

**Meeting of the *Licensing 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 Attendees [Insert List Here]
- 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, Akriti 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 Hierschbiel, 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.

**Meeting of the *Licensure Pathways Development Committee (LPDC)*  
Oregon State Board of Bar Examiners  
May 18, 2022 - Open Session Meeting Minutes**

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

**1. Call to Order/Finalization of Agenda**

A. Roll of Attendees: Joanna Perini-Abbott, Kendra Matthews, Debby Merritt, Logan Cornett, Akriti, James Sweringen, Carol Chomsky, Joanne Kane, Joanna Perlinger, Brian Gallini, John Parry, Erin Biencourt, Tony Rosilez, Stuart Chinn, Addie Smith, Danette McKinley, Tom Ryan

Court Liaisons Attending: Jason Specht

OSB Bar Staff: Kateri Walsh, Troy Wood, Jenni Abalan, Sarah Haugstad, Vickie Hansen, Susan Grabe, JB Kim, Helen Hiershbiel

B. Finalize Agenda [Jo Perini-Abbott]

C. Approve Minutes from Past Meeting

- *Approved*

**Exhibit 1**

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

- Joanna Perini-Abbott – Summarized court decision to approve provisional license program for February Bar exam takers.
- Dean Parry – Who is putting program together? How will program be shared with committee?
- Troy – Explained how program will be put together – address issues – coordinating plan to court and timing for application up online and what data to track in quarterly report. Anticipate program will start in September. Hoping for multiple pathways for applicants to participate.
- Kendra Matthews – LPDC program will stand on its own, but modeled after temporary practice program. Concerns: What does it look like not to succeed? Develop plan for long term results.
- Debby Merritt – Assisting with program. Anticipate small cohort, possibly quarterly reporting.

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**

- Joanna Perini-Abbott – send list of who will be included. Expectation – Role of advisory groups -looking at proposals/work product – tasked with reaching out to group re: questions/ information. Main task include reviewing, gathering feedback -
- Kendra – mentioned Oregon with Disability Law Association – include in advisory group.
- Dean Gallini- What will the advisory group do – what is there charge and how does it funnel to the committee itself?
- JP – Members are welcome to each meeting. Expectation is that they are looking at proposals and tasked with reviewing questions/concerns raised by constituency groups, gathering information, and funneling information back to JB Kim (liaison) and committee.

i. Any Groups Missing? Discussion -

- Local Bars, courts, law schools
- *Addie – can we do surveys?*
- *Joanne – NCBE/IAALS able to assist in creating surveys/gathering data*

B. Listening Session Presentation **Exhibit 4**

i. Two types of presentations:

- Joanna Perini-Abbott – Part of our charge is to communicate and get buy-in. Two types of presentations: 15 minute presentations; presentations that include power point with what task force has done, what they are doing, how you can be involved. Bar/Law Schools/Practicing attorneys – mixing up groups when doing presentations.
- Helen – offered to gather feedback with local bars, with Bar presidents. Court is on board with para-legal license – some members concerned re: feedback request after decision to paralegal program is already in place – committee should consider process for outreach.
- Kendra – Paralegal concept, not all buying in to it.
- Joanna – Next meeting will spend time laying out a plan for feedback.
- Brian Gallini – Ask the question “Is there a reason not to do it?” Some concern re: collaboration with NCBE – some feedback suggests concerns with “partnership”.
- Helen – include in presentation discussion of outreach and process to this point.
- Troy – Large number of members like/dislike NCBE/IAALS – consistent message – lean on Bar staff for PR.
- Debbie – Thoughts about liaisons making suggestions for questions at listening sessions.
- Addie – Can we do surveys?

a. Licensing Pathways Presentation (15 min.)

- Kendra – Court wants committee out gathering information, putting committee out in front of people.
- Troy – Messaging is a long haul. It would be great to have a sustained effort to keep occasional presentations at locations through out the state. At the same time, people have interest in field – find out what interests are.

- Judge Ryan – A lot of good points made today. What is motivation of those raising concerns? Fear of competition – “I had to take the Bar, why not them?”
- Addie – Agrees with Kendra – try to collect 3 or 4 most popular concerns – expand on that.

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?
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

**COMMENTS:**

- John Parry – Positive spin – having to take the Bar exam because “I had to take the exam” are comments we have seen
- JB – concerned about messaging about minimal competence hours (1500) – how should that be defined?
- Helen – suggestion – agrees with JB – concerned about over empathize of competence – include something that balances out that gage – provide increased access to legal services.
- Brian Gallini- pod cast/list serves – change setting –topic not good with group setting – base line information put out – what does it mean to pass? Emphasize on efficiency.
- Akriti – define what minimum competency – should court decide?

**Next meeting: June 1, 2022**

Revised PowerPoint to be sent around – revise and send out to public

Discuss questions being sent out – how to gather feedback?

Requesting feedback – re: listening sessions

**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.

**Meeting of the Licensure Pathways Development Committee (LPDC)  
Oregon State Board of Bar Examiners  
June 15, 2022 - Open Session Meeting Minutes**

**Wednesday, June 15, 2022, 12:00 p.m. – 1:00 p.m.**

**1. Call to Order/Finalization of Agenda - 12:07AM**

- 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 12:07. There were no additions to the agenda. Going forward, the structure of the meetings will be altered so they become working meetings. Ten minutes will be scheduled at the beginning of the meeting 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. Report from Breakout Groups

**i. Outreach Group**

The outreach group is gathering feedback and talking about who they are going to present to. Kendra has developed a PowerPoint and handout to share and gather feedback from. They want to have a set series of slides or a video that can be added to CLE's.

**ii. SPP**

Deborah Merritt indicated that a set of guidelines will be needed for this program. This program can best be compared to a workplace-based assessment on actions. There was debate amongst the group regarding how many hours should be required. 1500 hours was suggested at one point, but 800 hours may be more reasonable. The hourly requirement is only one aspect of the program. Minimum competency needs to be consistent among all the programs. Discussion took place regarding why it is or is not important for someone to practice in all the subject areas on the bar exam. This is a topic the group will need to revisit.

**iii. OEP**

We had a robust discussion regarding what is included in competence. We had a concern brought up regarding OAP programs having too narrow of a focus on a niche area of the law. Curriculum was looked at and how it can be based around concentrated areas and put together

very intentional. Potential tension between the BBX for a passing grade and professors regarding a passing grade in their course. We need to think about how we message this to professors and have flexibility to make this program available at all the law schools. The PLP rubric may help as a guideline for the group to view.

## **B. Update on Advisory Group**

- i. Committed Participants **Exhibit 2**
- ii. Potential Participants who have not answered the call **Exhibit 3**
  - a. Ask for volunteers to contact potential members

Plans have been finalized for 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.

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

- i. Update from Professor Merritt and Troy Wood

Due to the HVAC failure at the February exam, the pass score was lowered and a Provisional Licensing program was approved for this cohort. The structure and outline of the program was shared. The role for this emergency path will help guide this group, Ms. Merritt is working on the architecture for this program.

## **3. New Business**

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

Report to Joanna Perini-Abbott if you are connected to a county bar, OWLS or any group that may allow this information to be presented. The outreach group would love to get connected with your group and share their information.

## **4. Adjourn, 1:00PM**

**Meeting of the Licensure Pathways Development Committee (LPDC)  
Oregon State Board of Bar Examiners  
July 13, 2022 - Open Session Meeting Minutes**

**Wednesday, July 13, 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 12:03. There was not a quorum of voting members, however, there are no issues requiring a vote on today's agenda. The Chair reported on a proposed timeline to be approved at the next meeting. By August, the Outreach Group should have their plan final and ready for a vote, and the CLE presentation should be completed by August 31, 2022. By October 26, 2022 both drafts of the Supervised Practice Program and Oregon Experiential Program should be complete. A public comment period would begin the end of October and continue through January. During February – March any feedback would be incorporated into the plans, and from March – April revisions would be completed. The programs would be ready for a vote at the end of April and then presented to the Court. The Chair suggested that the Advisory Group would benefit from attending a separate, voluntary, meeting to receive background information on the programs.

C. Approve Minutes from Past Meeting. Without a quorum no minutes were reviewed.

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

A. Reports from Breakout Groups.

i. **Outreach Group.** Chair Perini-Abbot reported for this group, which had focused on timeline issues. It was agreed the push for outreach should begin when final plans are in place. The focus now should be getting on the fall agendas or schedules of as many groups as possible for presentations. Judge Ortega will assist in placing the group on the agenda at the Judicial Conference so the information can be presented to state judges.

ii. **SPP Group.** In Addie Smith's absence, Vickie Hansen, OSB staff, reported for this group. They will be taking advantage of the Provisional Licensing Proposal being presented to the Oregon Supreme Court. Addie described the contents of the Court's Order, creating the Provisional licensing Program as an option available to February 2022 examinees. J.B. Kim recommended using two separate terms to describe these two alternative admission pathways, as one is available to a very small group while the other will be widely available.

Dean Ivanoff suggested that a voting member participate in each breakout group to serve as an anchor member for continuity. J.B. added that the group had agreed to wait until the Provisional Licensing Program was approved, as it will serve as a good foundation in creating this program. Need to be cognizant that, even though the programs serve two different groups, people will likely review the two programs for inconsistencies.

iii. **OEP Group.** Tony reported that in the limited time available for the group, they created a document listing possible elements that should be included. Although the document was not circulated prior to this meeting, it is available now as a living document that will continue to be worked on. The efforts will be divided among individuals who will be responsible for the task. The group will then backward map to Joanna's timeline to ensure we stay on track.

#### **B. Update on Status of Provisional Licensing Program Update.**

Kendra reported there was no update beyond reviewing the materials that were submitted to the Court last week, which included an executive summary and a set of rules. Professor Deborah Merritt is working on the rubrics to ensure we are giving individualized reviews while appropriately avoiding bias in any way. Creation of rubrics is separate from getting the program underway, as it will take time for enrollment of participants and completion of work products. We must be sure the rubrics being done properly and fairly. She suggested that members review the executive summary for a good explanation of the rules. The work being done on the PLP is a resource for this committee, and shouldn't limit its planning for the LPDC. The current research on rubrics will provide additional resources. If any member currently use rubrics, or feedback/evaluation forms in their law school courses or in private practice, Professor Merritt asked for a copy to include in her research. She assured they would be kept confidential. A variety of work samples are also being gathered and she asked the group to provide any samples that might be useful. What may prove most helpful to the OEP are the model answers used by some professors. Sharing of data between the breakout groups will be essential.

Joanna agreed on the benefits of sharing of information between groups, as suggested by Tony. She cautioned about emailing the groups to avoid creation of a public meeting. Kendra clarified that as long as changes are made to a document, with no discussion until the next meeting, is would not considered a public meeting. Transparency of the process is crucial.

### **3. New Business.**

- A. Breakout in Groups for 20 minutes. At 12:28, Troy created three breakout rooms for the subgroup. The groups will meet and report their progress at the next meeting.

### **4. Adjourn.**

**Meeting of the Alternatives to the Exam Development Committee  
Oregon State Board of Bar Examiners  
July 22, 2022 – Open Session Meeting Minutes**

**Friday, July 22, 2022, 12:00 p.m. – 1:00 p.m.**

**1. Call to Order/Finalization of Agenda**

A. Roll of Committee Members Attending:

Court Liaisons Attending:

OSB Staff Attending:

- B. Finalize Agenda. Chair Joanna Perini-Abbot called the meeting to order at 12:09 with a quorum not yet reached.

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

A. Review and vote on committee schedule.

**Exhibit 1**

The Chair screen-shared her proposed schedule for the group, contained in Exhibit 1. The proposed schedule has the final report to be voted on and sent to the Court by April 30, 2023. She asked that the schedule be considered by voting members for approval, with the knowledge it may need to be amended later.

*Addie Smith moved to approve the schedule as proposed, seconded by Judge Thomas Ryan. The motion to adopt the proposed schedule passed unanimously.*

B. Report from Breakout Groups.

- i. Outreach Group. The Chair reported that a draft of the CLE has been created by Kendra. She did a test run of the program to Clear, a professional organization, and it went well. OCDLA has invited the group to present at a CLE as well as at a leadership meeting. New Lawyers Groups, OWLS and the MBA has expressed interest in co-sponsoring a CLE. Given the positive response there should be a number of presentations scheduled by August 31, 2022. She reminded the Committee that all members will need to volunteer to present these CLEs. There will be a scripted program to follow.
- ii. Supervised Practice Pathway. J.B. Kim reported for this group. Professor Merritt led the discussion primarily about the Provisional Licensing Program rules, because

although these are two separate programs with rules, hours, and portfolio requirements, questions may arise if there are vast differences between the programs. The Chair reported that the OCDLA is excited about this pathway, and have already incorporated it into their future staffing plans.

iii. Oregon Experiential Pathway. Dr. Tony Rosilez reported on the group's discussion, which primarily focused on a timeline of events, which align with the schedule approved by the full Committee. This group's timeline will depend on the law school's involvement. There is likely to be different responses from each of the law schools. The importance of reliability and validity was discussed, given the combination of law school faculty and external evaluators who will be reviewing the materials. The Chair stated that in discussing these programs, reliability and validity are two issues that are commonly raised as concerns. The involvement of the NCBE and IIALS is important in addressing these issues, and she expressed her gratitude that those groups are assisting this Committee.

C. Update on status of Provisional Licensing Update. The Court approved the Provisional Licensing Program. Questions from the Court focused on the timeline for rolling out the program, and whether it could commence before September 1, 2022. They also had questions about the number of participants in the program, and customization, i.e., how it would work with different types of practice. Justice Flynn suggested an important amendment to the rules requiring client consent and redaction, even if the document was filed publicly.

Two other programs were also approved by the Court during that meeting: paralegal licensing and the comity rule. Tony provided the group with a brief explanation of the comity rule and how it will benefit Oregon's attorney shortage.

Addie Smith reiterated the importance of having a voting member participate in each subgroup for continuity, while also being informed of the progress of the other groups.

### **3. New Business**

A. Breakout into Groups for 30-minutes

### **4. Adjourn**

**Meeting of the Licensure Pathways Development Committee (LPDC)**  
**Oregon State Board of Bar Examiners**  
**Wednesday, August 10, 2022**  
**Open Session Minutes**

**Wednesday, August 10, 2022, 12:00 p.m. – 1:00 p.m.**

**1. Call to Order/Finalization of Agenda**

Chair Joanna Perini-Abbot called the meeting to order at 12:04. The agenda was approved as written.

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

**A. Remind participants of the Schedule.**

Joanna pointed out the next meeting of this group is scheduled to occur during the grading session, which presents a conflict to several committee members. The next meeting is rescheduled to August 31, 2022, then returning to the regular schedule on September 7, 2022. Those back-to-back meetings are necessary given the committee's workload.

**B. Report from Breakout Groups.**

**i. Outreach Group**

Joanna reported that the current goal is for the Outreach Group to have a rough plan completed by August 31, 2022. The end of October is still the deadline for initial drafts of the SPP and OEP. Joanna will begin to recruit members to present CLEs to the groups identified by the Outreach Group. The CLE presentations will vary in time from 15 minutes to an hour depending on the group. She asked anyone in the Advisory Group to identify additional groups who may not have been targeted for a CLE. Joanna has spoken with the OCDLA and the Clackamas County Public Defense Consortium about CLEs. Today the group will discuss drafting articles for the *Bar Bulletin* and other publications.

**ii. SPP**

Addie Smith reported that the group is using the Provisional Licensure Plan as a guide for the SPP's plan. Review of the proposed plan has been broken into sections to carefully review. She thanked those who have submitted comments and questions on the portions that have been reviewed thus far.

iii. OEP

Dr. Anthony Rosilez reported that discussion at the last meeting focused on input from the law school deans about the importance of flexibility in the curriculum and the need to meet the minimum requirements of the RFAs. They also discussed the responsibilities of the BBX and what should be included in the law schools proposals. There is a need to distinguish what portions of the work product would be processed or evaluated by the BBX versus the law school in determining competency. Tony and Dean Gallini will be meeting with Professor Merritt later this week to talk about what the evaluation of these competencies will look like in this context.

**3. New Business**

A. Rubrics Developed by Professor Merritt needs Committee and Advisory Group Feedback and Support.

Joanna gave some background to the development of the Provisional Licensing Program (PLP). Professor Merritt has developed rules and rubrics for the PLP which can be translated to the OEP and SPP groups. She asked that any member of the committee who supervises new lawyers identify themselves so she can send them a rubric and a template to evaluate the work product and receive comment from the new lawyer. Rubrics exist for written work, negotiations, and client counseling. No need to submit your rubrics back to Prof. Merritt, but give her feedback on how they work. She would particularly like to receive rubrics back from those who practice in regulatory, transactional, or civil law.

Joanna mentioned that the rubrics will be tested during the grading session by BBX members. It was agreed that these can be distributed to supervisors outside of the LPDC. Tony suggested a common outline should be used in each program so there is consistency between the OEP and SPP. Joanna agreed this is important and will be discussed during the September 7<sup>th</sup> meeting. Joanna encouraged Advisory Group members to attend the breakout group of their choice and move between groups if desired.

B. Breakout into Groups for 30-minutes

**4. Adjourn.**

**Meeting of the Licensure Pathways Development Committee (LPDC)**  
**Oregon State Board of Bar Examiners**  
**Wednesday, August 31, 2022**  
**Zoom Meeting – Invites are sent via Outlook Calendar**  
**August 31, 2022 - Open Session Meeting Minutes**

**Wednesday, August 31, 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; Lee Ann Donaldson; Brook Reinhard; Addie Tobin Smith; Dr. Danette McKinley (NCBE); Erin Biencourt; Logan Cornett (IAALS); Joanne Kane (NCBE); Keith Cunningham-Parmeter; Dean Stuart Chinn; Tung Yin, Shalini Vivek; Dr. Anthony Rosilez; Kristin Sterling; J.B. Kim; Dean John Perry; Mohamad J. Shaer; Devra Hermosillla; Quinn Kuranz; Helen Hierschbiel; David Friedman; Dean Brian Gallini; Phylis C. Myles; Phil Duong; Hon. Darleen Ortega

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

OSB Staff Attending: Troy Wood; Sarah Haugstad; Jenni Abalan

- B. Finalize Agenda. **Chair Joanna Perini-Abbot called the meeting to order at 12:05.**  
Dr. Anthony Rosilez requested for the OEP group to stay online if possible, following this meeting. The SPP group will be meeting for a short time as well.

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

- A. Presentation of Outreach Program by Chair Perini-Abbott (See PPT via Email) **Inform**

The Powerpoint presentation was sent to all members of the committee. The Outreach group is focused on content feedback for the presentation today. After today the Outreach group may be able to join other groups for assistance. The Outreach group is moving forward to present at CLEs and specialty bar groups. Presentations and publications are the two main methods this group will be using for outreach. In the future, they would like to utilize connections to get on a podcast as well. The CLEs qualify for Access to Justice credits and the Outreach group is willing to present to those interested. Additional groups have shown interest and will be added to the Outreach Plan for this group.

- Feedback Wanted: What do you need to see in these programs that we are licensing confident attorneys?

- B. Committee Review and Approve Presentation (as edited by committee members) **Vote**

The Powerpoint presentation was sent to all members of the LPDC committee in advance and viewed on the screen during the zoom session. Joanna Perini-Abbott went

through the slides and lead the presentation. Thoughts and comments are welcome to be emailed.

**Comments:**

- Dean Gallini–The word alternative can be seen as less than. We are reforming our path to licensure.
- Dr. Anthony Rosilez- The assessment realm has evolved and the factors that go into how a candidate responds to assessments. There are multiple ways to demonstrate competency.
- What is being tested and what is being examined?
- **Please see the comments that go along with this meeting from the chat 8/31/22.**
- **Joanna Perini-Abbott took notes regarding presentation feedback.**

3. **SPP group did NOT have time to meet.**

4. **Adjourn, 1PM**

**Meeting of the Licensure Pathways Development Committee (LPDC)  
Oregon State Board of Bar Examiners  
September 7, 2022 - Open Session Meeting Minutes**

**Wednesday, September 7, 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. In Chair Perini-Abbot's absence, Kendra Matthews called the meeting to order at 12:03. The agenda was finalized with no changes.

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

- A. Remind Participants of Schedule. During future meetings, subgroups will report their progress to the full group and then move into their separate Zoom rooms. Ms. Matthews explained the presentations/PowerPoint will provide an overview of the program to allies and affinity groups from the advisory group to provide an update on the group's progress. Documentation will be produced based on last week's presentation, which may allow viewers to receive MCLE credit. Chair Perini-Abbot asked if the end of October completion date is still feasible; consensus was that was still attainable. She asked Jason Specht how the Court wanted to receive quarterly reports. Mr. Specht will provide an example of a brief progress report for the Court.
- B. Reports from Breakout Groups.
- i. **Outreach Group.**
  - ii. **SPP Group.** Addie Smith reported this group has realized much of the work needed for this program has been done via the PLP Program. She has been receiving specific comments and suggestions for each section of that program. Ms. Matthews reported on public comments arising from the PLP Program which would apply to SPP as well.
  - iii. **OEP Group.** Tony reported his group is developing questions to ensure everything has been received that will be needed for the report. Focus is on qualifications and admissions criteria and the role of the BBX in portfolio assessment.

**3. New Business.**

- A. Breakout Groups. The subgroups moved into their separate Zoom rooms and will report on their progress at the next meeting.

**4. Adjourn.** The main group adjourned at 12:25 p.m.

**Meeting of the Alternatives to the Exam Development Committee**  
**Oregon State Board of Bar Examiners**  
**Wednesday, September 21, 2022**  
**Zoom Meeting – Invites are sent via Outlook Calendar**  
**Open Session Agenda**

*(Items may not be discussed in the order listed or may be discussed in a workgroup session during the meeting)*

**Wednesday, September 21, 2022, 12:00 p.m. – 1:45 p.m.**

**1. Call to Order/Finalization of Agenda**

- A. Roll of Attendees
- B. Finalize Agenda

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

- A. Discussion of Schedule
- B. Lead BBX Member will report to meeting. After all reports, workgroups will report to their assigned Zoom:

(Assigned Zoom Link is in Parenthesis) (Password and other login information below Zoom Link)

- i. Outreach Group (Stay in the Main Zoom Meeting Room, as this will convert to the Outreach Meeting)  
(No additional Password or Meeting ID needed)

- a. Discuss possible changes to messaging/Slides from last presentation
- b. What will be discussed in the next workgroup session

- ii. SPP (<https://us02web.zoom.us/j/86073137875?pwd=Uko2V2xGd0FjMjgxMEFxm0vNVM0UT09>)  
**(Meeting ID: 860 7313 7875 - Passcode: 810235)**

- a. What was discussed at the last workgroup session
- b. What are the goals for this upcoming workgroup session **See Exhibit 1**
- c. Is the timeline still achievable?

- iii. OEP (<https://us02web.zoom.us/j/83299242180?pwd=QzRMaVRNbkhTODVrVmng3VXNYMjYwQT09>)  
**(Meeting ID: 832 9924 2180 - Passcode: 724456)**

- a. What was discussed at the last workgroup session
- b. What are the goals for this upcoming workgroup session **See Exhibit 2**
- c. Is the timeline still achievable?

**3. New Business**

- A. Break into workgroup sessions

**4. Adjourn**

**Meeting of the Licensure Pathways Development Committee (LPDC)**  
**Oregon State Board of Bar Examiners**  
**October 5, 2022 - Open Session Meeting Minutes**

**Wednesday, October 5, 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; Addie Smith, Akriti Bhargava, Dean Brian Gallini, Hon. Darleen Ortega, David Friedman, Professor Debby Merritt, Erin Biencourt, JB Kim, Jen Reynolds, Joanne Kane, Dean John Parry, Keith Cunningham-Parmeter, Kelsie McDaniel, Kendra Matthews, Kristin Sterling, Lee Ann Donaldson, Logan Cornett (IAALS), Rebecca Ivanoff, Rebekah Hanley, Dean Stuart Chinn, Hon. Tom Ryan, Tung Yin
- Court Liaisons Attending: Hon. Justice Meagan Flynn; Jason Specht
- OSB Staff Attending: Kellie Baumann, Susan Grabe, Vickie Hansen, Sarah Haugstad, Matt Shields, Kateri Walsh
- B. Finalize Agenda. Chair Joana Perini-Abbot's called the meeting to order at 12:02. The agenda was finalized with no changes.

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

- A. Discussion of Schedule. Chair Joana Perini-Abbot told the Committee that past meeting minutes would be sent to the Committee for approval at the next meeting. Additionally, in future meetings, Committee members will take minutes instead of Bar staff.
- B. Reports from Breakout Groups.
- i. **Outreach Group.** Chair Joana Perini-Abbot reported that the quarterly report has been submitted to the Supreme Court. The report will be circulated to the group as an exhibit. She also discussed upcoming speaking events that Committee members will be discussing the Committee's work at. They are deep into getting the message out, both nationally and in Oregon. The Committee will be the cover of the Oregon Bar Bulletin in December.
- ii. **SPP Group.** Addie Smith reported the group will be reviewing the rules from past weeks and playing catch up. She reported that after each Workgroup meeting, Debby Merritt reworks the rules based on what is decided. Addie reported that when the group is done going through all of the rules, they will bring to the full Committee. Chair Joana Perini-Abbot asked that to the extent the group decides to deviate from what is set forth in the Task Force Report, the group flags these deviations for the Committee.
- iii. **OEP Group.** Brian Gallini reported that he was not at the last meeting so he could not report on the last meeting. Chair Joana Perini-Abbot reported that the last meeting had discussion around the Admission procedure to the program. The Committee decided that

this should be left to the law schools provided that it is being done in an equitable way. Stuart Chinn reported that the last meeting ended on a question of assessment work being divided between BBX and the law schools and the Workgroup would be picking up discussions there today.

**3. New Business.**

- A. Breakout Groups. The subgroups moved into their separate Zoom rooms and will report on their progress at the next meeting.

**4. Adjourn.** The main group adjourned at 12:16.