

## REIMAGINING LAWYER LICENSING IN MINNESOTA

The Minnesota Supreme Court is joining other states in developing alternatives to measure attorney competence in the licensure process. Following a two-year study of the methods to determine competency, the Minnesota Board of Law Examiners (Board) concluded that creating experiential pathways to licensure would provide a helpful supplement to the bar exam to ensure that all those with the skills and competencies necessary to serve clients and the public can be licensed. In June 2023, the Board filed a report with the Court recommending that the Court pursue a dual strategy for measuring competence: adopt the National Conference of Bar Examiners' NextGen exam (which will incorporate testing of some additional lawyering skills) and also develop competency-based alternative pathways to licensing that will assess both knowledge and practical lawyering skills through structured supervised experience and portfolio review. In March 2024, the Minnesota Supreme Court accepted those recommendations and created an Implementation Committee to design a curricular pathway and to further explore a post-graduation supervised practice pathway.

### *Minnesota Board of Law Examiner's Study of Bar Licensing (2021–2023)*

The Board's decision to begin a comprehensive study of attorney licensing in Minnesota was based on several developments in the licensing environment nationally. Since 2014, the Board has administered the Uniform Bar Examination (UBE) developed by the National Conference of Bar Examiners (NCBE). In 2021, the NCBE advised that changes would be made to the UBE examination to include a heavier focus on lawyering skills and to revise the format of the examination. In October 2020, the Institute for the Advancement of the American Legal System (IAALS) released a report identifying twelve building blocks of minimum competence for attorneys and recommending changes to the licensing process to align it with identified competencies. And beginning in 2020, the challenges to using traditional testing models during the pandemic led to creative exploration of alternatives in some jurisdictions. Based on all these developments, the Board announced in June 2021 its plans to commence a comprehensive two-year study of the bar examination in Minnesota and provide the Court with a report and recommendations in 2023. Over the next two years, the Board convened working groups, solicited public comment surveyed Minnesota lawyers and employers, consulted national practice analyses, and examined models in other states.

The Board's final report to the Minnesota Supreme Court in June 2023 described what new lawyers must be able to do in practice, analyzed how well existing testing formats measure those abilities, and recommended both adopting NextGen and pursuing alternative, competency-based pathways for licensure. The Court accepted that recommendation and

created an Implementation Committee to design a curricular pathway (with a report due July 1, 2026) and to further explore and make recommendations about a supervised-practice pathway (due July 1, 2027).

[Read more about the BLE's Study and Report](#)

### *The NextGen Bar Exam*

The current version of the Uniform Bar Examination developed by the NCBE will continue to be used in Minnesota through February 2027. Minnesota plans to administer the NextGen version of the examination starting in July 2027. The NextGen Bar Exam is designed to test knowledge of more practice skills than the current Uniform Bar Exam and will incorporate new types of questions that integrate doctrinal knowledge with applied lawyering tasks and professional responsibility contexts.

Minnesota's adoption of the NextGen Bar Exam will continue to provide applicants with score portability with other jurisdictions. The Curricular and Supervised-Practice Pathways would provide parallel options to measure competence, with an increased emphasis on measuring skills.

[Read more about the NextGen Bar Exam](#)

### *Why Experiential Licensing?*

The decision to pursue alternative pathways is based on commitment to an effective, fair, and inclusive licensing process that reflects the realities of modern legal practice. First, experience-based assessment measures the set of skills that lawyers need to serve clients. By collecting and evaluating documentation of the applicant's work in law-school clinics, externships, simulations, and other supervised practice, experience-based assessment offers direct evidence of an applicant's ability to do the work of a lawyer.

Second, fairness and equity are crucial to any licensing process. Offering multiple, competency-aligned routes to licensure will create additional, rigorous ways for qualified candidates to demonstrate practice-readiness and will reduce over-reliance on a single testing instrument that may disproportionately screen out capable practitioners.

Finally, the licensing environment nationally is changing. The NCBE's NextGen bar exam will roll out a new test design in 2026 that Minnesota is currently scheduled to begin administering in July 2027. Additionally, several other jurisdictions are adopting or considering experiential models for licensing. Minnesota has chosen a prudent dual strategy — adopt the NextGen Bar Exam to continue to ensure licensure portability and also design robust and valid alternatives to expand assessment options.

### *Safeguards for Rigor and Public Protection*

The Supreme Court Implementation Committee is designing carefully structured experiential pathways that will be as rigorous as traditional exams. They will require demonstration of articulated competencies and use objective rubrics and evaluations completed by trained supervisors to ensure that only those with demonstrated ability will be licensed. The Implementation Committee is also considering anticipated operational challenges, e.g., creating and maintaining an infrastructure for reports to the Board; recognizing and minimizing burden on candidate supervisors; ensuring accuracy and honesty in submissions and evaluations; and creating a valid and reliable assessment process. The Implementation Committee will likely recommend making the pathways available to a limited number of applicants at first and a program review after an initial period to evaluate program effectiveness and make necessary changes. The Minnesota Supreme Court's order reflects that cautious sequencing: curricular-based pathway work is prioritized first, with post-graduate supervised-practice proposals to follow.

### *Defining Competence for New Lawyers*

The first task of the Implementation Committee was to articulate the set of competencies to be assessed—the knowledge, skills, and attributes necessary to fulfill the role of a practicing lawyer. Drawing on a variety of sources—including [Rule 5](#) of Minnesota's statement of Essential Eligibility Requirements for attorney licensing, the Twelve Building Blocks for competence identified as part of the [IAALS "Building a Better Bar" study](#), practice analyses by the [National Conference of Bar Examiners](#) and the California and Florida bar examiners—the Implementation Committee identified the following competencies to be assessed through alternative pathways:

1. The ability to conduct research in case law and statutory, constitutional, administrative, and secondary authority, including using technology and Artificial Intelligence tools appropriately and ethically.
2. The ability to reason and to integrate factual information with legal doctrine.
3. An understanding of threshold concepts in key subjects.
4. The ability to communicate effectively with clients, lawyers, courts, and others.
5. The ability to interact honestly, respectfully, and ethically in all interactions.
6. The ability to fulfill one's obligations to clients effectively and ethically.
7. The ability to use good judgment in conducting one's professional obligations.
8. The ability to manage a law-related workload, to plan work activities, and to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others.

9. The ability to pursue self-directed learning, to stay informed about legal developments, to employ self-reflection, and to learn from feedback.
10. The ability to resolve ethical dilemmas appropriately and to comply with the requirements of the Rules of Professional Conduct, including ongoing requirements with respect to continuing legal education.
11. The ability to conduct oneself with respect for and in accordance with the law, including compliance with the requirements of applicable state, local, and federal constitutions, laws, rules and regulations, and any applicable court order.

The Implementation Committee is using this Competency Framework as a guide as it designs two alternative experiential-based pathways to licensing: a curricular pathway with licensing based on work done during law school and a supervised practice pathway with licensing based on work done after graduation. The plans for each pathway will be made available for public comment as they are developed.

### *The Curricular Pathway*

The Curricular Pathway is designed to be a rigorous, structured law-school-based route to licensing. Students who elect to follow the curricular pathway must (1) successfully complete a prescribed set of law school courses covering foundational areas of law; (2) engage in required supervised practice coursework in law school clinics, simulation courses, and credit-bearing field placements, (3) successfully perform two client interactions in their supervised practice work, which will be documented in their portfolio by written reflections and supervisor evaluations of these tasks; (4) submit a portfolio of written work to demonstrate competence in research, analysis, and reasoning, which will be independently assessed by the examiners; and (5) submit journal entries analyzing the application of the rules of professional responsibility to situations observed in practice.

Law school instructors will supervise the student-applicants and will submit reports on the student performance, but the Board examiners will be responsible for reviewing the portfolios and determining whether they demonstrate minimum competence.

In its initial phase, the Curricular Pathway will be available to a limited number of students to allow the Board to manage the new program effectively and to permit adjustments based on program evaluation before offering the Pathway more broadly. After an initial trial period, it is anticipated that the Curricular Pathway will be available more broadly, subject to administrative capacity.

The Implementation Committee will be sharing the plans for the Curricular Pathway for public comment and will submit a final report to the Supreme Court in 2026.

[Read more about the Curricular Pathway.](#)

### *The Supervised Practice Pathway*

A supervised-practice pathway offers a route to licensing based on lawyering work done after graduation from law school. As implemented in other jurisdictions, applicants complete a specified number of hours of supervised legal practice under the supervision of a licensed attorney and document specified lawyering experiences identified as critical components (e.g., conducting a client interview). Applicants submit a portfolio of work product for review by law examiners to determine whether the candidate has demonstrated minimum competence. A supervised-practice pathway may also require completion of specified coursework during law school to ensure knowledge of foundational principles of law. A supervised-practice pathway will require significant commitment from members of the legal community to be successful. The Implementation Committee is tasked with assessing the resources necessary to establish such a pathway and making recommendations on whether and how to move forward on creating it.

The Implementation Committee will engage with the Minnesota bench and bar to explore the feasibility of and develop proposed requirements for this pathway, including specification of supervisor qualifications and training, required lawyering experiences, and portfolio contents. The Implementation Committee will also draw from the experience in other jurisdictions that have developed or are developing similar post-graduate experiences, including Oregon and Washington.

The Implementation Committee will be sharing its recommendations for a Supervised-Practice Pathway for public comment and will submit a final report to the Supreme Court in June 2027.

### *What Other Jurisdictions Are Doing*

Minnesota's work reflects a growing national movement to modernize lawyer licensure. Since 2005, New Hampshire's [Daniel Webster Scholar Honors Program](#) has licensed select groups of students through intensive coursework, simulations, and faculty and judge evaluations along with portfolio review by bar examiners.

More recently, Oregon has pioneered a post-graduate [Supervised Practice Performance Examination](#). South Dakota has recently begun a [Pilot Public Service Pathway](#) for a small pilot cohort of students. Arizona has implemented a [Lawyer Apprenticeship Program](#). Utah is considering a [licensing path](#) that includes supervised practice post-graduation and a foundational knowledge exam. Nevada has announced [a new licensing structure for all candidates](#) in the state beginning in 2027 that will include a multiple-choice knowledge test offered during law school, a written performance test to be taken at the end of law school, and required supervised practice hours. The state of Washington is in the early

stages of developing [several pathways based on experiential work before or after graduation](#). The Indian Supreme Court is considering a [proposal from the Commission on Indiana's Legal Future](#) that would allow law students willing to practice for at least three years in legal deserts or high-need public sector areas the opportunity to bypass the bar examination. The pathway would include supervised practice in law school clinics or externships and a test that resembles the Multistate Performance Test but focused on Indiana law.

The development of alternative pathways has also received endorsement from the ABA Section on Legal Education and Admissions to the Bar and from the Conference of Chief Justices. In May 2025, the ABA Section Council [adopted a policy](#) to encourage jurisdictions to “create diverse pathways to licensure that maximize the relationship between the assessment of competency and ability to successfully practice law and the full range of skills and knowledge required for the effective, ethical, and responsible practice of law.” In July 2025, the Committee on Legal Education and Admissions Reform (CLEAR) of the Conference of Chief Justices [issued a report](#) encouraging state supreme courts to “explore innovative pathways to licensure that enhance practice readiness and address access to justice.”

Collectively, these efforts reflect broad recognition that multiple pathways to licensure benefit the legal profession while maintaining high standards for assessing competence.

#### *Engagement with Minnesota Judges and Lawyers*

In its deliberations, the Implementation Committee draws from the experience of its members, including judges, practitioners, representatives from the law schools, bar associations, and the public, but the design and success of experiential licensing pathways to licensing in Minnesota will depend on continued engagement and collaboration with the Minnesota bench and the bar.

Throughout its work developing its proposals, the Implementation Committee will be seeking feedback from Minnesota judges and lawyers, from Minnesota's law schools, and from the public. Implementation of the Pathways will require participation by the law schools in offering the necessary experiential and other coursework and by members of the legal community as experiential supervisors, as bar examiners, and as evaluating the Pathways to ensure effectiveness and quality. This engagement will ensure that the Pathways reflect authentic practice expectations and maintain the rigor of Minnesota's licensing system.

[Read more about the Minnesota Supreme Court's Implementation Committee](#) and opportunities to share your feedback with the Implementation Committee.

### *Conclusion*

The Supreme Court Implementation Committee's work to develop additional pathways recognizes that licensing is fundamentally about public protection. By combining the NextGen Bar Exam with experiential licensing alternatives rigorously assessing identified competences, Minnesota will establish a licensing system that is valid, reliable, and equitable, and that continues to ensure the competence of newly licensed lawyers.