts. It is important to solicit feedback from outside the Portland area.

B. MCLE Presentations vs. IAALS/NCBE Q&A for Membership. Another outreach effort will be a longer presentation that will provide Access to Justice CLE credits. Professor Merritt stated that the CLE presentations could be combined with the Q & A expert panels if the Committee wanted to develop an Oregon definition of competency.

Dean Parry stated it is important to hear what Oregon attorneys consider as competency as part of the outreach efforts, and not by determined as a separate research topic. Dean Gallini also opposed it as a separate research topic, especially given the substantial work already done by the ATE. Mr. Wood cautioned it may be difficult to obtain buy-ins from other jurisdictions if Oregon's definition of competency is more specific and varies substantially from the other jurisdiction.

JB Kim supports using the term "minimal competence" rather than "competence" in light of the fact that we are trying to substitute an alternate program in place of the bar exam, and not setting the bar at a higher level competence just because they are not taking the exam.

Ms. Matthews opined that while it is important to craft better terminology than minimal competence, some phrasing is needed that captures the fact we aren't creating "super lawyers" with these pathways. We are establishing they've done enough be licensed, not that we are allowing less competent people to be licensed. Minimal competence is competent.

The Committee confirmed that it would be intriguing to know membership opinion about competence, but that having an Oregon definition of competence that varies from the 12-pillars developed by IAALS might create a division with other jurisdictions considering similar programs in the future, which would be counterproductive. The SPP and OEP groups will likely create additional questions or materials related to a more universal definition of competence that would incorporate the IAALS pillars into ORS 9.220.

### **3. Meeting Structures/Statement of Interests**

A. Advisory Group Policies. Ms. Perini-Abbott reported the email invites to advisory groups have went out, and several responses have already been received, including several from outside the Portland area.

### **4. New Business.**

A. Committee members divided into three workgroups: OEP, SPP and Outreach. OEP and SPP will discuss work plans. Outreach will start planning the video and CLEs. Ms. Matthews suggested each group select a group leader, and volunteered Addie Smith and Dr. Rosilez to be group leaders for SPP and OEP, respectively. Professor Merritt suggested a liaison also participate in each group. An OSB staff member will participate in each group to take notes and offer administrative support. The Committee will not reconvene after the workgroups. Board members from each group will report to Ms. Perini-Abbot before the next meeting on June 15<sup>th</sup>.

Ms. Matthews mentioned that the Provisional License Program is a remedy for February 2022 examinees. She understood if the SPP group wanted to study its planning and execution, but cautioned that it should not be a substitute for the SPP group's plan.

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