

Minnesota Curricular Pathway to Attorney Licensing

Introduction

Following a [two-year study](#) of the methods for determining minimum competency for attorney licensing, the Minnesota Board of Law Examiners (Board) and the Minnesota Supreme Court concluded that creating new experiential pathways to licensure would provide a helpful alternative to the traditional bar exam and would ensure that all those with the knowledge, skills, and attributes necessary to serve clients and the public can be licensed. In 2024, the Supreme Court created an Implementation Committee to further explore and develop such pathways. This report from the Implementation Committee describes the work of the Board and the Implementation Committee and outlines the Committee's proposal for establishing a Curricular Pathway to attorney licensing in Minnesota. By adopting the proposed pathway, Minnesota will join a growing number of states responding to calls by legal educators, lawyers, and judges to update attorney licensing by measuring attorney minimum competence in new ways.

Background

The Board's Study of Attorney Licensing

In the two-year study of licensing it began in 2021, the Board created three working groups, to look at licensing through bar exams, through curricular-based programs, and through post-graduate supervised practice. The working groups consulted with new lawyers, law students, law school representatives, legal employers, the judiciary, consumer protection groups, affinity bar groups, national experts on licensing, and others. The working groups met with representatives from other states that had either implemented or were developing alternative licensing programs, including Nevada, New Hampshire, Oregon, Utah, Washington, and Wisconsin. The Board held public listening sessions and solicited public comment on the reports of the working groups and on the Board's preliminary recommendations.

On June 1, 2023, the [Board filed a report with the Court](#) recommending that Minnesota pursue a dual strategy for measuring competence: (1) adopt the National Conference of Bar Examiners' NextGen exam (which will incorporate some additional testing about lawyering skills other than knowledge of the law); and (2) create an Implementation Committee for the purpose of further exploring and developing an alternative assessment to the bar examination that could be completed primarily during law school. Based on the methods being used or considered in other alternative licensing programs, the Board supported creating a curricular program that would assess both knowledge and practical lawyering

skills through structured supervised experience and portfolio review. The Board recommended tabling a third proposal, for the development of a post-law-school supervised practice pathway and suggested revisiting it following further study and development of a curricular pathway.

The Supreme Court Order and Instructions to the Implementation Committee

On March 12, 2024, the Minnesota Supreme Court accepted the Board’s recommendations regarding adoption of the NextGen exam (beginning in July 2027) and development of a curricular-based pathway. The Court chose not to table the proposal for development of a post-law-school pathway, however. Instead, the [Court’s order created an Implementation Committee](#) to both design a curricular pathway and further explore a post-graduation supervised practice pathway.

With respect to a curricular pathway, the Court agreed with the Board that combining law school coursework with review of a methodically developed portfolio would provide assurance that recent graduates whose work was judged competent would possess the skills and knowledge necessary to law practice. The Court emphasized that the curricular pathway should not be a diploma privilege like the approach in Wisconsin, which licenses law students based solely on graduating from a Wisconsin law school having taken a designated range of doctrinal courses. Nor should the alternative pathway be “easier” or “less demanding” than the bar exam. Rather, the alternative should be “grounded in the required competencies to practice law and should include experiential learning opportunities as well as a continued commitment to a strong academic understanding of the law.”

The Court’s order directed the Implementation Committee to (1) develop assessment criteria for a curricular pathway; (2) identify and create a pilot program; and (3) draft a proposal for rule amendments to the Minnesota Rules for Admission to the Bar that could be adopted on a pilot basis. The Court asked for a first report by July 1, 2026, outlining and proposing a law-school-based pathway to licensing, and a second report by July 1, 2027, discussing the feasibility and possible outline for a post-graduate (“supervised practice”) pathway to licensing.

The Court’s decision to pursue alternative pathways reflects a commitment to an effective, fair, and inclusive licensing process that reflects the realities of modern legal practice. Offering multiple, competency-aligned routes to licensure will reduce over-reliance on a single assessment that focuses primarily on retained knowledge and application of legal concepts in hypothetical situations and may disproportionately screen out capable practitioners. Moreover, by collecting and evaluating documentation of the applicant’s work in law-school clinics, externships, simulations, and other supervised practice, an experience-based curricular pathway offers direct evidence of an applicant’s ability to do the work of a lawyer.

National Developments Regarding Alternative Pathways

Minnesota's decision to pursue alternative pathways to licensure is endorsed by other groups that have studied the issue of effective licensing:

- In August 2023, the Conference of Chief Justices and the Conference of State Court Administrators established a committee to undertake a comprehensive examination of legal education, licensure, and entry into the practice of law. In July 2025, after 18 months of study that included working group sessions, listening sessions, surveys of judges, lawyers, and law students, and more than 90 interviews with diverse stakeholders, the [Committee on Legal Education and Admissions Reform \(CLEAR\) issued a report](#) with a series of recommendations to better align legal education, legal practice, and licensing. These include a recommendation that state courts reform bar admissions processes to include innovative pathways to licensure that enhance practice readiness and address access to justice.
- In Fall 2025, the ABA Section on Legal Education and Admissions to the Bar issued its [Law School Accreditation Council Policy on Lawyer Licensure](#), urging law schools to “create pathways to licensure that validly evaluate graduates across the range of skills, knowledge, and character necessary for competent practice and that avoid exclusion from the profession based on other factors” and “create pathways to licensure that maximize the relationship between the assessment of competency and ability to successfully practice law and the full range of skills, knowledge, and character required for the effective, ethical, and responsible practice of law.”

When the Implementation Committee began its work in 2024, there were already a few examples of jurisdictions adopting alternatives to the traditional bar exam, with others considering that possibility. Since then, the national licensing environment has continued to change, with more states adopting or approving development of alternative pathways to licensing. These developments demonstrate the viability and value of establishing alternative pathways and provide models for the Implementation Committee to consider:

- For over 20 years, the New Hampshire Supreme Court and the University of New Hampshire have partnered to license students through the Daniel Webster Scholar Honors Program, a curricular pathway in which students take a series of doctrinal and experiential classes in their second and third years of law school and prepare a portfolio of work product that is reviewed by bar examiners. This program, which began in 2005, has been evaluated by IAALS (the Institute for the Advancement of the American Legal System) and found to be very effective in producing graduates who are competent. Indeed, the review indicates that those licensed through the program are better prepared for the practice of law than many graduates taking the bar exam.

- In May 2024, Oregon launched a Supervised Practice Portfolio Examination (SPPE) that allows candidates to demonstrate competence to practice law by successfully completing law school courses in eight doctrinal areas tested on the bar exam; completing 675 hours of supervised legal work after graduation; and submitting a portfolio of practice-based writing, observed client interactions, and observed negotiations, which are reviewed by bar examiners. As of December 15, 2025, Oregon has licensed 49 lawyers through the SPPE, and more than 100 applicants are currently participating in the program.
- In February 2025, the South Dakota Supreme Court adopted rules implementing a five-year pilot program for a public service pathway to bar admissions, and the first group of nine participants has been enrolled. Each participant will complete a minimum of 500 hours of work experience as a legal extern with a host public-service entity approved by the dean of the law school and will submit a portfolio of legal work that will be reviewed by bar examiners. Participants also must make a commitment for a minimum of two years of full-time public service employment upon admission to the bar.
- In May 2025, the Nevada Supreme Court approved the Nevada Plan, a licensing program that will entirely replace the bar exam beginning in February 2027. The Nevada Plan includes: (1) a foundational law examination consisting of 100 multiple-choice questions in seven subjects, to be taken any time after completing three semesters of law school;; (2) a performance exam to be taken after graduation, requiring test-takers to read an assigned packet of material and write a response to a question prompt; and (3) 40-60 hours of supervised practice that includes client interaction and can be completed in clinics, externships, or pro bono programs supervised by legal aid lawyers.
- In October 2025, the Utah Supreme Court approved the Alternate Path to Licensure, which will be open to applicants in January 2026. The Alternate Path is a skills-based route to licensure that requires applicants to successfully complete 240 hours of supervised legal practice; successfully complete law school coursework in specified areas of law; and pass an Alternative Path Examination, demonstrating an understanding of legal processes and the ability to interpret legal materials, to identify legal issues, and to communicate as a lawyer.

The Work of the Implementation Committee

On August 15, 2024, the Minnesota Supreme Court appointed the Implementation Committee, chaired by Thomas Boyd and including representatives from the three Minnesota law schools, the Board of Law Examiners, the Minnesota State Bar Association, the Minnesota Disability Bar Association, the Lawyers Professional Responsibility Board, and lawyers, law students, a non-lawyer member of the public, an assessment expert, and a national expert on alternative licensure. Members from the Institute for the Advancement of the American Legal System (IAALS) and the National Conference of Bar Examiners (NCBE) serve as ex officio members.

The Implementation Committee met regularly beginning in September 2024. The Committee created working groups to address Committee tasks, and the work product from those groups has been presented to and considered by the full Implementation Committee. In addition to reviewing relevant written materials, the Committee has periodically consulted with stakeholder groups to inform Committee deliberations. These consultations have included:

- Meetings with representatives from other states implementing alternative licensing pathways to gather information about processes they have developed and challenges they have faced;
- Meetings with law school representatives and clinic and field placement professors and supervisors from Minnesota’s law schools to assess the capacities of the law schools to support the experiential requirements of a curricular pathway;
- A meeting with the Minnesota Justice Foundation to assess the capacity of pro bono attorneys to support students in meeting experiential requirements in a curricular pathway.

In addition, the Committee read and considered all the written comments received in response to its September 2025 release of a preliminary draft of the Curricular Pathway plan. Many of the comments indicated support for the creation of alternative pathways for reasons discussed in this report. Other comments expressed concerns about lowering professional standards, the potential for subjectivity in evaluation, and the costs and burdens of administering the program. Some of the comments made particular suggestions for improving the proposed pathway.

Based on this feedback and building on the experience of other jurisdictions, the Committee presents here an updated proposal for a Curricular Pathway, to be implemented first in a pilot program with a limited number of participants. The program remains similar in outline to the version shared in September 2025, but some details have been modified to respond to questions and concerns raised in the comments and consultations. The Committee remains convinced that the Curricular Pathway provides an opportunity to improve access to the profession while maintaining or elevating the standards for admission. To ensure effective implementation, the Committee recommends that the pilot include a plan for evaluating the pilot, focusing on reliability, validity, fairness, and consistency of decision-making, using approaches suitable for small-sample pilot programs.

As described in more detail below, the Curricular Pathway will require eligible students to satisfy specific coursework requirements and to submit a portfolio of work product created within supervised-practice opportunities that already exist in law school clinics, field placements, pro bono opportunities, and paid employment. Portfolio materials will be submitted to examiners without identifying information on the applicants and will be reviewed anonymously. The examiners will evaluate the submissions using rubrics provided by the Board and developed in accordance with best practices. The program and the rubrics will be designed to satisfy the Board that those who complete the program successfully can be considered equally eligible for licensing as those who pass the bar examination. Both

those completing the curricular pathway and those taking the bar exam will also have to graduate from law school, pass the Multistate Professional Responsibility Examination (MPRE), and undergo a character and fitness review by the Board.

Defining Competence for New Lawyers

The first task of the Implementation Committee was to articulate the set of competencies to be assessed in the Curricular Pathway by identifying the knowledge, skills, and attributes necessary to fulfill the role of a practicing lawyer. The Committee began by looking at Rule 5A of the Rules for Admission to the Bar, which states the “essential eligibility requirements” for admission to the practice of law:

- 1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
- 2) The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
- 3) The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;
- 4) The ability to use good judgment on behalf of clients and in conducting one’s professional business;
- 5) The ability to conduct oneself with respect for and in accordance with the law;
- 6) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- 7) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;
- 8) The ability to act diligently and reliably in fulfilling one’s obligations to clients, lawyers, courts, and others;
- 9) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- 10) The ability to comply with deadlines and time constraints.

Some of these requirements are established through graduating from law school, passing the MPRE, and undergoing the character and fitness investigation, all of which will be used for all applicants for licensing.

Drawing on Rule 5 and other sources, including 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 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.
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 plan work activities, and to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others.
6. The ability to pursue self-directed learning, to employ self-reflection, and to learn from feedback.
7. The ability to identify professional ethics responsibilities and conduct applied ethical reasoning, drawing on the requirements of the Rules of Professional Conduct.¹

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.

Overview of the Curricular Pathway

As directed by the Minnesota Supreme Court, and based on its exploration of attorney competencies, alternative pathways in other jurisdictions, and Minnesota law schools' capacity to provide appropriate experiential work, the Implementation Committee has designed a Curricular Pathway that students will complete while in law school. The Curricular Pathway would begin with a pilot program enrolling a limited number of students to ensure effective implementation. After an initial trial period, it is anticipated that the Curricular Pathway will be offered more broadly, subject to administrative capacity.

The Curricular Pathway will allow applicants who enroll in the pathway to demonstrate satisfaction of some of the eligibility requirements for licensing while in law school through a rigorous program of coursework, supervised practice, and portfolio submissions. Both those taking the bar exam and those following the curricular pathway would be required to graduate from law school, pass the Multistate Professional Responsibility Exam, and undergo a character and fitness review by the Minnesota Board of Law Examiners. Participants who enroll in the Curricular Pathway but are unable to complete it while in law school will retain the option of admission by examination after graduation.

¹ An earlier draft included a longer list of competencies. This shorter list omits competencies that the committee determined would be better assessed through the MPRE testing and the character and fitness process.

Applicants will be eligible to participate in the Curricular Pathway under the same requirements as eligibility for supervised law student practice in Minnesota. These requirements include being, and remaining, in good academic standing at their law school.

To become licensed through the Curricular Pathway, applicants must (1) successfully complete a prescribed set of law school courses covering foundational areas of law; (2) engage in required supervised practice coursework in clinics, simulations, and credit-bearing field placements, (3) successfully perform two client interactions and submit documentation of the interactions by their supervisors and their own written reflections about the experiences; (4) submit a portfolio of written work to demonstrate identified competencies in law practice, which will be independently assessed by the examiners using established evaluation criteria; and (5) submit journal entries analyzing the application of the rules of professional responsibility to situations observed in practice. Throughout this process, supervisors will be asked to observe, document, and report on applicant performance; supervisors will not be asked to render evaluations or competence judgments. Evaluation of whether applicants have demonstrated the identified competencies for practice will be conducted by examiners based on portfolio materials and documented observations, using objective and structured assessment criteria.

The components of the Curricular Pathway are briefly summarized below and described in more detail in subsequent sections.

Required law school coursework

The applicant will be required to successfully complete a set of doctrinal courses that cover the breadth of fundamental legal concepts with which all attorneys should be familiar, and which parallel the subjects tested on the NextGen bar exam.

The applicant will also be required to successfully complete 15 credits of experiential law school courses taken after the completion of first year courses, at least 9 credits of which meet the ABA definitions of law clinics or field placements. Experiential law school courses are hands-on courses that engage students in the performance of lawyering skills, and include clinics, field placements, and simulation courses. In a clinic or field placement, students engage in legal work in actual practice settings under the direct supervision of a clinic professor or field placement supervisor. In simulation courses, students practice their skills using materials constructed by a professor.

Each applicant's law school will certify that the applicant has satisfied the Curricular Pathway requirements for law school coursework.

Portfolio submission and review

The portfolio submissions from each applicant are designed to document work done in supervised practice and to allow the Board's examiners to evaluate the applicant's

demonstration of the identified competencies. The procedure for examiner review will be designed to produce fair, consistent, and valid outcomes.

Documented Client Interactions

Each applicant must conduct at least two interactions with a client as part of a clinic or field placement or in a qualified pro bono experience and submit documentation demonstrating successful handling of the interactions and minimum competence in the ability to communicate effectively. The client interactions will be observed and documented by the supervising lawyer. The portfolio will include the applicant's reflection on the required client interaction and the supervisor's documentation of the applicant's performance on a structured observational rubric provided by the Board.

Written Legal Work

Each applicant must demonstrate competence in legal research, analysis, and communication by submitting six distinct pieces of written legal work produced by the applicant in supervised practice settings in a law school clinic or field placement or in other legal practice settings under the supervision of a licensed attorney. The written work submitted must be sufficient in scope, length, and depth to permit the Board's examiners to evaluate the applicant's demonstration of specified aspects of competence. Each item will be accompanied by a cover sheet submitted by the applicant to describe the context and process of creating the submitted work product and a supervisor attestation documenting the applicant's role and the nature of the work performed. The Board's examiners will independently assess each submission to determine whether it demonstrates the relevant aspects of competence.

Professional Responsibility Journals

Each applicant will submit three journal entries describing situations they observed in practice where the rules of professional responsibility apply and analyzing how the rules apply to that situation. These submissions will supplement the results of the Multistate Professional Responsibility Examination, a multiple-choice test of knowledge of the Rules of Professional Responsibility administered to all applicants for licensing.

Eligibility and Timing

Students must apply for the Curricular Pathway by January 15 of the calendar year prior to their anticipated year of graduation from law school. That timing will allow students to learn about the pathway early in law school, consult with law school advisors as they consider the best path to licensing for them, and begin the pathway with sufficient time to complete the requirements. It will also provide sufficient time for applicants to receive feedback on their submissions so they will know whether they are on track to successful completion. For full-time students, enrollment would be in their second year of law school. For part-time students, enrollment would typically be in their third year of law school.

The Board will conduct assessments of applicants' portfolio materials during pre-determined assessment windows, which are currently anticipated to be in February, May, August, and November. The Board will set interim deadlines at which a specified number and type of materials must be submitted for review to demonstrate adequate progress. However, applicants may submit portfolio materials as they are created and will be encouraged to submit materials as soon as they are prepared in order to make regular progress towards completion.

Each submission will be considered first to determine if it satisfies the formal requirements for that kind of submission (e.g. length, redaction, accompanying submission of supporting materials such as cover sheets and supervisor attestations). If it is acceptable, the submission will be reviewed to determine if it is sufficient as a demonstration of competence.

- Any submission that is *deficient* in the formal requirements for consideration will not be reviewed by the examiners. Applicants must re-submit the materials in the proper format for review in the next assessment window.
- Any submission that is reviewed by examiners and evaluated as *insufficient* to demonstrate the relevant competencies will not become part of the final portfolio. These submissions may not be revised and resubmitted. Applicants will be required to submit new materials in the next assessment window to replace any submission deemed insufficient after review.
- Any submission reviewed and deemed *sufficient* to demonstrate competence will become part of the final portfolio without further review.

All portfolio materials must be submitted by the May assessment window in the applicant's final semester in law school (or by the November assessment window deadline if they are graduating at the end of the fall semester). If any materials in the final portfolio submission are deemed *deficient* or *insufficient*, applicants will have the opportunity to re-submit or provide replacement materials in the first assessment window following graduation. If replacement materials submitted after graduation are deemed insufficient, the applicant will not qualify for licensure through the Curricular Pathway and may pursue admission by examination.

Details of Curricular Pathway Components

As summarized above, the Curricular Pathway has two components: (1) successful completion of required law school coursework in both doctrinal and experiential courses; and (2) the submission of a prescribed portfolio of work that will be reviewed and evaluated by bar examiners. Each of these components is described in more detail below.

Law School Coursework

A successful applicant must complete coursework that (1) covers a specified range of foundational doctrinal knowledge; and (2) gives them substantial experience in hands-on practice in experiential courses.

Doctrinal coursework

The applicant will be required to satisfactorily complete law school courses addressing the following bar-tested subjects:

- Contracts
- Real property
- Torts
- Constitutional law
- Criminal law
- Civil procedure/dispute resolution
- Professional Responsibility
- Criminal Procedure
- Evidence
- Business Associations/Corporations
- Family Law

The subjects listed here are the subject areas that will be tested on the NextGen Bar Exam. Except for Family Law, all the listed subjects will be tested starting in 2026 (2027 in Minnesota). Family Law will be added to NextGen in 2028. Many of these subject-matter requirements are courses that are typically required in the first year of law school or are required for all law students. However, four of the subjects (Criminal Procedure, Evidence, Business Associations/Corporations, and Family Law) are not typically required. The Curricular Pathway would thus require applicants to satisfactorily complete four doctrinal courses over the last two years of law school that are not otherwise required by their law schools.

Experiential coursework

Applicants must complete 15 credits of experiential coursework taken after the first year of law school, 9 of which must be completed in a clinic or field placement. Experiential courses engage students in the performance of lawyering skills with multiple opportunities for student performance, self-evaluation, and feedback from a professor or field supervisor. Experiential courses allow students to apply the knowledge they acquire in doctrinal courses and to learn more about the law applicable for the legal matter in which they are engaged; to acquire skills associated with client representation; and to hone their knowledge and ability with the guidance of attorney supervisors who are committed to student progress to lawyering competence.

There are three types of experiential courses: (1) simulation courses; (2) law school clinics; and (3) field placements. Simulation courses teach lawyering skills through hypothetical fact scenarios in which students perform lawyering tasks. They are commonly used to teach skills like client interviewing and counseling, negotiation, mediation, and trial advocacy. Law school clinics provide students with the experience of advising, representing, or supporting actual clients under the direct supervision of the clinic professor in a law school course. Field placements embed students in law practice settings where their work is overseen by a faculty member and supervised on site by a field placement supervisor, who enters into an agreement with the law school to provide the required supervision of student work, feedback, and opportunities for student self-evaluation.

Law school accreditation standards currently require students to satisfactorily complete 6 experiential credits during law school, which can be met in clinics, field placements or simulation courses.² The Curricular Pathway would substantially exceed these minimum requirements by requiring 15 experiential credits after completing first year courses, with 9 of those credits earned in clinics and credited field placements, where students engage in supervised practice. The Curricular Pathway's requirement that 9 credits be completed in clinics or credited field placements equates to approximately 405 hours of supervised practice.³

As described in more detail below, applicants will be required to submit six pieces of written work, documentation of two client interactions, and three journal entries about professional responsibility matters. Those portfolio submissions can be created during experiential coursework and in other supervised practice settings, including paid or volunteer positions in a legal practice setting. To produce the required work product, students will need to consider the types of clinics, field placements, employment, and volunteer opportunities that will provide them with the appropriate legal practice opportunities. For example, a criminal clinic or field placement in a public defender office might provide many opportunities for client interaction but few opportunities for producing written work; a law clerk position in a private law firm may provide multiple opportunities to produce written work but few opportunities for direct client interaction.

It is anticipated that the law schools will provide academic advising to assist students in understanding the Curricular Pathway requirements based on information disseminated by

² In May 2025, the ABA Council on Legal Education and Admission to the Bar approved for public comment a proposal to raise the total to 12 experiential credits after the first year of law school, requiring that 3 of these be completed as part of a clinic or field placement. In August 2025, the Council deferred consideration of the proposal to allow further development and discussion.

³ The ABA rules for accreditation require that each credit be based on at least 42.5 hours of work by the student, and most law schools require the completion of 45 hours per credit.

the Board. The Board will also collaborate with the law schools in providing information sessions for students about the requirements.

Portfolio Requirements

For the required portfolio, a successful applicant must submit (1) documentation of two client interactions, (2) six pieces of written legal work, and (3) three journal entries discussing professional responsibility issues. All portfolio submissions will include cover memos by the applicant discussing the supervised practice experience, providing the examiners with a view of the applicant's legal understanding, communication skills, self-reflection, and learning from feedback. The submissions will be reviewed and evaluated by Board examiners to determine whether each submission demonstrates the relevant competencies, based on evaluation criteria established by the Board.

Documentation of Client Interactions

Because the ability to interact effectively with a client is critical in legal practice, the Curricular Pathway requires that students complete two professional interactions with a client. The client interactions may be conducted in a clinic or field placement or in a qualified pro bono experience, and the interactions must be observed and documented by a supervising attorney. Pro bono experiences will be identified as "qualified" if the supervising attorneys agree to provide the necessary oversight and documentation and to comply with program requirements.

Client interactions may be an initial interview with a client or a follow-up counseling session or other interaction. For each client interaction, the applicant will provide a memo that explains the context for and reflects on the experience, including discussing how the applicant prepared, what went well, what aspects were challenging, and what the applicant learned from the experience that will inform future interactions.

Because the performance of the applicant will not be viewed by Board examiners, and to support reliable evaluation of minimum competence, the supervising attorney will be asked to observe the interaction (or a recording of the interaction) and complete a structured rubric provided by the Board. The rubric will be designed to standardize documentation of observable features of the client interaction and to support consistency across supervisors and practice settings. To minimize subjectivity, the rubrics will focus on documenting observed behaviors and interaction characteristics rather than supervisor evaluations of the overall quality of the student's performance or competence.

The rubric form will provide space for the professor or supervisor to document feedback provided to the applicant and to include any additional contextual comments intended to assist the Board examiners in interpreting the observed performance.

To support accurate recall and documentation, supervisors will be expected to complete the rubric shortly after the client interaction. The supervisor will provide the completed

rubric form with the applicant, who will submit it to the portfolio, along with the applicant's cover memo and an attestation that the rubric completed by the supervisor has not been altered.

Examples of models for the submissions by applicants, rubrics for supervisors, and examiner review procedures for client interactions are in Appendix A.

Written Legal Work

Because skill in legal reasoning and written communication is critical in legal practice, and because written work product typically reflects legal research, analysis, and reasoning and demonstrates communication, the portfolio will require submission of six pieces of legal written work product by the applicant. The bar examiners will review the written work according to a rubric provided by the Board to determine whether it demonstrates the relevant competencies. If the submission is related to a client matter, the work product must be properly redacted by the applicant to protect the identity of the client, and the applicant and supervisor will file information about the representation to permit the Alternative Pathway administrator to prevent conflicts of interest when assigning examiners to review the submissions.

Requirements for work product submissions

The applicant must submit a total of six distinct pieces of legal work, each of which integrates factual information with legal doctrine and that (together with the accompanying cover memo by the applicant) is sufficient in scope and depth to demonstrate the relevant competencies under criteria established by the Board. If a submission is determined by the examiners to be insufficient to demonstrate the relevant competencies, the applicant will be required to submit another piece of qualified legal work in the next assessment window to replace the submission that was deemed insufficient.

All types of legal documents are acceptable (including research memos, complaints, contracts, discovery requests or responses, briefs, and substantive correspondence with clients or others). The written work may be produced in a law school clinic or field placement or under the supervision of a licensed attorney in another legal practice setting, such as employment in a law office as a paid or volunteer law clerk. The following requirements must also be met:

- At least two items must be at least 1500 words in length.
- A document will not be reviewed if it is less than 350 words in length.
- At least two items must be based on original legal research.
- Each item must address at least one distinct legal issue not included in the other submissions.

As noted above, each piece of legal work must address or be based on analysis of at least one distinct legal issue not included in other submissions. A document applying the same legal rules to new facts would not qualify as addressing a distinct legal issue. If the

document analyzes or reflects analysis of at least one different area of constitutional, statutory, or administrative law than addressed elsewhere, it will qualify as addressing a distinct legal issue. The depth of analysis of the distinct legal issue(s) unique to the submission must be sufficient to provide a basis for the examiner to make a judgment about the applicant's demonstration of the relevant competencies.

Each submission must represent the applicant's own substantive legal work and must be sufficiently attributable to the applicant to permit evaluation of the applicant's individual competence in legal analysis and written communication. Submissions may reflect supervisory feedback and revision, typical of legal practice, provided that the applicant is the primary author of the legal analysis, reasoning, and written expression being submitted. If a submission is produced through collaboration with others, the applicant must be primarily responsible for authoring a clearly identifiable portion of the submission (for example, particular point headings in a legal brief).

Submissions may be developed using forms, models, templates, or artificial intelligence–assisted drafting tools, provided that the applicant substantively developed, revised, and finalized the legal analysis and written content, and that the manner and extent of such use are fully disclosed. Permitting the use of collaboration, feedback, templates, and artificial intelligence tools reflects the realities of contemporary legal practice; however, the work submitted must remain demonstrably the applicant's own.

To ensure that submissions are sufficiently representative of the applicant's individual work, the applicant must disclose in the accompanying cover memo the nature and extent of any collaboration, feedback, or use of forms, templates, or artificial intelligence tools. If a form, template, or AI-generated draft was used, the applicant must include a copy and identify the substantive changes made by the applicant. If a submission has been produced in collaboration with others, the applicant must identify which portion(s) of the submission reflect the applicant's primary authorship. Supervisors are required to attest, to the best of their knowledge, that the information provided in the cover memo is accurate.

Cover memo accompanying the work product submission

The applicant will submit a cover memo with each piece of written work product, responding to prompts asking for information and contextual description regarding the submission. The cover memo serves two purposes: (1) to allow the Curricular Pathway administrator to verify that the submission satisfies the formal requirements for review; and (2) to provide contextual information to assist the Board's examiners in interpreting the work product when determining whether it demonstrates the relevant competencies. The cover memo is not itself evaluated.

In particular, the cover memo will ask:

- Which of the required categories are satisfied by this work product (is at least 1500 words in length, contains or is based on original legal research)

- Word count of the document (not including the cover sheet)
- Identification of the distinct legal issue(s) addressed in the submission.
- Description of the context in which the document was produced (e.g., its role in client representation or other supervised legal work)
- Description of how the work product will be used in the practice setting in which it was produced
- Description of the research strategy followed to complete the work product.
- Identification of legal rules and legal authorities relied upon for the work product that do not appear in the document itself.
- Identification of any forms, templates, models, or AI assisted drafts used in creating the work product (designating the changes made by the applicant to produce the work product).
- Description of the nature of assistance received from and collaboration with others in the preparation and writing of the work product, and an explanation of how the legal analysis, reasoning, and written expression in the submission are attributable to the applicant.
- Description of feedback received in the process of producing the document and how that affected the final work product.
- Brief reflection on lessons learned from preparing the work product and aspects the applicant would approach differently in a future project.

Supervisor attestation for the work product submission

Each submission of work product submitted by the applicant will be accompanied by a supervisor attestation. The attestations by the supervisor will confirm that the submission represents the applicant's own substantive legal work, that the applicant was the primary author of the legal analysis and written content being submitted, and that the work product is appropriate for review as evidence of the applicant's individual competence. The supervisor will confirm that the work product has been appropriately redacted to protect client confidentiality. The supervisor will also review the applicant's cover memo and attest that the statements made there are, to the best of the supervisor's knowledge, accurate.

Examples of possible models for the cover sheet, supervisor/professor attestations for work product submissions, and examiner review materials are in Appendix C.

Professional Responsibility Journals

All candidates for licensing in Minnesota (including those licensed under the Curricular Pathway) must take and pass the Multistate Professional Responsibility Examination administered by the NCBE, which tests knowledge and application of rules of professional conduct. All candidates (including those licensed under the Curricular Pathway) undergo a character and fitness examination by the Minnesota Board of Law Examiners.

In addition, the Curricular Pathway requires applicants to submit three journal entries in which the applicant describes a distinct situation observed in supervised practice in which

the rules of professional conduct were relevant and analyzes how those rules applied in the situation. The situations may be from the applicant's own experiences or from conduct they observed in interactions among attorneys or interactions between attorneys and clients. The purpose of the journal entries is not to identify misconduct, describe concerns about violation of rules, or demonstrate moral character, but rather to assess the applicant's ability to identify when the rules of professional responsibility are relevant and to analyze their application in real-world legal practice. Journal entries thus may discuss a professional context, identify the nature and importance of the relevant requirements in the professional rules, and discuss how the rules should shape attorney conduct in that situation. For example, an applicant may describe how professional obligations around confidentiality, conflicts, or candor shape a conversation with a client or witness and how professional responsibility is reflected in the questions that are or should be asked or comments made by the attorney conducting the conversation.

Journal entries will be reviewed by Board examiners using a rubric designed to evaluate whether the submission demonstrates an understanding of professional responsibility and the ability to conduct applied ethical reasoning, rather than focusing on knowledge of the rules, which is assessed by the MPRE. Examples of a possible model for the rubric for evaluating professional responsibility journal entries are attached in Appendix B.

Summary of Portfolio Contents

Based on the foregoing requirements, the portfolio for each applicant will include the following contents:

Law school certification

- Certification by the applicant's law school that the applicant has completed the required doctrinal and experiential courses

Applicant submissions

- 2 cover memos describing the applicant's experience in two client interactions conducted in supervised practice settings and observed by an attorney supervisor in a clinic or field placement. (Examples in Appendix A)
- 3 professional responsibility journal entries, each analyzing how at least one distinct rule of professional responsibility applies to a situation observed in supervised practice. (Examples in Appendix B)
- 6 pieces of written legal work, each of which integrates legal doctrine with factual analysis and is sufficient in scope and depth to permit evaluation of the applicant's demonstration of the competencies related to legal reasoning and analysis and written communication. Each written work must be appropriately redacted to protect confidentiality and accompanied by a cover memo describing the context, authorship, and preparation of the submission. At least two pieces must be at least

1500 words in length, and at least two must be based on original legal research. (Examples in Appendix C)

Supervisor submissions

- Documentation by the supervising attorney who observed each client interaction, completed using a rubric provided by the Board and limited to reporting observed behavior rather than evaluating competence. (Examples in Appendix A)
- Attestations by the supervisor of written work product confirming that the submission represents the applicant’s own substantive legal work, that the applicant was the primary author of the legal analysis and written content, that the work product has been appropriately redacted to protect confidentiality, that the work product was usable in the context of the client or other legal matter, and that the statements made by the applicant in the accompanying cover memo are accurate to the best of the supervisor’s knowledge. (Examples in Appendix C)

Detailed Description of Application and Assessment Process

Application Process

Students will be eligible for participation in the Curricular Pathway on the same criteria as eligibility for supervised student practice in the State of Minnesota. The Minnesota Supervised Practice Rule defines an “eligible law student” as a student who: (1) is enrolled in an ABA accredited law school; (2) has completed the equivalent of at least two semesters of full-time study; and (3) has been certified by the law school as (a) being of good academic standing; and (b) qualified to participate in a practice placement or clinical program. Each law school has established standards for the minimum GPA and course performance required to maintain good academic standing.

The Board of Law Examiners will establish a deadline for application to begin the Curricular Pathway, which is expected to be January 15 of the calendar year prior to the applicant’s anticipated graduation from law school; for full-time students, that would be their second year in law school, and for part-time students it would be their third year.⁴ At the time of application, the student’s law school will certify that they have satisfied the stated eligibility requirements and are in good academic standing. If at any time an applicant falls out of good

⁴ If a part-time student meets the definition of “eligible law student” by January 15 of their second year in law school, they could also apply in that year. Many part-time law students will have completed the equivalent of two semesters of practice at the end of three semesters of law school.

academic standing, they must notify the Board and withdraw from participation in the Curricular Pathway.

The Board will also establish a deadline for application for admission to the bar under the Pathway, including submission of the character and fitness application. The application deadline for spring semester graduates is expected to be January 15 of their final semester in law school; for fall semester graduates, the deadline is expected to be October 15 of their final semester.

The fee to apply under this program will be determined by the Court based on recommendations from the Board and will reflect the additional costs associated with this program. One half of the fee will be charged when the applicant applies to the program. The remaining fee will be charged at the time that the applicant applies for admission to the bar and submits the character and fitness application.

The Board will establish a schedule of partial refunds for applicants who withdraw from the Curricular Pathway, which will be prorated according to the timing of their withdrawal.

Portfolio Assessment Process

Once an applicant has been accepted into the Pathway, the Board will provide the applicant with a process for submitting portfolio materials as the materials are created. The Board of Law Examiners will establish quarterly assessment windows for review of portfolio materials. The assessment windows are currently anticipated to be in February, May, August, and November. At each quarterly assessment window, beginning in the first February after application, applicants may submit portfolio materials for review by bar examiners.

Applicants will be encouraged to submit materials as soon as they are completed, but the Board will establish interim deadlines at which a specified number of items must be submitted for review. Failure to meet these deadlines will result in removal from the Pathway.

The submissions will undergo a screening process to ensure they meet the formal requirements for length, redaction, and inclusion of accompanying documents, such as cover memos and supervisor documentation and attestations.

- **Deficient submissions:** Any submission that is deficient in the initial screening for minimum requirements will not be reviewed. Applicants will be notified that they may re-submit deficient materials in the proper format in the next assessment window.

Submissions that meet the minimum requirements will be given to examiners for evaluation to determine whether the applicant has demonstrated the relevant competencies, based on forms and rubrics provided by the Board of Law Examiners.

Prior to reviewing portfolio submissions, examiners must complete structured training on the application of rubrics and decision rules. Training will include calibration exercises using benchmark submissions representing the range of performance levels, with particular emphasis on submissions near the minimum competence threshold. Examiners will be required to demonstrate acceptable levels of agreement with criterion ratings before reviewing live submissions. The Board will conduct periodic recalibration sessions to monitor and address drift in rating standards over time.

Examiners will evaluate each submission as evidence relevant to specified competencies and will determine whether the submission demonstrates those competencies. The process for review will ensure reliability and consistency, and no document will be evaluated as insufficient without an independent review by another examiner.

- **Sufficient submissions:** Any submission deemed sufficient will become part of the final portfolio and will not be reviewed again.
- **Insufficient submissions:** Any submission that is reviewed and determined to be insufficient will not become part of the final portfolio. Applicants will have one opportunity to submit replacement materials in the next assessment window. The replacement submission must be new work products and may not be a revision of previously reviewed materials. A determination that the submission is insufficient is a final determination of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 15.

Interim and Final Deadlines

The Board will establish interim deadlines by which time certain materials must be submitted, which are expected to be as follows:

By the August assessment window in the year before graduation (May of the year of graduation for December graduates), the submissions must include:

- 2 items of written legal work and accompanying documents
- 1 professional responsibility journal entry

By the February assessment window in the year of graduation (August of the year of graduation for December graduates), the submissions must include:

- 4 items of written legal work and accompanying documents
 - 1 must be 1500 words in length
 - 1 must be based on original legal research
- 2 professional responsibility journal entries
- 1 observed client interaction with accompanying documents

These numbers include any materials that have been previously submitted and have become part of the applicant's final portfolio.

By the May assessment window in the year of graduation (November in the year of graduation for December graduates), the submissions must include:

- 6 items of legal work and accompanying documents
 - 2 must be 1500 words in length
 - 2 must be based on original legal research
- 3 professional responsibility journal entries
- 2 observed client interactions with accompanying documents

These numbers include any materials that have been previously submitted and have become part of the applicant's final portfolio.

If an applicant is unable to submit the required materials by one of the interim deadlines due to extraordinary and unexpected circumstances but wishes to continue in the Pathway, the applicant must submit a written request for extension to submit the missing item(s). The request for extension must explain the circumstances that have prevented the applicant from completing the required materials by the deadline and a plan for how the applicant will complete the materials by the next submission window. If an extension is granted for an item, the item must be submitted by the deadline for the next assessment window, and no further extension will be granted for that item.

All required materials must be submitted by the final portfolio submission deadline, which will be prior to the applicant's graduation from law school. If any submitted materials in the final submission deadline are deemed deficient or insufficient, applicants will have one opportunity to cure the deficiency or provide replacement materials in the first evaluation window after graduation. For spring semester graduates, this would be the August assessment window following graduation; for December graduates, this would be the February assessment window following graduation.

A timeline of the applicant requirements and submission deadlines can be found in Appendix D.

Limitation on Enrollment

In its initial phase, the Curricular Pathway will be available to a limited number of students, and the slots will be apportioned among Minnesota's three law schools. Limiting enrollment during the initial implementation period will allow the Board to monitor administration, evaluate assessment processes, and make data-informed refinements to the design and operation of the Pathway prior to broader implementation. After an initial pilot period, it is anticipated that the Curricular Pathway may be offered more broadly, subject to administrative capacity and the results of the pilot evaluation.

During the pilot phase, the Board of Law Examiners will collect and review quantitative and qualitative evidence relevant to the reliability, validity, fairness, and feasibility of the Curricular Pathway assessment processes. The Board will conduct these evaluations in consultation with external experts in educational and psychological assessment and licensure testing, as appropriate.

In the months leading up to the first application deadline, the Board of Law Examiners will work closely with the law schools to educate students about the requirements of the Curricular Pathway, and they will set up systems to receive feedback from the law schools about the efficacy of the Curricular Pathway. It is anticipated that the Board will hold information sessions for interested students in the spring semester of their first year and again in the fall semester of their second year.

Appendix A

Observed Client Interaction

The following pages contain possible models for:

1. The portfolio submission by the applicant describing and analyzing the applicant's client interaction.
2. A rubric to be completed by the supervising attorney who reviewed the interaction.
3. An attestation by the professor or supervisor that will be provided to the bar examiners to ensure compliance with the requirements and provide information for conflict checking.
4. The questions the bar examiner will answer in reviewing the portfolio entry.

THESE MATERIALS ARE INTENDED TO BE EXAMPLES ONLY. THEY ARE NOT INTENDED AS FINAL VERSIONS OF THESE MATERIALS.

Applicant's Cover Memo for Client Interaction

To be completed by the applicant. Please do not include any details in your answers to these questions that could be used to identify any client or matter.

Date the client interaction occurred: _____

I performed the client interaction as part of:

- a law school clinic
- a law school field placement
- a qualified volunteer opportunity.

- 1. Provide a brief overview of the client interaction context (e.g. was it an initial or intake interview? A client meeting? A counseling session?)**

- 2. What were your goals for this client interaction?**

- 3. To what extent did you achieve those goals?**

- 4. How did you prepare for the interaction?**

- 5. Were your preparations adequate? If not, explain what you would like to have done differently.**

- 6. Which aspects of the interaction went well?**

- 7. Which aspects of the interaction were most challenging? Why?**

- 8. What have you learned from this experience that you can apply to future client interactions?**

Applicant Attestation

I attest that:

_____ I am attaching the completed rubric provided by my supervising attorney.

_____ I have not altered the rubric.

[signature of applicant]

[date]

Supervising Attorney Documentation of Client Interaction

To be completed by the attorney supervisor who observed the client interaction or a recording of the interaction. The supervisor should provide a copy of the final document to the student, who will submit it as part of the student’s portfolio along with an attestation that the copy submitted has not been modified by the applicant.

The documentation rubric asks supervisors to select the behavioral description that best matches what was observed during the client interaction. Supervisors are not asked to render judgments about the quality or sufficiency of the applicant's performance; rather, they are asked to identify which observable behaviors occurred. The Board's examiners will interpret the documented behaviors to determine whether the interaction demonstrates minimum competence.

Part I

Structuring the Interaction with the Client

Topic	For each sub-area below, select the single description that best matches what you observed during the client interaction.			
Status as student attorney	Did not disclose status as student attorney	Disclosed status but did not invite questions or concerns from client	Disclosed status and invited questions or concerns from client	NA
Attorney-client privilege and/or confidentiality	Did not mention attorney-client privilege and/or confidentiality	Mentioned attorney-client privilege and/or confidentiality but failed to explain fully	Explained attorney-client privilege and/or confidentiality fully as applied to the client’s situation	NA
Next steps	Did not discuss next steps	Discussed next steps, but omitted one or more important detail	Concluded meeting with full summary of next steps	NA

Communicating with Client

Topic	For each sub-area below, select the single description that best matches what you observed during the client interaction.			
Client’s opportunity to explain situation	Used highly structured questions that prevented client from explaining situation fully	Allowed client initial opportunity to explain situation with minimal interruption	Allowed client initial opportunity to fully explain situation without interruption	NA
Client’s options	Did not explain options adequately to client	Explained options but omitted detail client might find helpful	Fully explained options	NA
Client’s goals and interests	Did not ask or refer to client’s goals and interests	Asked about client’s goals and interests, but did not follow up	Fully explored client’s goals and interests	NA

Explanation of legal concepts	Frequently used legal jargon without explanation	Clarified legal jargon in response to client questions	Explained legal concepts in understandable terms, explaining any necessary legal jargon without prompting	NA
Exploration of facts	Failed to ask questions to elicit important facts	Asked some questions to elicit important facts, but omitted some areas of inquiry	Asked questions to elicit all important facts	NA
Questions from client	Failed to invite any questions from client	Sometimes invited questions from client	Repeatedly invited questions from client	NA
Response to client questions	Failed to respond to most of client's questions	Responded to some, but not all, of client's questions	Responded to all of client's questions	NA

Knowledge of Law and Issue Recognition

Topic	For each sub-area below, select the single description that best matches what you observed during the client interaction.			
Identification of legal issues	Missed major legal issues raised in the interaction	Identified most legal issues raised by the interaction	Identified all legal issues raised by the interaction	NA
Statements about the law	Stated several points of law incorrectly	Stated most points of law correctly	Stated all points of law correctly	NA
Identification of further research	Claimed full knowledge of the law even though further research is necessary	Acknowledged need for further research	Explained the legal points that require further research	NA

Part II

Please provide any additional contextual information that may assist the examiner in interpreting the documented observations above, including situational constraints, case complexity, or supervisory interventions.

Supervisor Attestation

To maintain the anonymity of the grading process, this information will be used only to confirm the submission meets the formal requirements for review and will not be disclosed to graders.

I attest that:

_____ **The applicant performed the client interaction as part of a law school clinic or externship**

or

_____ **The applicant performed the client interaction under my supervision in a volunteer placement.**

I further attest that:

_____ **I observed the client interaction directly or watched a recording of it.**

_____ **I completed the rubric assessing the interaction.**

_____ **The applicant led the client interaction with minimal or no intervention from me.**

[signature of supervising attorney]

[date]

Conflict Screening

Examiners will review only redacted information that does not reveal the identity of the applicant, supervising attorney, or client. To avoid even the appearance of impropriety, however, information about this interaction will not be shared with any examiner who works for (1) a court in which the client matter has been or may be filed, or (2) an organization that represents (or has represented) an adverse party in connection with this matter.

- 1) To enable conflict screening, applicants will be asked to provide the following information, which will be used solely for administrative screening purposes and will not be disclosed to examiners: **If the client interaction relates to a matter that has been or may be filed in court, the name of the court where the matter has been or may be filed.****
- 2) The name of any organization that represents (or has represented) an adverse party in connection with this matter. If the organization is a solo practitioner,**

name that attorney. Otherwise, please name the organization, not the attorney. If there is no adverse party, or the adverse party is not represented, please write “NA” and explain the circumstances. E.g., “adverse party is pro se,” “estate plan.”

Identifying information regarding supervisors is retained by the Board solely for administrative and compliance purposes and is not disclosed to examiners during portfolio review.

Examiner Assessment

This assessment will determine whether the submission receives a rating of “sufficient” with respect to this client interaction. Applicants must receive ratings of “sufficient” in connection with two client interaction submissions.

Based on your review of the supervising attorney’s completed rubric and the applicant’s cover memo:

Do these materials raise concerns about whether the applicant has demonstrated the ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity?

Yes ____ No ____ (Checking “yes” means this exercise is “not sufficient.”)

Other comments

Appendix B

Professional Responsibility Journaling

The following pages contain possible models for:

1. Professional Responsibility Journal Entry
2. Rubric for Evaluating Professional Responsibility Journal Entry

THESE MATERIALS ARE INTENDED TO BE EXAMPLES ONLY. THEY ARE NOT INTENDED AS FINAL VERSIONS OF THESE MATERIALS.

Professional Responsibility Journal Entry

Each applicant must submit three journal entries using the following set of prompts. Each journal entry must describe a lawyering situation in which application of one or more of the [Minnesota Rules of Professional Conduct](#) applies. The situation does not need to demonstrate a violation of a rule of conduct; it can illustrate how the rule affects choices and procedures relevant to the circumstances observed.

The purpose of the professional responsibility journal entries is to provide evidence of the applicant's ability to identify when the rules of professional responsibility are relevant and to analyze the application of the rules in real-world legal practice. Journal entries are not evaluated for moral character, overall professionalism, or analytic sophistication beyond what is necessary to demonstrate minimum competence in applied ethical reasoning.

Each journaling entry must describe at least one distinct professional responsibility or professionalism issue that is not duplicated in the other entries. The same rule(s) of professional conduct may be implicated in more than one entry, as long as the issues are distinct.

Lawyering Situation. *Describe a lawyering situation that you have experienced or personally observed in a legal practice setting that raises a professional responsibility or professionalism issue and describe the professional responsibility issue(s) that apply:*

Relevant Minnesota Rules of Professional Conduct, Ethics Opinions, or Other Sources. *Identify the rule(s) of professional conduct or other sources of guidance on ethics that apply to this situation.*

Analysis. *Apply the rules, ethics opinions, and other sources that you have identified to each issue listed above.*

Conclusion and Contextual Considerations. *For each issue, briefly describe any practical considerations or steps that may be relevant in responding to a similar situation in the future, provided for contextual understanding rather than evaluation of competence.*

Rubric for Evaluating Professional Responsibility Journal Entry

Professional Responsibility Journal entries submitted to the portfolio are evaluated to determine if they demonstrate the ability to identify professional ethics responsibilities and conduct applied ethical reasoning, drawing on the Rules of Professional Conduct (Rule 5A(7)). The rubric elements are intended to organize evidence relevant to that requirement.

Component of Journal Entry	Minimal Performance	Adequate Performance
Description of Lawyering Situation	The description of the lawyering situation is vague or incomplete, making it difficult for the reader to understand the situation	The entry describes the situation with sufficient detail that a reader can understand the situation
Identification of Professional Responsibility or Professionalism Issue	The entry fails to identify professional responsibility or professionalism issues or identifies issues that do not relate to the lawyering situation	The entry identifies professional responsibility or professionalism issues raised in the situation
Identification of Relevant Rules	The entry does not identify any rules or other sources of guidance, or it identifies rules that are not applicable to the issue(s)	The entry identifies at least one rule or other source of guidance that are applicable to the issues identified
Analysis of Issue	The analysis fails to apply the identified rules or other sources to one or more of the articulated issues	The analysis applies the identified rules or other sources to the articulated issues in the lawyering situation
Conclusion and Contextual Considerations	The entry fails to identify relevant considerations for responding to similar situations	The entry identifies at least one relevant consideration for responding to similar situations
Organization	The responses to several prompts are disorganized	The responses to most prompts are well-organized
Writing (clarity sufficient for examiner understanding)	The entry contains errors that substantially interfere with understanding	The entry is sufficiently clear to permit understanding

Comments by examiner:

A journal entry is sufficient if it demonstrates minimum competence in identifying situations where the Rules of Professional Conduct are relevant and applying the Rules to those situations. Deficiencies in organization or writing mechanics alone will not result in a

determination of insufficient unless they materially interfere with Examiner understanding of the analysis.

Eligibility Requirement Determination for Professional Responsibility Journal Entry

Based on the journal entry and the rubric above, does this submission demonstrate understanding of professional responsibility and the ability to conduct applied ethical reasoning that would be expected of a minimally competent new lawyer?

Yes _____ No _____ (Checking “No” means this exercise is “not sufficient.”)

If “No,” briefly describe the deficiency.

Other comments.

Appendix C

Review of Applicant's Work Product Submission

The following pages contain possible models for:

1. Applicant's Cover Memo for Submission of Work Product
2. Supervising Attorney/Professor's Attestation of Work Product
3. Examiner Review of Work Product

THESE MATERIALS ARE INTENDED TO BE EXAMPLES ONLY. THEY ARE NOT INTENDED AS FINAL VERSIONS OF THESE MATERIALS.

Applicant's Cover Memo for Submission of Work Product

Dates when the work product was begun and completed: _____

1. Which of the following are satisfied by this work product:

___ Is at least 1500 words in length

___ Contains or is based on original legal research

2. Word count of the document: _____

(exclude headers and signature blocks; if a template or model was used as a foundation, the word count should reflect only the customized material).

3. Identify the distinct legal issue(s) addressed in the submission:

4. What was the context for the document (e.g., how does it fit into representation of a client, or with other work for your supervisor, or within the law school course)?

5. How will the work product be used?

___ submitted to court or decisionmaker

___ shared with a client

___ shared with opposing counsel or other lawyer outside my organization

___ as an internal document relied upon by others in the supervised practice setting

___ other (please specify): _____

6. Describe the research strategy you followed for finding the facts, law, and other information that you used to complete the work product.

7. Identify the legal rules and legal authorities you relied upon for the work product that do not appear in the document itself.

8. List the forms, templates, AI drafts, and other models used in creating the work product. (For anything listed here, you must submit a copy of the item used and a highlighted copy of your work product showing your changes from the original.)

9. Describe the nature of assistance you received from or collaboration with others in the preparation and writing of the work product, and explain how the legal analysis, reasoning, and written expression in the submission constitute your own work and not the work of others.

10. Describe the feedback you received in the process of producing the document and identify the substantive changes you made in response to that feedback.

11. Discuss lessons about lawyering you learned in preparing the work product, and what you might do differently in a future project.

Supervising Attorney Attestation of Work Product

(To protect confidentiality, this attestation will not be shared with the examiner.)

I attest that:

_____ **As submitted, the work product was usable in the context of the representation or legal matter.**

_____ **To the best of my knowledge, the submitted work product represents the applicant's own substantive legal work and the applicant was the primary author of the legal analysis and written content reflected in the submission.**

_____ **The applicant has appropriately redacted the work product to protect confidentiality.**

_____ **I have reviewed the applicant's cover memo and believe the statements the applicant makes are, to the best of my knowledge, accurate.**

[signature of supervising attorney]

[date]

Examiner Rubric for Portfolio Documents

Work product documents submitted to the portfolio are evaluated to determine if they demonstrate the following competencies for the practice of law:

- 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.
- The ability to reason and to integrate factual information with legal doctrine.
- An understanding of threshold concepts in key subjects.
- The ability to communicate effectively with clients, lawyers, courts, and others.
- The ability to pursue self-directed learning, to employ self-reflection, and to learn from feedback.

The rubric elements below are intended to organize evidence relevant to those required competencies.

Topic	Minimal Performance	Adequate Performance	Superior Performance	NA
Issue Identification	The document fails to address a critical issue or omits 2 or more less critical issues	The document addresses all critical issues and most or all lesser issues	The document addresses all appropriate issues	NA
Knowledge	The document reflects insufficient knowledge of the legal principles affecting the matter	The document reflects knowledge of most legal principles relevant to the matter but could have been more complete	The document reflects sufficient knowledge of all legal principles relevant to the matter	NA
Stating Legal Principles	The document misstates one or more legal principles	The document accurately states all legal principles although there is room for improvement on detail.	The document accurately and thoroughly states all legal principles	NA
Focus	The document includes many irrelevant issues, legal principles, and/or facts	The document mostly focuses on key issues, principles, and facts, but includes some irrelevant ones	The document focuses tightly on key issues, legal principles, and facts	NA
Audience	The document is poorly addressed to the audience	The document mostly properly addresses the audience, but falls short in 1-2 minor ways	The document is fully appropriate for the audience	NA
Citing Sources of Law	The document fails to cite sources of law where needed or cites inappropriate sources	The document cites appropriate sources in most places, but could improve in 1-2 respects	The document cites appropriate sources in all places, giving them appropriate weight	NA

Topic	Minimal Performance	Adequate Performance	Superior Performance	NA
Applying Legal Principles to Facts	The document fails to apply principles adequately to specific facts in more than 2 instances	The document applies most legal principles to specific facts, but application of 1-2 principles could be improved	The document adequately applies all legal principles to specific facts.	NA
Use of Model or Template	The document fails to draw from an appropriate model or template	The document rests on an appropriate model or template, but a somewhat better model/template could have been chosen	The document rests on a well-chosen model or template	NA
Organization	The document is poorly organized, making it difficult for the reader to follow	The document is well organized, although organization could improve in 1-2 places	The document is very well organized, making it easy for the reader to follow	NA
Conclusion (at Beginning or End)	The document should have a conclusion and there is none, it is unclear, or it lacks important caveats	The document should have a conclusion and has one stated, but it lacks some clarity or caveats	The document should have a conclusion, and offers a clear one, with appropriate caveats	NA
Format, Grammar, and Spelling	The document is poorly formatted and/or contains many spelling or grammatical errors	The document is well formatted and is mostly free of spelling and grammatical errors	The document is properly formatted and has very few spelling or grammatical errors	NA

After completing the rubric, the Examiner will complete the evaluation on the next page.

Based on the evidence documented above, does this submission demonstrate the following competencies for the practice of law, at the level expected of a new lawyer?

Answering “Yes” or “No” means the submission included adequate opportunity to demonstrate the competency and the applicant’s performance succeeded (or failed) to demonstrate at least minimum competency in that category. Answering “N/A” means the submission did not include adequate opportunity to demonstrate the competency.

To be included in the final portfolio, a submission must be marked “Yes” or “N/A” in each category. One or more answers of “No” means the submission will not be included in the final portfolio, and the applicant must submit new materials for evaluation in the next assessment period.

Requirement	Yes	No	N/A
The ability to conduct research in case law and statutory, constitutional, administrative, and secondary authority.			
The ability to reason and to integrate factual information with legal doctrine.			
An understanding of threshold concepts in key subjects.			
The ability to communicate effectively with clients, lawyers, courts, and others.			
The ability to pursue self-directed learning, to employ self-reflection, and to learn from feedback.			

Comments by Examiner:

Appendix D

Curricular Pathway Timeline

[NOTE: This timeline is based on a full-time student schedule where students anticipate graduating in the spring semester of their third year of law school.]

First year

Students typically complete courses in: Civil Procedure, Contracts, Criminal Law, Constitutional Law, Real Property, Torts

March: Bar Examiners host information sessions for 1L students

Second year

September: Bar Examiners host information sessions for 2L students

By October 1: students express interest in participating in the Curricular Pathway to the advisor(s) at their law school and receive guidance on registration and planning for the curricular pathway

Applicants continue to complete curricular requirements (sample schedule)

Fall	Spring
<ul style="list-style-type: none">• Professional Responsibility• Evidence• Experiential course (3 credits)	<ul style="list-style-type: none">• Criminal Procedure• Clinic or Field Placement (3 credits)• Experiential course (3 credits)

By January 15: students apply to the Board for participation in the Curricular Pathway, pay first half of bar application fee, and are provided a process for submission of portfolio materials.

February: First assessment window

- Option to submit portfolio materials for review

March: first opportunity to take MPRE

May: Second assessment window

- Option to submit portfolio materials for review

Summer: applicants take clinics, field placements, or use supervised practice in legal employment or legal services volunteer opportunities to compile portfolio materials.

August: second opportunity to take MPRE

August: First interim assessment of portfolio

Portfolio must include (at minimum):

- 2 items of written legal work and accompanying documents
- 1 professional responsibility journal entry

If an applicant is unable to submit a required item, the applicant must submit a request for extension of time to the next assessment window, stating the reasons why the item cannot be completed and a plan for completing it by the next assessment window. No further extensions will be permitted for that item.

Third year

Applicants continue to complete curricular requirements (sample schedule):

<p>Fall</p> <ul style="list-style-type: none"> • Business Associations • Clinic or Field Placement (3 credits) 	<p>Spring</p> <ul style="list-style-type: none"> • Family Law • Clinic or Field Placement (3 credits)
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November: Assessment of additional materials

- Any items deemed deficient or insufficient in first interim assessment must be resubmitted or replaced
- Any items for which an extension was granted in August must be submitted
- Option to submit additional portfolio materials for review

November: third opportunity to take MPRE

By January 15: applicant submits the application for admission, including the character and fitness information, and submits the second half of the application fee.

February: Second interim assessment of portfolio

Portfolio must include (at minimum):

- 4 items of written legal work with accompanying documents
 - 1 must be 1500 words in length
 - 1 must be based on original research
- 2 professional responsibility journal entries
- 1 client interaction with accompanying documents

If an applicant is unable to submit a required item, the applicant must submit a request for extension of time to the next assessment window, stating the reasons why the item cannot be completed and a plan for completing it by the next assessment window. No further extensions will be permitted for that item.

March: fourth opportunity to take MPRE

May: Assessment of final portfolio

Portfolio must include complete set of materials:

- | |
|--|
| <ul style="list-style-type: none">• 6 items of written legal work with accompanying documents<ul style="list-style-type: none">○ 2 must be 1500 words in length○ 2 must be based on original research• 3 professional responsibility journal entries• 2 client interactions with accompanying documents• Clinic/field placement supervisor attestations regarding competencies |
|--|

June: Law school certification of degree conferral and completion of required coursework

After graduation

August: Assessment of additional materials in portfolio

Any items deemed deficient or insufficient must be resubmitted or replaced
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NOTE: For students graduating in December, the interim deadlines would be:

- First interim deadline: May prior to graduation
- Second interim deadline: August prior to graduation
- Third interim deadline: November prior to graduation

Chart of Portfolio Submissions

Item	Feb. 2 nd year	May 2 nd year	August after 2 nd year	Nov. 3 rd year	Feb. 3 rd year	May 3 rd year	Aug. post grad
Written legal analysis	OPT	OPT	X	REM	NA	NA	NA
Written legal analysis	OPT	OPT	X	REM	NA	NA	NA
Written legal analysis (1500 words)	OPT	OPT	OPT	OPT	X	REM	NA
Written legal analysis (1500 words)	OPT	OPT	OPT	OPT	OPT	X	REM
Written legal analysis (original research)	OPT	OPT	OPT	OPT	X	REM	NA
Written legal analysis (original research)	OPT	OPT	OPT	OPT	OPT	X	REM
Client interaction materials	OPT	OPT	OPT	OPT	X	REM	NA
Client interaction materials	OPT	OPT	OPT	OPT	OPT	X	REM
PR journal entry	OPT	OPT	X	REM	NA	NA	NA
PR journal entry	OPT	OPT	OPT	OPT	X	REM	NA
PR journal entry	OPT	OPT	OPT	OPT	OPT	X	REM
Clinic/field placement supervisor attestations	OPT	OPT	OPT	OPT	OPT	X	REM

OPT (optional): optional submission in this window; submissions are evaluated using the same standards regardless of timing; X (due): must be submitted by this time; REM (remedial): one opportunity to submit a new replacement submission for an item previously determined to be insufficient; previously reviewed submissions may not be revised or resubmitted; NA (Not Applicable): no submission due at this time.

The post-graduation remedial window represents the final opportunity to submit replacement materials. Failure to demonstrate minimum competence after this window results in removal from the Curricular Pathway.