
Committee on Legal Education and Admissions Reform

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CLEAR Overview

- Two-year project;
- Produce a report with recommendations at the 2025 CCJ/COSCA Annual Meeting;
- Engage many different stakeholders

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Why CLEAR?

1. The Justice Gap.
2. The Changing Legal Profession.
3. Misalignment of Legal Education, Licensure; and Law Practice.
4. The COVID pandemic, along with other generation changes and the impact of technology continues to affect, educational and development of durable skills of law students.
5. Public trust in the courts has diminished.

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Practice Readiness Workgroup

- The working group sought to 1) develop a general definition of practice readiness and minimum competence, 2) examine the state of practice readiness of newly admitted attorneys, 3) identify impediments to strengthening practice readiness, and 4) propose recommendations to improve the education and training newly admitted attorneys receive.

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Bar Admissions Workgroup

- The working group examined 1) the traditional bar exam and modifications to written exams, 2) character and fitness processes, and 3) innovations in licensing, including portfolio assessment, diploma privilege, and supervised practice. The working group proposed recommendations meant to strengthen the public protection role of bar licensure to effectively assess minimum competence while removing unnecessary and inefficient barriers to bar licensure.

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Promoting the Public Interest Workgroup

- The working group examined national and regional trends related to public interest and public service work and proposed recommendations in the following areas to better support public interest attorneys: 1) law school experiences, 2) cost, debt, and salary, 3) the first years of practice, and 4) rural practice. The working group's recommendations reflect the principle that it is the work of all segments of the legal profession and legal education to address the urgent justice gap and its negative effects on communities across the country.

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Recommendations

1. State supreme courts should take a leadership role in fostering innovation and reform to realign legal education, bar admissions and new lawyers' readiness to practice.
2. State supreme courts should create specific strategies for new lawyer development before and after admission to the practice of law.
3. State supreme courts should encourage a law school accreditation process that promotes innovation and more cost effective legal education geared toward lawyers meeting the needs of the public.
4. The bar admissions process plays crucial role in the education and preparation of new lawyers, state supreme courts should ensure the process aligns with the needs of the public they serve.
5. State supreme courts should work to support opportunities for lawyers to pursue public interest careers.
6. CCJ/COSCA should institutionalize CLEAR by establishing a joint standing committee of the conferences to support and assist state supreme courts in collaborating with stakeholders and in implementing reforms.



South Dakota's Public Service Pathway to Bar Admission

Paths to Admission over Time

- 1893 All applicants were required to pass an examination.
- 1903 Diploma privilege was implemented.
- 1958 Diploma privileged ended and all were required to take the examination.
- 1973 Diploma privilege was reinstated.
- 1983 Diploma privilege was repealed.
- 2007 Indian Law is required to be tested.
- 2022 A steering committee is appointed to examine bar admission in South Dakota.
- 2024 An implementation committee is appointed and recommends the Public Service Pathway to Bar Admission.

Overview of the Public Pathway Program

- Five Year Pilot Program
- Up to 10 third year law students may participate
- Participants will be placed with public host entities
- Participants will have a minimum 500 hours of experience in the placement where they will generate a portfolio of work product.
- The portfolios will be submitted to the Board for determination of minimum competence.
- The Board will also conduct a character and fitness review.
- If both minimum competence and character and fitness are demonstrated, the participant will be admitted.
- In exchange for admission without examination, the participant agrees to serve two years in public service.

Qualifications to Enter the Program

Enrolled at USD
KSOL

Has
satisfactorily
completed all
required 1L and
2L curriculum,
including the
Professional
Responsibility
class

Has not
previously taken
a bar
examination or
been admitted
to the practice
of law in
another
jurisdiction

Agrees to work
full time with a
host public
service entity
for the
semester

Requirements for Bar Admission Through the Pathway Program

- Meets all the requirements of any other applicant for admission regarding age, education, and moral character and fitness;
- Provides evidence of successful completion of the public service pathway bar admission program through the law school;
- Provides of portfolio of work demonstrating minimum competence to the satisfaction of the Board of Bar Examiners;
- Demonstrates competence in Indian law either through successful completion of a board-approved Indian law course at the law school or successful completion of a one-question exam on Indian law offered by the Board;
- Achieves a score of 85 or higher on the Multistate Professional Responsibility Exam; and
- Commits to providing at least 2 years of public service.

2025 Portfolio Requirements

Each applicant must submit eight pieces of work product.

Each piece must be accompanied by the cover sheet form provided by the Board.

Each piece of work product must be accompanied by a statement from the supervising attorney on the form provided by the Board.

Each piece of work product must constitute a separate piece of work. You may not divide up a memorandum, brief, or other piece of work into components and submit each separately.

Each piece of work product must address at least one legal issue that differs from the legal issue addressed in the other pieces of submitted work product. In other words, you may not submit eight pieces of work product that focus on the same legal issue. For example, if your first submission is a motion/response regarding hearsay, though hearsay may be discussed in each of the remaining submissions, the main focus of the other seven submissions must be on a subject other than hearsay. The Board strongly encourages the submission of a broad variety of issues, including civil issues if possible.

Written work product must take the form of work product generally used in the practice of law, including, but not limited to, memoranda, correspondence, pleadings, motions, briefs, contracts, wills, legal or statutory analysis articles, white papers, pro/con analysis, a decline to prosecute memo or mediation statements. Additionally, one submission may be a complete set of jury instructions, or a written version of a closing argument made before a court or jury.

Qualifying work product must be a minimum of 350 words. When performing a word count, omit any headers or signature blocks and citations, but include footnotes. If a form, sample, template, or an AI-generated draft is used as a foundation, include in the word count only the material that was customized. If a piece of work product fails to meet the minimum word count, it shall be rejected and must be corrected and re-submitted within two days.

Each piece of work product must be redacted in accordance with the Pathway Redaction Guide. If a piece of work product is not properly redacted, it shall be rejected and must be corrected and re-submitted within two business days.

Each week, applicants will submit a court appearance form provided by the Board with the accompanying attestation of the supervising attorney.

Each week, applicants will submit a daily time and activity reflection form provided by the Board.

The ability to meet deadlines and attention to detail will be factored into the portfolio review.

IAALS' 12 Building Blocks of Minimum Competence

1. The ability to act professionally and in accordance with the rules of professional conduct
2. An understanding of legal processes and sources of law .
3. An understanding of threshold concepts in many subjects.
4. The ability to interpret legal materials.
5. The ability to interact effectively with clients.
6. The ability to identify legal issues.
7. The ability to conduct research.
8. The ability to communicate as a lawyer.
9. The ability to see the “big picture” of client matters.
10. The ability to manage a law-related workload responsibly.
11. The ability to cope with the stresses of legal practice.
12. The ability to pursue self-directed learning.

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Placements and Other Tensions



