

C L E A

Clinical Legal Education Association

July 18, 2016

Via Electronic Communication
Elizabeth.Parker@calbar.ca.gov

Elizabeth Parker, Executive Director
California State Bar
180 Howard Street
San Francisco, CA 94105

**RE: CLINICAL LEGAL EDUCATION ASSOCIATION (CLEA) SUPPORT OF
THE CALIFORNIA STATE BAR 15 UNIT EXPERIENTIAL EDUCATION
REQUIREMENT**

Dear Ms. Parker:

On behalf of more than 1,300 law professors around the country who teach experiential units, Clinical Legal Education Association (CLEA) writes to express our support of the 15-unit experiential education requirement that the State Bar of California Task Force on Admissions Regulation Reform (TFARR) and the State Bar of California Board of Trustees unanimously passed in 2014. The 15-unit requirement was the product of several years of careful examination, study, and compromise, which included multiple rounds of public comment from law schools, deans, the legal community, and the public. Like many who participated in the multi-year process, CLEA is at a loss to understand why the Board of Trustees is being asked to reconsider the requirement it unanimously approved, or why there is need to delay for further public comment.

Founded in 1992, CLEA's mission is to establish clinical legal education as a fundamental component of the education of lawyers. For over 20 years, CLEA and its members have worked with the American Bar Association (ABA), the American Association of Law Schools (AALS), state bars and committees, and individual law schools to reform law school curricula, accreditation standards, and bar admission rules in order to improve the professional abilities of law school graduates.

Throughout the multi-year process that TFARR deliberated, CLEA was one of the many organizations that submitted written and oral comments. Though CLEA, like others, advocated for a broader requirement than the compromise that was ultimately agreed upon, we support the 2014 TFARR recommendation. You can find the reasons for our support in the forms of statements and letters submitted to TFARR on April 17, 2013, May 30, 2013, June 10, 2013, September 4, 2013, and September 10, 2014. While these documents are

available on the state bar and CLEA websites, we briefly restate our key reasons for supporting the 15 experiential unit requirement here.

1. The California requirement supplements the new ABA 6 unit experiential requirement to help ensure greater competency of new lawyers. It does not conflict with or undermine ABA Accreditation Standards. The TFARR 15 unit recommendation was carefully designed to be far more flexible than ABA Standards and allows students to comply through externships, summer clerkships, pro bono work, and partial credit courses. The idea that, by adopting TFARR's 15 unit recommendation, California would be creating some kind of "balkanization" of experiential education requirements nationwide is simply not correct.
2. Fifteen units of experience in professional settings (representing about one-sixth of a law student's total credit hours) are certainly the minimum necessary to ensure that law school graduates are ready to begin the practice of law.
3. Every other profession requires that at least one-quarter, and up to one half, of a graduate's pre-licensing education be in role in supervised professional practice, and a majority further require a period of post-professional school apprenticeship before licensing. The professional education training and licensing of lawyers falls very far behind the other professions. For your convenience, attached is a chart CLEA submitted to TFARR on September 4, 2013, that demonstrates the different requirements for practical skills training for various professions.
4. California has always been a leader in setting high ethical standards for the members of its bar and promoting access to justice. This 15 experiential unit requirement is consistent with California's leadership in these areas. We applaud Californians for their efforts to invest in public protection.
5. The claim that a new skills requirement for law practice will be too costly is not supported by any evidence. A number of schools already have the courses to meet the requirement without any demonstrable impact on costs to students.

We understand that the delay in moving forward TFARR's recommendations to the Supreme Court has caused some to want to revisit the integrity of the process and ability of law schools to implement this requirement. As the association that represents those who are tasked by deans and faculties to implement experiential education in our law schools, we believe that continuing to delay this highly vetted 15-unit requirement recommendation only discourages innovation in legal education and stymies the ability of our students to acquire the practice training necessary to represent the public in legal matters.

CLEA welcomes the opportunity to work with you to implement the 15-unit experiential requirement passed by the California State Bar Board of Trustees. We welcome the

opportunity to participate in any and all conversations about this bar admissions requirement with you, the Board of Trustees, and law school deans. We request that our letter be shared with the Board of Trustees who will make a decision on how to proceed with the 15-unit proposal.

Sincerely,

/s/

Margaret Johnson
University of Baltimore School of Law
Co-President, CLEA

/s/

Maritza Karmely
Suffolk University Law School
Co-President, CLEA

cc: California State Bar Board of Trustees
(via email to: Teri Greenman at Teri.Greenman@calbar.ca.gov)