

The Florida Student Education and Admissions to the Bar Committee
2017-2018 Legal Education Reform Working Group’s Report

Submitted To: Student Education and Admissions to the Bar Committee

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Introduction

American skepticism about legal education no doubt has been fueled in part by the economic crisis facing so many law schools today.¹

Innovation loves a crisis.²

“The mission of the Student Education and Admissions to the Bar Committee is to ensure preparedness for bar admission and cultivate the highest caliber of Florida legal practitioners. More specifically, the SEABC will: . . . [m]onitor current issues in legal education and preparation for the legal profession.”³

To further the SEABC’s mission, the Legal Education Reform Working Group (LERWG) was formed in the 2017-2018 Bar year. The LERWG is charged with researching all sources of legal education reform and presenting its findings in this final report. The purpose of this report includes maintaining institutional knowledge as Bar leadership changes and preventing any disconnect between the Bar and legal educators in the future.

The SEABC, through the LERWG, will offer the Board of Governors information on what is currently happening in legal education, new approaches to legal education being utilized, what seems to be working, what does not seem to be working, and issues law schools and law students are facing. In accordance with the SEABC’s Strategic Plan, this report will be updated annually by a subcommittee.

¹ Judith Areen, 2016 James P. White Lecture on Legal Education: Legal Education Reconsidered, 50 Indiana Law Review 4, 1088 (2017).

² Michael Schwartz, “A Blog Focused on Legal Education Innovation,” *What Great Law Schools Do*, Mar. 27, 2018, available at <https://www.whatgreatlawsschoolsdo.com/> (citing Moses Ma, “Innovation Loves a Crisis,” *Psychology Today*, Apr. 30, 2009, available at <https://www.psychologytoday.com/us/blog/the-tao-innovation/200904/innovation-loves-crisis> (quoting Jong-Yong Yun)). Dean Schwartz is the Dean of the University of the Pacific’s McGeorge School of Law.

³ SEABC Mission Statement.

The members of the LERWG began their research by identifying current, “hot-button” issues in legal education. The Group generated the following list for the reasons identified in the footnotes:

- Florida Bar Examination⁴
- Uniform Bar Exam (UBE)⁵
- Law school accreditation standards⁶
- Price and funding of legal education (including issues such as bar review; student debt; financial models of law schools; and partnerships with the Bar, law firms, and individual lawyers to reduce the cost of law school)⁷
- Implementation of clinics in law schools and incubator or apprenticeship programs, possibly including partnerships with law firms⁸
- Alternative teaching methods and environmental factors that may make law students more successful⁹

⁴ Beginning in February 2013, several subjects were added to the Florida Bar Exam. The current subject list includes family law and dependency, delinquency, and Articles 3 (commercial paper) and 9 (secured transactions) of the Uniform Commercial Code, in addition to “standard” subjects. See Exam Information issued April 2018, available at <https://www.floridabarexam.org>. In addition, the national trend of declining bar passage rates attracted attention this Bar year, with Florida’s low pass rate prompting debate at the state level. Karen Sloan & Catherine Wilson, *On State Bar Pass Rates, Florida Sits Near the Bottom*, Daily Business Review, March 29, 2018, available at <https://www.law.com/dailybusinessreview/2018/03/29/on-state-bar-pass-rates-florida-sits-near-the-bottom/>.

⁵ The UBE is coordinated by the National Conference of Bar Examiners (NCBE). As of the writing of this report, Florida has not adopted the UBE. The NCBE also develops the Multistate Bar Examination (MBE) and the Multistate Professional Responsibility Examination (MPRE), among other licensing tests.

⁶ In March 2018, the Accreditation Committee of the Council of the Section of Legal Education and Admissions to the Bar recommended specific remedial action regarding Florida Coastal School of Law. See Public Notice posted at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/march_2018_florida_coastal_school_of_law.authcheckdam.pdf. One month earlier, in February 2018, the Council removed specific remedial actions which had been imposed on Ave Maria School of Law in 2016, finding that “Ave Maria School of Law remains an approved law school.” See Council Decision posted at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/2018_feb_council_notice_re_ave_maria.authcheckdam.pdf.

⁷ See Karen Sloan, *Legal Education in ‘Perilous Moment’ as Leaders Gather to Examine Its Future*, Daily Business Review, Apr. 12, 2018, available at <https://www.law.com/2018/04/12/legal-education-in-perilous-moment-as-leaders-gather-to-examine-its-future/>. For additional data regarding the cost of law school, see Kyle McEntee, *A Way Forward: Transparency in 2018*, available at https://data.lawschooltransparency.com/documents/2018_Report.pdf. For reference, Mr. McEntee is the executive director of Law School Transparency, a 501(c)(3) nonprofit that describes its mission as “mak[ing] entry to the legal profession more transparent, affordable, and fair.” The report, along with written and oral testimony from various other individuals, was presented to the ABA Commission on the Future of Legal Education during the Commission’s open hearing held on February 4, 2018.

⁸ By way of example, the University of Florida Levin College of Law noted in its 2015 Strategic Plan employers’ changing expectations “to reflect a greater interest in graduates who are ‘practice-ready.’” In accordance with the Plan, UF created an Associate Dean for Experiential Learning position to oversee externships, simulations, and clinics, including the schools’ Semester in Practice Program and new pro bono requirement. UF’s Strategic Plan is available at https://www.law.ufl.edu/law/wpcontent/uploads/2015/03/Approved2015StrategicPlanForExperiential_Learning_WithApprovedImplementationActions_03-18-15.pdf.

⁹ For information regarding the application of the educational psychology (or the science of learning) in legal education, see Louis N. Schulze, *Using Science to Build Better Learners: One School’s Successful Efforts to Raise Its Bar Passage Rates in an Era of Decline*, 12 Florida International University Law Review, Apr. 28, 2017, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2960192. Dean Schulze is the Assistant Dean and Professor of Academic Support for FIU College of Law.

- Length of law school¹⁰
- Online law schools and distance learning legal education courses¹¹
- Changes in law schools' admissions processes to accept GRE scores in addition to LSAT scores¹²
- Business and technology training for law students, geared toward practice¹³
- Delivery of legal services (example: law students and young lawyers providing increased access to justice while gaining practical experience)¹⁴
- Culture of Florida law schools, including but not limited to the issue of prescription drug abuse¹⁵
- Homogeneity/heterogeneity of students in Florida law schools
- Educating students on counseling as well as advocacy, steps law schools are taking to build client-centered practice skills¹⁶

Next, the LERWG researched the following sources for information regarding legal education.

The Florida Bar Section of Legal Education and Admission to the Bar

This year, the SEABC, under the leadership of Chair Douglas Bates, formed four working groups. The Mission and Vision Working Group drafted a strategic plan for the SEABC. The Mentoring Initiatives Working Group devised a mentoring program for law students that the

¹⁰ Matt Barnum, *The Two-Year Law Degree: A Great Idea That Will Never Come to Be*, Nov. 12, 2013, available at <https://www.theatlantic.com/education/archive/2013/11/the-two-year-law-degree-a-great-idea-that-will-never-come-to-be/281341/>.

¹¹ Currently, no distance education programs (online law schools) are ABA-accredited, but in early 2018, the Council of the Section of Legal Education and Admissions to the Bar proposed a new rule for distance education that would nearly double the number of credits law students can earn in distance learning courses before graduating.

¹² Daniel Coogan, *GRE vs. LSAT: What Prospective Law Students Need to Know*, U.S. News & World Report, March 27, 2017, available at <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/2017-03-27/gre-vs-lsat-what-prospective-law-students-need-to-know>.

¹³ By way of example, Nova Southeastern University Shepard Broad College of Law has established a curriculum called the NSU Law Leadership Academy, with the goal of helping students master skills including “finance, business, management, leadership, technology, and client engagement.” <https://www.law.nova.edu/jd-program/nsu-law-leadership-academy.html>.

¹⁴ In 2015, the Florida Bar Young Lawyers Division proposed amending Chapter 11 of the Rules Regulating the Florida Bar pertaining to certified legal interns (CLIs). The Florida Bar Board of Governors approved the proposal, but the Florida Board of Bar Examiners opposed it. In 2017, the Florida Supreme Court rejected it, writing, “Although we are concerned that the current rule [which requires students to undergo a full FBBE character and fitness review, as opposed to a Level 2 criminal background check, before they can obtain CLI clearance] may have contributed to the reduced participation in certified legal intern programs, and we agree that this reduction in participation is detrimental to law students, law schools, and the programs themselves, we cannot place those interests, no matter how important, above our duty to ensure that the participating students and graduates . . . possess the requisite character and fitness” See Fla. S.C. Case No. SC16-1963; *Court declines to amend certified legal interns rule*, The Florida Bar News, May 1, 2017, available at <http://www4.floridabar.org/divcom/jn/jnnews01.nsf/Articles/25e114d8ead613dd8525810c0045ad2a!OpenDocument&Click=>.

¹⁵ See Jerome M. Organ, David B. Jaffe & Katherine M. Bender, Ph.D., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. Legal Educ., Autumn 2016, at 1, 116–56, available at <https://jle.aals.org/home/vol66/iss1/13/>.

¹⁶ The New Republic Staff, *How to Fix Law School: Six experts tell us what they'd change*, The New Republic, available at <https://newrepublic.com/article/113983/how-fix-law-school-symposium>.

SEABC can undertake in the coming year. The Law School Gender Bias Working Group studied law school activities designed to address gender bias, other state bar association programs, and other industry initiatives to identify successful programs that can be implemented by the Florida Bar. The Student Education and Admission to the Bar Handbook Working Group was tasked with drafting a handbook with details on what students need to know before considering law school. These Groups' findings and recommendations can be found in their respective reports. Finally, the Legal Education Reform Working Group, which prepared this report, researched various sources of legal education reform.

The Florida Supreme Court

LERWG member Abbi Smith compiled the following summary of legal education information available from or referenced by the Florida Supreme Court.

- The Court's website offers information on certified legal intern (CLI) status, which many see as a critical component of legal education. CLIs can represent clients in and out of court on behalf of a government agency or legal aid organization. They can speak on the official court record as long as they are supervised by a licensed Florida attorney. This provides CLIs with valuable real-life experience. The Court stated in Case No. SC16-1963:

The Florida Board of Bar Examiners and the law schools should continue to stress the benefits of participation and the need for early application to the various clinical and internship opportunities that are available. We strongly encourage law school students to continue to participate in certified legal intern programs and to register early with the Florida Board of Bar Examiners in order to timely receive clearance under the current rules.

Some law schools have clinics or litigation skills externship programs to encourage students to obtain CLI clearance and work under the supervision of licensed Florida attorneys. CLIs can be particularly useful to government entities, where there is a need for assistance.

- The Court's website also offers links to information on the bar exam, another key aspect of legal education in Florida.
 - The Florida Supreme Court recently changed the Rules of the Supreme Court Relating to Admissions to the Bar. The change allows applicants for admission to The Florida Bar to transfer qualifying Multistate Bar Examination (MBE) scores attained in other jurisdiction to Florida, provided the score meets the minimum passing score for Florida under rule 4-26.2 (currently a scaled score of 136) and the score was attained within 25 months of passing both Part A of the General Bar Examination and the MPRE as required under rule 4-18.1. The change took effect November 30, 2017.
 - In January 2016, the Florida Bar formed a committee to study adoption of a national uniform bar exam or decreasing the number of subjects on the Florida exam.

Florida has not adopted the Uniform Bar Examination, with Justice R. Fred Lewis voicing strong objections: “You can’t do any civil case if you don’t know our [Florida] statutes.” Still, some think a change is needed and that this issue is directly linked to the argument in favor of more experiential or simulation experiences versus studying for an examination on subjects students may never encounter in practice. Others refer to the proposed change as back-door reciprocity.¹⁷

- In addition, the Florida Supreme Court provides educational information to citizens.
 - The Court’s “Supreme Court Education & Tours” page notes the “major effort [that] has been galvanized to further law-related education in the State of Florida.” The name of the effort is Justice Teaching, founded by former Chief Justice Lewis.¹⁸ The court also offers programs such as a mock oral argument experience.¹⁹
 - The Florida Law Related Education Association (FLREA) is “a non-profit, nonpartisan, law-focused civic education organization” that promotes and provides education materials to the teachers and students of Florida (mostly targeting middle school civics).²⁰
 - The Florida Bar’s #JustAdulting mobile app offers information to help students become more knowledgeable about the laws affecting those 18 and older.²¹
- Finally, the Court’s website also contains links to articles regarding the impact of technology on the law, ranging from the automatic deletion of emails by a law firm’s server to the risks and benefits associated with the use of technology in general.

ABA House of Delegates

LERWG member Whitney Baldwin compiled the following summary of legal education information available from the ABA HOD.

In February 2017, the House of Delegates adopted a list of proposals that amend the ABA Standards and Rules of Procedure for Approval of Law Schools. The proposals addressed the following:

- Requirements of a law school self-assessment prior to site evaluation visit
- Content for the required professional responsibility course
- Upper level writing requirements and simulation courses
- Credit for prior law study

¹⁷ Julie Kay, *Hey, Florida, How About That Uniform Bar Exam?*, Daily Business Review, March 9, 2016.

¹⁸ <http://www.justiceteaching.org/>.

¹⁹ <http://www.floridasupremecourt.org/education/index.shtml>.

²⁰ <http://flrea.org/>.

²¹ <http://www.justadulting.com/>.

- Written admission policies and qualifications of admitted students
- Composition of appeals panels

The 2017-2018 Standards are available on the ABA Section of Legal Education and Admissions to the Bar's web page.²²

Also in February 2017, the ABA HOD voted against a proposal to tighten bar passage rate standards for accredited law schools. The proposal required that at least 75% of an accredited school's graduates pass a bar exam within a two-year period. The debate on the floor concerned the impact of the economic downturn beginning in 2007, which hurt the market for legal services. Law school tuition rose significantly, easy loans grew, and schools lowered entry standards to keep enrollment up. Justice Christine Durham of the Utah Supreme Court introduced the amendment and spoke in favor of its passage. She detailed problems such as unbearable student debt placed on graduates who fail to be admitted to the bar, and schools admitting students who are unequipped to pass the bar or practice law. The result, said Durham, is "the bottom of the class financing people at the top of the class," adding, "You cannot diversify the legal profession if these candidates cannot acquire a license to practice."²³ The proposal was opposed by entities such as the Association of American Law Schools, as discussed in other sections of this report, and ultimately failed.

At its August 2018 meeting, the HOD will be asked to concur in the May 11, 2018 changes adopted by the Council of the ABA Section of Legal Education and Admissions to the Bar. The proposed changes are discussed in the section of this report entitled "ABA Section of Legal Education and Admissions to the Bar."

Florida Board of Bar Examiners

LERWG member Barbara Singer compiled the following summary of legal education information available from the Florida Board of Bar Examiners.

The Florida Board of Bar Examiners "is an administrative agency of the Supreme Court of Florida created by the Court to handle matters of bar admission."²⁴ Therefore, the FBBE helps ensure that each attorney admitted to the Florida Bar has proof of good moral character and successfully completes the Florida Bar Examination.

Educational references on the FBBE's website are, for the most part, limited to specific requirements for the Florida Bar Examination. For example, the "Exam Information, Test Specifications, Study Guide, and Virtual Tour" page²⁵ lists the subjects that are tested on the exam,

²² https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-2018ABAStandardsforApprovalofLawSchools/2017_2018_aba_standards_rules_approval_law_schools_final.authcheckdam.pdf.

²³ Stephanie Francis Ward, *ABA House rejects proposal to tighten bar-pass standards for law schools*, Feb. 6, 2017, available at http://www.abajournal.com/news/article/aba_house_rejects_proposal_to_tighten_bar_pass_standards_for_law_schools.

²⁴ <https://www.floridabarexam.org/>

²⁵ <https://www.floridabarexam.org/web/website.nsf/52286AE9AD5D845185257C07005C3FE1/125BA5AFD5EB7D2385257C0B0067E748> (updated Apr. 2018).

to guide Florida law schools in setting their curricula and to assist law students in choosing their courses of study.

The FBBE website includes links to outlines that detail the topic areas that are tested in each subject listed. The Examiners refer to the National Conference of Bar Examiners website for a list of MBE subjects and for information on the MPRE examination. In addition, the site states the policy of the FBBE that information relating to bar review courses will not be furnished by the Board. Finally, the site includes links to Study Guides, which are PDF documents that gather recent Florida Bar exam essay questions with sample student answers and a small collection of old Florida multiple-choice questions.

The FBBE also publishes bar examination statistical information. For purposes of this report, the Florida Bar passage rates for the July 2017 and February 2018 examinations are as reprinted herein.

Bar passage rates for the July 2017 examination, delineated by school, are as follows:

	<u>Number Taking</u>	<u>Number Passing</u>	<u>Percent Passing</u>
Ave Maria School of Law	39	20	51.3
Barry University School of Law	107	63	58.9
Florida A&M University College of Law	78	40	51.3
Florida Coastal School of Law	132	63	47.7
Florida International University College of Law	123	108	87.8
Florida State University College of Law	174	146	83.9
Nova Southeastern University College of Law	188	132	70.2
St. Thomas University College of Law	129	82	63.6
Stetson University College of Law	181	139	76.8
University of Florida College of Law	270	208	77.0
University of Miami School of Law	196	165	84.2
non-Florida law schools	397	255	64.2
Admitted to the Practice of Law	252	195	77.4
Totals	2266	1616	71.3

Bar passage rates for the February 2018 examination, delineated by school, are as follows:

	<u>Number Taking</u>	<u>Number Passing</u>	<u>Percent Passing</u>
Ave Maria School of Law	13	11	84.6
Barry University School of Law	39	16	41.0
Florida A&M University College of Law	30	11	36.7
Florida Coastal School of Law	29	18	62.1
Florida International University College of Law	20	17	85.0
Florida State University College of Law	30	23	76.7
Nova Southeastern University College of Law	36	18	50.0
St. Thomas University College of Law	36	14	38.9
Stetson University College of Law	25	14	56.0
University of Florida College of Law	22	7	31.8
University of Miami School of Law	25	14	56.0
non-Florida law schools	112	41	36.6
Admitted to the Practice of Law	220	165	75.0
Totals	637	369	57.9

This past year, concerns regarding the nationwide decline in bar passage rates, coupled with increased media attention on the issue, spurred an ongoing discussion on both the national and state levels about the reasons for falling pass rates and what can be done to fix them. In California, for example, the bar pass rate was 43% for the July 2016 exam, 34.5% for the February 2017 exam, 49.6% for the July 2017 exam, and 27.3% for the February 2018 exam.²⁶ The state proposed lowering the passing, or cut, score, a proposal the California Supreme Court rejected in 2017.²⁷

Questions regarding law school admission standards and the format of the bar exam are front and center in the debate about how to correct declining pass rates, and such questions frequently intersect with the debate surrounding rising student loan debt for law school graduates. The challenge for the Florida Bar and Florida law schools is cooperating in preparing students to pass a recently expanded bar exam and simultaneously readying them for the actual practice of law.

²⁶ Cheryl Miller, *Pass Rate for California's February Bar Exam Sinks to All-Time Low*, The Recorder, May 18, 2018, available at <https://www.law.com/therecorder/2018/05/18/pass-rate-for-californias-february-bar-exam-sinks-to-all-time-low/?slreturn=20180512170532>.

²⁷ *Id.*

Association of American Law Schools

The AALS is a non-profit comprised of 179 member law schools in the United States. The *Journal of Legal Education* is its quarterly publication. The Autumn 2017 issue addressed topics ranging from law school administered financial aid to anxiety psychoeducation for law students.²⁸

An issue that garnered quite a bit of attention this past year was the proposal the ABA House of Delegates rejected, which would have required that at least 75% of an accredited school's graduates pass a bar exam within a two-year period. The AALS penned a letter in January 2017 urging the Council to withdraw the measure or recommit the proposal for further scrutiny.²⁹ In the letter, the AALS wrote:

[T]he signatory deans express no consensus view on the current Standard 316 proposal. A number of deans have expressed public support for this proposal. Other deans have expressed deep concern. For example, a June 29, 2016 letter signed by many deans of the law schools that are part of historically Black colleges and universities expressed concern about the impact of this new standard on opportunities for students of color.

The potential disparate impact on students of color was raised when the proposal was debated before both the ABA Young Lawyers Division Assembly and the ABA House of Delegates. As noted in this report, the proposal failed, but alternative measures may be considered and debated in the coming year.

ABA Section of Legal Education and Admissions to the Bar

The ABA SLEAB is, among other things, the national accreditor of law schools. This Bar year, the SLEAB posted the 2017-2018 Standards and Rules of Procedure for Approval of Law Schools on its website, https://www.americanbar.org/groups/legal_education.html. The Section also publishes guidance memoranda³⁰ and public notices on its page, such as the March 2018 imposition of specific remedial actions on Florida Coastal School of Law and the February 2018 removal of specific remedial actions that had been imposed on Ave Maria School of Law in 2016.

In addition, the SLEAB collects information from ABA-approved law schools each year via submissions from the schools and a questionnaire. The data collected includes categories such as admissions, tuition and living costs, financial aid, class and faculty demographics, employment

²⁸ The *Journal* is available at <https://jle.aals.org/home/>.

²⁹ The letter is available in its entirety at https://www.lawschooltransparency.com/documents/2017-01-13_AALS_Steering_Committee_Letter.pdf.

³⁰ Guidance memos are issued by the Office of the Managing Director when new Standards or Interpretations are adopted or when a number of schools ask for clarification or direction regarding a particular Standard, Interpretation, or reporting requirement. During the 2017-2018 Bar year, the Office issued a guidance memo on Standard 502(d) Educational Requirements (d) Within a reasonable time after the student registers, a law school shall have on file the student's official transcripts verifying all academic credits undertaken and degree(s) conferred." The January 2018 memo is available at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2018_january_502d_guidance_memo.authcheckdam.pdf.

outcomes, and bar passage. The data is public, as required by Standard 509 of the Standards and Rules of Procedure for Approval of Law Schools,³¹ and can be viewed here: <http://www.abarequireddisclosures.org/MainHome.aspx>.

For purposes of this report, portions of the SLEAB’s Employment Summary Report spreadsheet pertaining to Florida law schools are reprinted herein:

SchoolName	Employed_BarPassage RequiredFTLT	Employed_BarPassage RequiredFTST	Employed_BarPassage RequiredPTLT	Employed_BarPassage RequiredPTST	Employed_BarPassage RequiredNumber	Total_GraduatesNumber
AVE MARIA SCHOOL OF LAW	32	0	2	2	36	81
BARRY UNIVERSITY	75	1	2	0	78	162
FLORIDA A&M UNIVERSITY	58	1	2	0	61	133
FLORIDA COASTAL SCHOOL OF LAW	97	6	1	0	104	238
FLORIDA INTERNATIONAL UNIVERSITY	112	3	0	0	115	155
FLORIDA STATE UNIVERSITY	150	1	1	0	152	213
FLORIDA, UNIVERSITY OF	246	1	2	0	249	324
MIAMI, UNIVERSITY OF	196	1	4	6	207	260
NOVA SOUTHEASTERN UNIVERSITY	129	2	2	1	134	226
ST. THOMAS UNIVERSITY (FLORIDA)	99	1	2	0	102	181
STETSON UNIVERSITY	167	1	2	0	170	263
WESTERN MICHIGAN UNIVERSITY (COOLEY)	108	0	3	0	111	352

On May 11, 2018, the SLEAB’s Council adopted changes to Standards requiring that ABA-approved law schools mandate that 1L applicants submit a standardized law school admissions test as part of their admissions application. The Council also approved recommendations from the Standards Review Committee that included:

- New language for Standards 205 and 206, which deal with nondiscrimination and diversity and inclusion, that adds “gender identity” to the list of characteristics that are covered by those provisions. Further, the new language, consistent with requests to the SRC from several religiously affiliated law schools, notes that the standard does not require a religiously affiliated law school to act inconsistently with the essential elements of its religious values and beliefs provided that the actions are protected by the First Amendment of the U.S. Constitution.
- Changes in Standard 303 and Standard 304 covering simulation, clinic and field placement. Essentially, the change re-inserts language that earlier had been proposed to be deleted. The standard now includes language that an experiential course be “primarily experiential in nature,” and that “direct supervision of the student’s performance by the faculty member” be inserted both for simulation and clinic courses and for field placements.
- Revisions for Standard 306 that would allow law schools to provide one-third of its required credits be taught online, including up to 10 credits in the 1L program. The current rule limits the number of such credits to 15. ABA standards now require at least 83 credit hours for graduation although most schools require more, with the usual range being between 86 and 90 credits. As adopted, the revised standard would effectively raise the number of credits for distance learning to at least 28 credit hours and, in many cases, 30 credit hours.

³¹ https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_chapter5.authcheckdam.pdf

- A reworking of Standard 601, which deletes the requirement of a written assessment for the library during the reaccreditation process. Some law librarians had requested the change, but a written report is not required now for other nonacademic areas of the law school.

The ABA House of Delegates will be asked to concur in these changes at its meeting in August 2018.³²

ABA Commission on the Future of Legal Education

The CFLE was created in 2017 by ABA president Hilarie Bass of Miami, Florida. The Commission is “tasked with helping to build the legal profession of the future by articulating how best to align the education and licensure of legal professionals with accelerating technology advances and the ever-changing practice of law.” The Commission “explore[s] possible changes to methods of training and testing the future generations of law students.” It “seek[s] to bring the perspectives of various constituencies to the table including judges, deans, professors, and practitioners.” Its subcommittees focus on “key issues including bar exam passage rates, the role legal education can play in addressing the justice gap, identifying the skills future lawyers will need, and other issues identified by the group.”³³

The CFLE held an open hearing on Sunday, February 4, 2018. The following questions were addressed:

- Future Skills – explore the law jobs of the future, with associated required competencies, across the coming two decades; highlight the shifts needed in education and licensure to serve that future view, and explore models more agile to the pace of change
 - QUESTION FOR OPEN HEARING - How can law schools prepare students for the law jobs of the 21st century? What are the new skillsets not traditionally included in law school curriculum?
- Access to Justice – address the systemic structures in education and licensure which limit the ability of the profession—and society—to make greater progress on access to justice
 - QUESTION FOR OPEN HEARING - What can law schools do to further progress on access to justice?
- Licensure – better understand recent bar passage trends, and explore different examination and certification models which align with a forward-looking definition of entry-level competence
 - QUESTION FOR OPEN HEARING - How well does the current bar exam (please specify your state) correlate to entry-level competence for the 21st century attorney?

³² https://www.americanbar.org/news/abanews/aba-news-archives/2018/05/council_adopts_propo.html.

³³ Quotes taken from the Commission’s home page, available at https://www.americanbar.org/groups/leadership/office_of_the_president/futureoflegaleducation.html.

Links to written testimony submitted to the CFLE on these questions is available at https://www.americanbar.org/groups/leadership/office_of_the_president/futureoflegaleducation.html.

Law School Curricula: Practical and Clinical Programs

LERWG member Joshua Magidson is studying the ways in which law schools teach counseling skills in addition to advocacy skills. His research focuses on educating students about utilizing a client-centered approach. He reviewed course catalogs from law schools outside Florida that teach skills related to counseling, textbooks or texts regarding client-centered counseling and/or practice which are taught at law schools, and law review articles and journals on the subject. His research is ongoing.

This is an important and broad topic. The SEABC's Strategic Plan includes establishment of a separate subcommittee to research law school curricula, including practical and clinical programs throughout the country, and provide an annual report to the Florida law schools so they may assess their curricula and find new ways to sustain student engagement.

Skills Taught Versus Skills Sought By Employers

LERWG member Deb Cupples is preparing a survey to disseminate to the general membership of the Florida Bar to identify gaps between what skills employers want law students to possess upon graduation and what students are learning in law school. Her work is ongoing.

Conclusion

The Legal Education Reform Working Group's research demonstrates that the critical issues facing Florida's law students and law schools, and by extension The Florida Bar, include declining bar passage rates, accreditation concerns for certain Florida schools, the rising cost of legal education, the implementation of experience-based learning programs, the increasing use of technology in legal education, and changes in the practice of law that necessarily inform the way we teach and prepare law students for employment after graduation. Good policy decisions on each of these issues will be informed, realistic, and effective. The Student Education and Admissions to the Bar Committee's LERWG seeks to assist legal educators in gathering information that will help law schools continue graduating the highest caliber of Florida legal practitioners. This report is the first step in that process.