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Minnesota Curricular Pathway to Attorney Licensing

Report of the Alternative Pathways Implementation Committee
Submitted to the Minnesota Supreme Court

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Table of Contents

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 comments 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 for 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 change 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." In May 2026, the Council amended the accreditation rules related to measuring bar passage to include all jurisdiction-approved pathways to licensure, in order to respect the diversity of licensure pathways.

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 March 2026, Oregon had licensed 75 lawyers through the SPPE, and as of May 2, 2026, 97 others are actively 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 4-hour Foundational Law Examination consisting of 100 multiple-choice questions in seven subjects, to be taken any time after completing 42 credits of law school coursework (the equivalent of three semesters of full-time law school attendance); (2) a 6-hour Lawyering Performance Exam to be taken after earning a JD, requiring test-takers to read three assigned packets of material and write a response to a question prompt for each; and (3) at least 40 hours of supervised practice that involves performing at least 4 lawyering tasks (including a client interview or counseling session), a self-directed learning project, and journaling, The supervised practice can be completed during law school or after graduation.
- In October 2025, the Utah Supreme Court approved the Alternate Path to Licensure, which opened to applicants in January 2026. There are currently 26 people pursuing the Alternate Path, who will be eligible to be licensed in October 2026, if they complete the requirements. Utah's Alternate Path assesses applicants on the Twelve Building Blocks of Minimum Competence proposed by the Building a Better Bar study by IAALS. It requires applicants to successfully complete 240 hours of supervised legal practice; successfully complete law school coursework in specified areas of law; complete well-being training and self-directed learning training; 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.
- In March 2024, the Washington State Supreme Court adopted a task force recommendation that the Court create experiential-based methods of licensing and tasked the Washington State Bar Association with convening a committee to implement the recommendations. In April 2026, the WSBA Licensure Pathways Implementation Committee issued its Report and Recommendations for Admission by Portfolio Evaluation, The Report outlines a pathway to licensing involving 825 hours of supervised practice that includes a specified list of required activities, submission of a portfolio of written work product, and evaluation of the candidate by supervisors and bar examiners.

From the time of application (which can be done in law school or after graduation), the candidate has 2 years to complete the pathway. The supervised practice hours can be completed either during law school or after graduation, as long as the 2-year deadline is met.

- In March 2026, the Iowa Supreme Court created a Task Force on Attorney Licensure Reform "to evaluate the efficacy of current entry standards and to propose evidence-based improvements to the same." The Task Force is exploring a variety of options that may include some form of examination combined with supervised practice.

The Work of the Implementation Committee

On August 15, 2024, the Minnesota Supreme Court appointed the members of the Implementation Committee, chaired by Board of Law Examiners Secretary Thomas Boyd. The membership includes representatives from the three Minnesota law schools, the Board of Law Examiners, the Minnesota State Bar Association, the Minnesota Disability Bar Association, and the Lawyers Professional Responsibility Board, and other practicing 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 5 working groups to address Committee tasks (identifying attorney competencies; outreach and communication to the law schools and bar; considering assessment standards and models; outreach to other jurisdictions planning alternative pathways; developing a proposal for a curricular pathway; and considering development of a post-graduate supervised practice pathway). The working groups met bimonthly or more often and presented their work product to the full Implementation Committee in quarterly meetings.

In addition to reviewing relevant written materials, the Committee has 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;
- Meetings with groups of Minnesota lawyers to gain feedback on the Committee's emerging ideas for alternative pathways;
- Meetings with lawyers associated 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 solicited written comments from the public and hosted a series of public listening sessions. The public response included both comments in support and expressions of concern.

- Supporters of alternative pathways like the Curricular Pathway cited equity, real-world relevance, and the perceived shortcomings of the traditional bar exam. They argued that the bar exam can be a barrier for qualified candidates due to stress, test anxiety, and life circumstances, and they expressed support for developing alternative ways to measure professional competence in the context of practice. Some comments pointed to success in other states that had implemented performance-based, supervised practice, and portfolio review models.
- Opponents warned against a perceived lowering of standards and introduction of subjectivity and bias into the licensing process. They emphasized the importance of the bar exam as a uniform and objective standard for measuring competency and expressed concern about subjectivity and inconsistency in assessment in portfolio review.

There was consensus on the importance of careful design, independence in assessment, and transparent processes if alternatives to the traditional bar exam are to be implemented. Specifically, some comments noted that to be rigorous and equitable, alternative pathways will require careful system design: standardized, evidence-based rubrics; robust conflict-checking for mentors and reviewers; and strong auditing and oversight by independent examiners. Recommendations were made for independent bar examiners (rather than mentors or professors) to evaluate portfolio submissions, preserving fairness and trust in the process. A copy of the full set of written public comments accompanies this report.

Based on this feedback and building on the experience of other jurisdictions, the Committee has continued to hone the details of the draft proposals shared for public comment in September 2025 and January 2026, focusing particular attention on ensuring that the assessment methods are appropriate and will produce consistent and reliable results. 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 work, and paid employment. Portfolio materials will be checked by Board staff for compliance with requirements and sent to Board-selected examiners for evaluation, without identifying information about the applicants. The examiners will evaluate the submissions to determine whether they demonstrate minimum competence, using rubrics provided by the

Board and developed in accordance with best practices. Each submission will be evaluated by two examiners; if they disagree on whether a submission demonstrates minimum competence, a reconciliation process will be followed to determine the final evaluation outcome. The program and the rubrics will be designed to satisfy the Board that those who complete the program successfully will be equally eligible for licensing as those who pass the bar examination. To be licensed, those completing the curricular pathway (like those taking the bar exam) must graduate from law school, pass the Multistate Professional Responsibility Examination (MPRE), and undergo a character and fitness review by the Board.

Students might choose the Curricular Pathway for one or more reasons: (1) to be able to begin work immediately after graduation rather than take several months off to study for and take the bar exam, (2) to avoid the time and expense of taking a bar review course and the bar exam, (3) because they believe they are better able to demonstrate competence through experiential work than by taking a standardized bar exam.

A student may register both for the Curricular Pathway and for the Uniform Bar Exam (and pay the fee for both). If a student registers only for the Curricular Pathway and determines that it is not the appropriate licensing path for them, they will have the option to register for and take the Uniform Bar Exam.

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 are established through graduating from law school, passing the MPRE, and undergoing the character and fitness investigation, all of which will be required 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 has identified the following competencies to be assessed through alternative pathways:

1. The ability to conduct research in legal matters.

2. The ability to engage in analysis that integrates factual information with legal doctrine.

3. An understanding of threshold concepts in key subjects.

4. The ability to communicate effectively about legal matters with the intended audience.

5. The ability to learn from legal practice experience.

6. The ability to identify professional ethical responsibilities and conduct applied ethical reasoning.[1]

The Implementation Committee has used this set of competencies as a guide in exploring 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. This report contains the Committee's recommendations for establishing a curricular pathway. The Committee expects that the specifications included in this report may be further refined as the Court and the Board continue their consideration of alternative pathways, including through further opportunities for public comment.

The Committee will continue its work on a possible post-graduate supervised practice pathway, which may involve further consideration of components also included in the curricular pathway proposal (including the contents of proposed portfolios, the responsibility of supervisors, and the rubrics to be used for examiner evaluation of minimum competence). The Committee

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[1] As part of its deliberations, the Committee prepared a more extensive and detailed list of the full range of competencies applicable to legal practice. The list included in this report omits competencies that the committee determined would be better assessed through the MPRE and the character and fitness process.

expects to report to the Supreme Court its recommendations about a supervised practice pathway by June 30, 2027.

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 can apply for and 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.

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; (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; (5) submit three reflections on client interaction or written work portfolio submissions discussing lessons learned from those experiences; and (6) submit journal entries analyzing the application of the rules of professional responsibility to situations observed in practice. Throughout this process, supervisors of the work connected with the required submissions will be asked to observe and submit brief attestations about the applicant's submissions. 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. Appendix A identifies how the competencies identified above connect with the components of the pathway.

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 6 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. The client interactions will be observed by the supervising lawyer who will attest that the applicant performed the client interaction with minimal intervention by the supervising attorney and avoided any disqualifying errors on an observational checklist provided by the Board. The submission may also include the applicant's reflection on lessons learned from the required client interaction.

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, and contain enough of the applicant's own work, 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 in creating the work product and whether there were material errors in the applicant's discussion of relevant law. The submission may also include the applicant's reflection on lessons learned from producing the written work product. 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 or other sources of ethical guidance apply and analyzing how the rules or guidance 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 may typically be in their second or 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 prescribed requirements for that kind of submission (e.g. length and redaction of work product, fully completed supporting materials such as cover sheets and supervisor attestations). If the submission satisfies the requirements, the appropriate parts of the submission will be reviewed by examiners to determine if they are sufficient as a demonstration of competence.

- Any submission that is *deficient* in the prescribed 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 examiner review.

- Any submission reviewed and deemed *sufficient* to demonstrate competence will become part of the final portfolio without further review by examiners.

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 Board-selected 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 subjects:[2]

- contracts/commercial law
- real property
- torts
- constitutional law

[2] The list identifies subject areas rather than course titles. The particular courses in each law school that will satisfy the doctrinal requirements will be determined by the Curricular Pathway administrator in conjunction with the law schools.

- 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 treated in 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 covered in required courses. The Curricular Pathway would thus require applicants to satisfactorily complete courses covering four doctrinal areas over the last two years of law school that are not otherwise required by their law schools.

Passing courses covering the identified subject areas will demonstrate minimum competence in "an understanding of threshold concepts in key subjects." As documented in Building a Better Bar: The Twelve Building Blocks of Attorney Competence,[3] the understanding of foundational concepts in subject areas, rather than the knowledge of detailed legal rules, is the critical skill for new lawyers. Successfully completing courses in these foundational areas demonstrates that the applicant has shown a sufficient understanding of the subject areas to have the required foundation for later working with the intricacies of more detailed rules.

Experiential coursework

Applicants must complete 15 credits of experiential coursework taken after the first year of law school, 6 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. Such 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

[3] The full report can be found at https://iaals.du.edu/projects/building-better-bar-capturing-minimum-competence.

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.[4] The Curricular Pathway would substantially exceed these minimum requirements by requiring 15 experiential credits after completing first year courses, with 6 of those credits earned in clinics and credited field placements, where students engage in supervised practice. The Curricular Pathway's requirement that 6 credits be completed in clinics or credited field placements equates to approximately 270 hours of supervised practice.[5]

As described in more detail below, applicants will be required to submit six pieces of written work and documentation of two client interactions, three of which must be accompanied by a reflective writing addendum describing lessons learned from the experience. In addition, applicants must submit three journal entries about professional responsibility matters. All the portfolio submissions must be created either during experiential coursework or 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 likely provide them with the appropriate legal practice opportunities, For example, a criminal clinic or field placement in a public defender office might reliably 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. Participating in a clinic or field placement that offers some opportunities for client interaction or written work does not always guarantee that such opportunities will be available to every student, and the supervisors are not expected to give priority to the students in the pathway in allocating available assignments.

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[4] 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.

[5] 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.

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 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 the necessary context in which to evaluate the portfolio material. Applicants must complete a reflective writing addendum to at least three of the client interaction or written work submissions to provide evidence of the ability to engage in self-reflection and learning from experience. 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 brief description of the context of the experience.

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 an attestation on a form provided by the Board. The supervising attorney will be asked to attest that the applicant performed the interview with minimal intervention by the supervisor and avoided conduct from a list of disqualifying errors. To minimize subjectivity and to focus on minimum competence, the checklist does not seek supervisor evaluation of the overall quality of the student's performance or competence. Rather, it documents whether the applicant has engaged in "red flag" behaviors that would demonstrate inability to interact with clients. Successful completion of two client interactions that avoid disqualifying errors will provide evidence of minimum competence in the ability to communicate effectively with clients.

The applicant can also choose to use one or both client interactions as the basis for a reflective writing addendum about lessons learned from the experience. Three such reflective writing submissions will be required; they may be part of client interaction (as discussed here) or work product submissions (discussed below).

Examples of possible models for the submissions by applicants, attestation by supervisors, and review by examiners are in Appendix B.

Written Legal Work

Because skill in legal reasoning and written communication is critical in legal practice, and because written work products demonstrate communication and typically reflect legal research, analysis, and reasoning as applied to the facts of the matter, the portfolio will require submission of six pieces of legal written work by the applicant for review by examiners. The examiners will review the written work according to a rubric provided by the Board to determine whether it demonstrates the relevant minimum 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. 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. To ensure that the work product contains enough of the applicant's own legal analysis and writing to provide a basis for evaluating the applicant's competence, the submission will include information about the amount and content of the applicant's reliance on models or templates, AI prompts and responses, and feedback from supervisors or others. If a submission is determined by the examiners to contain insufficient evidence of the applicant's own work or if it fails 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, and one of these must include original legal research
- 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, and at least one of these must be at least 1500 words in length
- 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 that was not addressed in prior submissions, it will qualify as addressing a distinct legal issue.

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 models (forms and templates) or artificial-intelligence–assisted drafting or editing tools, provided that the applicant followed the protocols for their use established by the supervisor. The use of models and artificial intelligence tools reflects the realities of contemporary legal practice, and it is important for lawyers to know how to use and evaluate models and AI responses. However, the submission must provide a sufficient basis for the examiners to evaluate the applicant's own contributions to the analysis of the facts and legal issues and the applicant must demonstrate appropriate use of models or AI. To make that possible the applicant must disclose the manner and extent of the use of models or AI, submit copies of any model or AI prompt and response used, and discuss the steps the applicant took to determine what parts of the model or AI response were appropriate or inappropriate to rely upon. The work product itself must include enough independent work product to permit the examiner to evaluate the applicant's demonstration of the relevant competencies.

In particular, 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 models or artificial intelligence tools. If a model was used, the applicant must include a copy of that source and identify the substantive changes from the model made by the applicant. If an AI response was used, the applicant must include a copy of the prompt(s) and response(s) and discuss the steps the applicant took to determine what was appropriate or inappropriate to use from it. If a submission was 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 and that the applicant followed the required protocols on use of AI.

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 several purposes: (1) to allow the Curricular Pathway administrator to verify that the submission satisfies the formal requirements for review; (2) to provide contextual information to assist the Board's examiners in evaluating the work product when determining whether it demonstrates the relevant competencies; (3) to provide sufficient information about the applicant's use of models (e.g., forms or templates) and AI (if permitted by the supervisor) to allow the examiner to determine if the applicant demonstrates the proper use of those sources and if the resulting work product sufficiently represents the work of the applicant.

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 document will be used in the practice setting in which it was produced
- If the document involves original research, a description of the research strategy followed to complete it
- Identification of any models (e.g., forms or templates) or AI assistance used in creating the work product and discussion of the steps the applicant took to determine what was appropriate or inappropriate to use from the model or AI assistance.
- 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.
- The applicant may also add an addendum reflecting on lessons learned from producing the document. Three such reflections are required, accompanying work product or client interaction submissions.

Supervisor attestation for the work product submission

Each piece 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 work product has been appropriately redacted to protect client confidentiality, and that there are no material misstatements or critical omissions of relevant law in the work product or cover memo. 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 D.

Reflections on Learning

Applicants will include three Reflections on Learning as addenda to at least three submissions in the portfolio. These addenda require applicants to answer a reflective writing prompt in 250-500 words, detailing at least one lesson about the law, the legal system, or being a lawyer that they learned from the real practice experience on which the submission is based, and a conclusion about how they plan to apply the lesson(s) learned to the practice of law in the future.

A Reflection on Learning addendum may be included with either an observed client interaction submission or a written legal work submission. The addendum will be submitted at the same time as the portfolio submission on which it is based but will be assessed separately. A finding that a Reflection on Learning addenda is insufficient will not affect the evaluation of the underlying work product to the portfolio. However, the portfolio must include a total of three addenda that have been deemed sufficient. Examples of the reflection question prompts and examiner materials for the Reflection on Learning Addenda can be found in Appendix B (client interaction) and Appendix D (written legal work).

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 or other ethical guidance were relevant and analyzes how those rules or guidance applied in the situation. The situations may be from the applicant's own experiences or from conduct 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 or other ethical guidance 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 C.

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 separate client interactions conducted in supervised practice settings and observed by an attorney supervisor in a clinic or field placement. (Examples in Appendix B)
- 3 professional responsibility journal entries, each analyzing how one or more distinct rules of professional responsibility apply to a situation observed in supervised practice. (Examples in Appendix C)
- 6 pieces of written legal work, each of which integrates legal doctrine with factual analysis and is sufficient in scope and depth and contains enough of the independent work of the applicant 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 D).
- 3 reflective writing addenda submitted as part of a client interaction or written legal work submission, which address lessons learned from the experience (Examples in Appendix B and Appendix D).

Supervisor submissions

- Attestations by the supervising attorneys who observed each client interaction, completed using a form provided by the Board, confirming that the client interaction was conducted by the applicant with minimal interventions and reporting whether certain failures of performance by the applicant were observed. (Examples in Appendix B)
- Attestations by the supervisor of written work product confirming that, to the best of the supervisor's knowledge, the submission represents the applicant's own substantive legal work, that the document and cover memo contain no material misstatements or omissions of relevant law, that the work product has been appropriately redacted to protect confidentiality, and that the statements made by the applicant in the accompanying cover memo are accurate. (Examples in Appendix D)

Detailed Description of Application and Assessment Process

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. The Committee recommends a maximum size of 30 applicants each year, which will allow the Board to implement the required processes effectively without excessive burdens and provide a sufficient basis for evaluating the program in its initial implementation. Limiting enrollment to 30 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.

The Committee also recommends that each law school be permitted to specify the maximum number of slots to be available for that school, to enable the schools to implement the required law-school-based processes effectively. The 30 available slots should be apportioned equally among the schools, subject to the maximum each school sets. If one or more of the schools set a maximum lower than 10, or if fewer than the school's maximum number apply to participate from that school, the remaining slots may be apportioned to the other schools, up to the maximum set by those schools.

If more than the allocated number of students apply to participate in the pathway from a single law school, the Committee recommends that the school be required to select the participants using a random selection method (e.g., a lottery system). The Committee considered whether to permit the schools to select on some other basis (e.g., on GPA or on other measures of success in law school) but determined that choosing randomly will make the pilot available equitably and will ensure a representative sample of students to assess the pilot program.

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. The Board will arrange for feedback from the law schools about the efficacy of the Curricular Pathway.

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. 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, and that the law schools will work with students to help the students evaluate whether the Curricular Pathway is an appropriate choice for them.

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. As noted above, the law schools may further limit participants in the pilot program based on selection criteria determined by each law school.

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.[6] 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 and that they meet any additional requirements for participation in the pilot program imposed by the school. If at any time an applicant falls out of good 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.

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[6] 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.

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, including 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 by examiners. 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 will be required to 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 to determine whether the submission demonstrates the relevant competencies. The process for review will ensure reliability and consistency. It is expected that each submission will be evaluated by two examiners. If there is agreement on their evaluations, their evaluation will be final. If they disagree on their evaluations, there will be a procedure for reconciliation and final decision.

- **Sufficient submissions:** A submission is deemed "sufficient" if the examiners determine that the submission contains enough independent work by the applicant to be evaluated and that it demonstrates all relevant minimum competencies. Any submission deemed sufficient will become part of the final portfolio and will not be reviewed again.

- **Insufficient submissions:** A submission is deemed "insufficient" if the examiners determine that the submission fails to demonstrate any of the relevant minimum competencies or fails to contain enough independent work by the applicant to be evaluated for competency. 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 product 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 at least 1500 words in length
    - 1 must be based on original legal research
- 2 professional responsibility journal entries
- 1 observed client interaction with accompanying documents
- 2 reflective writing addenda attached to client interaction or written legal work submissions

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 written legal work and accompanying documents
    - 2 must be at least 1500 words in length (one of which must be based on original legal research)
    - 2 must be based on original legal research (one of which must be at least 1500 words in length)
- 3 professional responsibility journal entries
- 2 observed client interactions with accompanying documents
- 3 reflective writing addenda attached to client interaction or written legal work submissions

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 E.

Assessment Design and Conformance with Professional Testing Standards

The assessment design and scoring rubrics for the Curricular Pathway were developed by the Committee's assessment subgroup, which included Dr. Deniz S. Ones, the court-appointed assessment expert, and Dr. Joanne Kane, Associate Director of Testing for the National Conference of Bar Examiners. The subgroup relied on the Standards for Educational and

Psychological Testing (2014), issued jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education. The Standards are the authoritative professional framework for evaluating credentialing assessments in the United States. The expert's full analysis, including a standard-by-standard mapping (Table F1), appears in Appendix F.

As more fully explained in Appendix F, the Curricular Pathway is a content-based, criterion-referenced credentialing assessment: each portfolio submission is judged against a fixed minimum-competence criterion, not ranked or curved. Its central safeguard is that the competence judgment is made by independent, Board-selected examiners scoring de-identified work against common rubrics, and not by the supervising attorneys who train and supervise the candidates. Removing supervisors from the competence decision addresses the leniency, halo, conflict of interest, and inconsistent standards that make supervisor ratings unreliable for licensing assessment. Having assessment by examiners responds to the concern that portfolio scoring would be subjective or non-comparable. Key features of the design include:

- **A single, explicit standard:** Work product is scored against a fixed minimum-competence criterion: whether a reasonable supervising attorney would consider it acceptable work from a new lawyer, applied through criterion-referenced rubrics with binary, defined descriptors.
- **Reliability controls:** Examiner training and calibration on benchmark submissions, a required agreement threshold before live scoring, independent double-scoring with reconciliation, and periodic recalibration to control drift.
- **Comparability:** The competence decision is made centrally, so it does not inherit variation in rigor across professors, courses, and placements; law schools certify coursework, not competence.
- **Content validity:** Competencies drawn from Rule 5A, the IAALS Twelve Building Blocks, and the NCBE, California, and Florida practice analyses, each mapped to portfolio evidence in Appendix A.
- **Assessment integrity and fairness:** An authorship standard and examiner sufficiency gate, disclosure-based assessment of artificial-intelligence use, conflict-of-interest screening, and anonymized scoring.
- **A defensible passing standard:** The cut is criterion-referenced and tied to credential-worthy performance. It is not adjusted to control pass rates.

In the assessment expert's professional opinion, the design conforms to the applicable Standards, with the reliability and validity standards addressed at the design level and confirmable in full through the planned pilot evaluation.

The complete analysis and the standard-by-standard mapping appear in the Report of the Court-Appointed Assessment Expert at Appendix F.

Appendix A

Components of Evaluation for Competencies

Competency	Where Evaluated
The ability to conduct research in legal matters	**At least 2 work product submissions that contain original research (Appendix D)** • Provide a sufficient basis for the examiners to evaluate the applicant's own contributions to the analysis of the facts and legal issues • Demonstrate an understanding of research tools and methods • Legal assertions in submissions are supported by citation to appropriate sources • If AI was used, submissions and cover memo demonstrate appropriate judgment about when and how to use AI and AI generated content
The ability to engage in analysis that integrates factual information with legal doctrine	**6 work product submissions (Appendix D)** • Provide a sufficient basis for the examiners to evaluate the applicant's own contributions to the analysis of the facts and legal issues • Integrate relevant facts with applicable legal principles • Apply legal principles correctly
An understanding of threshold concepts in key subjects	**Successful completion of JD and courses in 9 identified subject areas**
The ability to communicate effectively on legal matters to the intended audience	**6 work product submissions (Appendix D)** • Communicate legal principles at issue with enough clarity to permit the reader to understand them • Level of detail, format, and tone are appropriate for its stated purpose and audience • Organized well enough for the reader to follow the points being made • Mostly free of spelling and grammatical errors and any such errors do not impede comprehension

	2 observed client interactions (Appendix B, D) Completed without observed deficiencies in: • identifying student attorney status; • explaining confidentiality; • providing clients with opportunity to ask questions; • responding to client questions; • avoiding legal jargon; • stating law correctly; • acknowledging when more research is necessary; and • explaining next steps
The ability to learn from legal practice experience	**3 reflections on learning (Appendix B, D)** • Describe sources of learning with sufficient clarity so that a reader can understand the basis for applicant learning • Discuss the learning with sufficient clarity so that a reader can understand the nature of the learning process • Explain lesson(s) learned from the experience • Identify the way that the lesson(s) apply to future law practice **3 Professional Responsibility Journal entries (Appendix C)** • Identify relevant and appropriate lesson(s) for the ethical practice of law.
The ability to identify professional ethical responsibilities and conduct applied ethical reasoning.	**3 Professional Responsibility Journal entries (Appendix C)** • Describe the situation with sufficient clarity so that a reader can understand the material details of the situation

	• Accurately identify rule(s) or other source(s) of guidance that are relevant to the situation described • Adequately apply the identified rules or other sources to the lawyering situation • Organized and written sufficiently clearly to permit understanding

Appendix B

Observed Client Interaction

The following pages contain possible models for:

1. The portfolio submission by the applicant describing the applicant's client interaction.
2. An attestation to be completed by the supervising attorney who observed the interaction.

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 specifically identify any client or matter.

You must attach the Supervisor Attestation from the supervisor who observed this client interaction or a recording of this client interaction.

1. **Date the client interaction occurred: ___________**

2. **I performed the client interaction as part of:**

__ a law school clinic
__ a law school field placement
__ a qualified volunteer opportunity

3. **Briefly describe the context, general nature, and purpose of the client interaction (e.g. was it an intake interview? a counseling session? in what context what it performed?)**

4. **ADDENDUM: REFLECTION ON LEARNING**
   (Portfolio must contain 3 REFLECTIONS ON LEARNING submissions)

In an entry of 250-500 words, reflect on at least one lesson you learned from the experience of preparing for and conducting this client interaction. Your reflection must include:

   a. **Description of the source(s) of the learning (self-directed learning, staying informed about legal developments, employing self-reflection, learning from feedback)**
   b. **Discussion of how you learned from the sources identified**
   c. **An explanation of the lesson(s) you learned about the law, the legal system, working with clients, or being a lawyer**
   d. **A conclusion about how you plan to apply the lesson(s) learned to the practice of law in the future**

Supervisor Attestation

__________ **The applicant performed the client interaction under my supervision as part of a law school clinic or externship, or in a qualified volunteer placement**

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

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

*"Minimal intervention" means brief interactions with the client, such as answering a direct question from the client that the applicant could not answer. Interventions that result in the supervisor conducting substantial portions of the interaction, repeatedly correcting the applicant's statements, or redirecting the interaction's direction or focus are not considered "minimal intervention."

Indicate whether you observed any of the following applicant behavior during the client interaction (a sufficient submission must not include any "yes" answers):

Observed behavior by applicant	Yes	No	N/A
Failed to disclose status as a student attorney			
Failed to mention or explain confidentiality			
Did not permit the client an opportunity to explain their situation or concerns			
Did not provide the client an opportunity to ask questions			
Failed to respond to questions asked by the client			
Frequently used legal jargon without explanation			
Stated material points of law incorrectly			
Claimed knowledge of law in areas where more research was necessary			
Failed to explain the client's options or next steps			

If you answered "N/A" to any of the above, please provide an explanation:

I attest that the above statements accurately reflect the client interaction that I observed.

______________________________ ______________________

[signature] [date]

Rubric for Assessing ADDENDUM: REFLECTIONS ON LEARNING (Cover Memo Question 4)

Component of Reflection on Learning Addendum	**Does Not Demonstrate Minimum Competence**	**Demonstrates Minimum Competence**
Description of source(s) of the learning	The description of the sources of learning is so vague or incomplete that the reader cannot understand the basis for applicant learning	The entry describes the source(s) of learning with sufficient clarity that a reader can understand the basis for applicant learning
Discussion of learning	The discussion of learning is so vague or incomplete that a reader cannot understand how the applicant learned from the source(s) identified	The entry discusses learning with sufficient clarity that a reader can understand how the applicant learned from the source(s) identified
Explanation of lesson(s) learned	The reflection fails to explain at least one lesson learned from the experience	The reflection explains the lesson(s) learned from the experience
Conclusion	The conclusion fails to identify at least one way that the lesson applies to future law practice	The conclusion identifies how the lesson(s) learned apply to future law practice

Appendix C

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 set of prompts below. As reflected in the prompts, each journal entry must describe a lawyering situation in which one or more of the Minnesota Rules of Professional Conduct or other source of ethics guidance applies. The entry should discuss how the relevant rule(s) or guidance apply to the circumstances observed; the entry does not need to identify or discuss a violation of a rule of conduct.

The purpose of the professional responsibility journal entries is to demonstrate the applicant's ability to identify professional ethical responsibilities and conduct applied ethical reasoning.

Lawyering Situation. *Describe a lawyering situation that you have experienced or personally observed in a legal practice setting that implicates the professional responsibility obligations of a lawyer.*

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. *Explain how the rules or other sources that you have identified apply to the situation you have described.*

Conclusion. *Based on your observation and analysis, discuss at least one lesson that you draw about the ethical practice of law.*

Rubric for Evaluating Professional Responsibility Journal Entry

Professional Responsibility Journal entries submitted to the portfolio are evaluated to determine if they demonstrate that the applicant can identify professional ethics responsibilities and relevant Rules of Professional Conduct and apply them to circumstances arising in practice.

Component of Journal Entry	Insufficient Performance	Sufficient Performance
Description of Lawyering Situation	The description of the lawyering situation is vague or incomplete, preventing the reader from understanding the situation	The entry describes the situation with sufficient clarity that a reader can understand the material details of the situation
Identification of Relevant Rules	The entry fails to identify at least one rule or other source of ethical guidance that is relevant to the situation	The entry accurately identifies rule(s) or other source(s) of guidance that are relevant to the situation described
Analysis	The analysis fails to explain how the identified rules or other sources apply to the lawyering situation	The analysis explains how the identified rules or other sources apply to the lawyering situation
Conclusion	The entry fails to identify any relevant lessons for the ethical practice of law	The entry identifies relevant and appropriate lesson(s) for the ethical practice of law
Writing	The entry is organized or written in a manner that prevents understanding	The entry is organized and written sufficiently clearly to permit understanding

Appendix D

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

NOTE: The supervisor of the work product submission will also be asked to provide the Board with information about the representation so that the Board can prevent conflicts of interest in distributing work product to examiners. The representation information will not be shared with the examiners.

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

Each applicant must submit six distinct pieces of legal work, each of which integrates factual information with legal doctrine, is sufficient in scope and depth to allow the examiner to determine minimum competency under the rubric provided by the Board, and provides a sufficient basis for the examiners to evaluate the applicant's own contributions to the analysis of the facts and legal issues. 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 must 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:

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

1. **Are any of the following requirements satisfied by this submission?**

   ____ **Is at least 1500 words in length** (*at least two submissions must satisfy this requirement; one must contain original legal research*)

   ____ **Contains my original legal research** (*at least two submissions must satisfy this requirement; at least one must be at least 1500 words*)

   ____ **Includes response to Addendum: Reflections on Learning (Question 13)**

2. **Word count of the document:** ____________
   (must be more than 350 words; exclude headers and signature blocks).

3. **Identify the legal issue(s) addressed in this submission.**

4. **Have any of these issues been addressed in previous portfolio submission(s)? If so, identify which issue(s). (***At least one distinct new issue must be listed here for the document to be reviewed***.)**

5. **What was the context for producing the document (e.g., how does it fit into representation of a client or with other work for your supervisor)?**

6. **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):

7. **If this submission includes original research, describe the steps you followed for researching the law that you used to complete the work product.**

8. **If the work product itself does not explicitly apply legal doctrine to facts (e.g., it is a contract or discovery request that was shaped by your understanding of legal rules not cited and discussed), identify the legal rules that you relied on and describe how the legal rules affected the work product.**

9. **If you used AI in creating the work product:**
   a. **How did you use the AI?**
   b. **What steps did you take to determine what was appropriate or inappropriate to use from the AI response(s)?**

If you used prompts for AI, you must attach to this submission a copy of the prompts you used and the responses you received to your prompts.

10. **If you used any non-AI models (including forms or templates) in creating the work product:**
    a. **How did you use the model(s)?**
    b. **What steps did you take to determine what was appropriate or inappropriate to use from the model(s)?**

If you used a non-AI model, you must attach to this submission a copy of the model(s) used and indicate the changes between the models and the final version.

11. If you received feedback from a supervisor in the preparation and writing of the work product, describe the feedback you received and explain how you used the feedback in preparing the final product.

12. If you received assistance from or collaborated with others in the preparation and writing of the work product, describe the role you played and identify the part(s) of the work product for which you took primary responsibility for producing.

13. ADDENDUM: REFLECTION ON LEARNING (Portfolio must contain 3 REFLECTION ON LEARNING submissions)

In an entry of 250-500 words, reflect on at least one lesson you learned from the experience of preparing the work product being submitted here. Your reflection must include:

a. Description of the source(s) of the learning (e.g. self-directed learning, staying informed about legal developments, employing self-reflection, learning from feedback).
b. Discussion of how you learned from the sources identified.
c. An explanation of the lesson(s) you learned about the law, the legal system, or being a lawyer.
d. A conclusion about how you plan to apply the lesson(s) learned to the practice of law in the future.

Before submitting the work product and cover memo, the applicant will be required to complete the following attestation:

I attest that the statements made in this Cover Memo are true.

I attest that I am the primary author of the legal analysis and written content reflected in the submission.

____

Signature of Applicant

Supervising Attorney Attestation of Work Product

For an applicant's submitted work product and cover memo to be sent to examiners for review, the supervising attorney must complete the following attestation. To protect confidentiality, the signed attestation will not be shared with the examiner.

I attest that:

To the best of my knowledge, the submitted work product represents the applicant's own substantive legal work

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.

There are no material misstatements or critical omissions of relevant law in the work product or cover memo.

If the applicant used AI in developing the work product, the applicant followed the protocols established for use of AI in this clinic or legal work setting.

______________________________ ____________________

[signature of supervising attorney] **[date]**

Examiner Rubric for Portfolio Documents

The rubric elements in the charts below relate to the following competencies that are expected to be demonstrated in work product submissions:

1. The ability to conduct research in legal matters.
2. The ability to reason and to integrate factual information with legal doctrine.
3. The ability to communicate effectively on legal matters.
4. The ability to learn from legal practice experience (if Reflection on Learning Addendum is included)

For licensing purposes, the sole question is whether the submission demonstrates minimum competence in the rubric elements. A document demonstrates minimum competence if a reasonable supervising attorney would consider it acceptable work product from a new lawyer, even if it would benefit from further revision or development.

Two examiners will review each document and complete each part of the rubric. To be sufficient for inclusion in the portfolio:

- Both examiners must determine that the submission provides sufficient basis for evaluating the applicant's own contributions to the analysis (answering YES to the question above the rubric); and
- Each line of the rubric must be marked either "Demonstrates Minimum Competence" or NA (where available) by both examiners.

If the two examiners fail to agree about these determinations, a process of reconciliation will be conducted to reach a final decision.

To Be Completed by Examiner:

The work product and cover memo provide a sufficient basis for the examiners to evaluate the applicant's own contributions to the analysis of the facts and legal issues.

YES __________ NO __________

Rubric Element	Does Not Demonstrate Minimum Competence	Demonstrates Minimum Competence	NA
Communication of Legal Information	The document and cover memo fail to communicate the legal principles at issue with enough clarity to permit the reader to understand them	The document and cover memo communicate the legal principles at issue with enough clarity to permit the reader to understand them	

Rubric Element	Does Not Demonstrate Minimum Competence	Demonstrates Minimum Competence	NA
Audience	The document's level of detail, format, and tone fit its stated purpose and audience	The document's level of detail, format, and tone fit its stated purpose and audience	
Integrating Legal Principles with Facts	The document and cover memo fail to integrate relevant facts with applicable legal principles	The document and cover memo integrate relevant facts with applicable legal principles	
Applying Legal Principles	The document and cover memo incorrectly apply legal principles	The document and cover memo correctly apply legal principles	
Organization	The document is poorly organized, making it difficult for the reader to follow the points being made	The document is organized well enough for the reader to follow the points being made	
Format, Grammar, and Spelling	The document has spelling and grammatical errors that interfere with comprehension	The document is mostly free of spelling and grammatical errors and any such errors do not impede comprehension	
Ability to conduct research *[Mark NA if document does not contain original research]*	The document includes original legal research and the cover memo and document fail to demonstrate an understanding of research tools and methods	The document includes original research and the cover memo and document demonstrate an understanding of research tools and methods	
Citation and use of legal sources *[Mark NA if document does not contain legal argument]*	The document contains unsupported legal assertions or cites inappropriate sources	Legal assertions in the document are supported by citation to appropriate sources	
Use of Model *[Mark NA if no model was used]*	If a model was used, the submission substantially replicates the model without meaningful original contribution	If a model was used, the submission reflects substantial original work by the applicant	
Use of AI *[Mark NA if AI was not used]*	If AI was used, the submission and cover memo fail to demonstrate appropriate judgment about when and how to use AI and AI generated content	If AI was used, the submission and cover memo demonstrate appropriate judgment about when and how to use AI and AI generated content	

Examiner Rubric for ADDENDUM: REFLECTIONS ON LEARNING (Cover Memo Question 13)

Component of Reflection on Learning Addendum	Does Not Demonstrate Minimum Competence	Demonstrates Minimum Competence
Description of source(s) of the learning	The description of the sources of learning is so vague or incomplete that the reader cannot understand the basis for applicant learning	The entry describes the source(s) of learning with sufficient clarity so that a reader can understand the basis for applicant learning
Discussion of learning	The discussion of learning is so vague or incomplete that a reader cannot understand how the applicant learned from the source(s) identified	The entry discusses learning with sufficient clarity that a reader can understand how the applicant learned from the source(s) identified
Explanation of lesson(s) learned	The reflection fails to explain at least one lesson learned from the experience	The reflection explains the lesson(s) learned from the experience
Conclusion	The conclusion fails to identify at least one way that the lesson applies to future law practice	The conclusion identifies how the lesson(s) learned apply to future law practice

Appendix E: 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
• Professional Responsibility • Evidence • Experiential course (3 credits)	• 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):

Fall	Spring
• Business Associations • Clinic or Field Placement (3 credits)	• Family Law • Experiential course (3 credits)

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 at least 1500 words in length
    ○ 1 must be based on original research
• 2 professional responsibility journal entries
• 1 client interaction with accompanying documents*
 	
*At least two of these items must be accompanied by a reflective learning addendum
 	
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 a complete set of materials:
• 6 items of written legal work with accompanying documents*
  ○ 2 must be at least 1500 words in length (at least one of which must include original research)
  ○ 2 must be based on original research (at least one of which must be at least 1500 words in length)
• 3 professional responsibility journal entries
• 2 client interactions with accompanying documents *
 	
*At least three of these submissions must be accompanied by a reflective learning addendum.
 	
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 final assessment window. No further extensions will be permitted for that item.

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 by this time

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

	Feb. 2nd year	May 2nd year	August after 2nd year	Nov. 3rd year	Feb. 3rd year	May 3rd year	Aug. post grad
Written legal analysis	OPT	OPT	X	REM			
Written legal analysis	OPT	OPT	X	REM			
Written legal analysis (1500 words)	OPT	OPT	OPT	OPT	X	REM	
Written legal analysis (1500 words + original research)	OPT	OPT	OPT	OPT	OPT	X	REM
Written legal analysis (original research)	OPT	OPT	OPT	OPT	X	REM	
Written legal analysis	OPT	OPT	OPT	OPT	OPT	X	REM
Client interaction materials	OPT	OPT	OPT	OPT	X	REM	
Client interaction materials	OPT	OPT	OPT	OPT	OPT	X	REM
PR journal entry	OPT	OPT	X	REM			
PR journal entry	OPT	OPT	OPT	OPT	X	REM	
PR journal entry	OPT	OPT	OPT	OPT	OPT	X	REM

OPT (optional): optional submission in this window; X (due): must be submitted by this time; REM (remedial): may be re-submitted or replaced at this time

Appendix F: Report of the Court-Appointed Assessment Expert

Assessment Design and Psychometric Basis of the Proposed Curricular Pathway

Deniz S. Ones, PhD

Distinguished McKnight University Professor, Hellervik Professor of Industrial Psychology, & Distinguished University Professor, University of Minnesota-Twin Cities
Court-Appointed Assessment Expert, Alternative Pathway Implementation Committee |

June 2026

1. Standard of Review

I was appointed by the Court as the assessment expert to the Alternative Pathway Implementation Committee. With Dr. Joanne Kane and the assessment subgroup of the Curricular Pathway Implementation Committee, I worked through successive revisions of the assessment design, and of the scoring rubrics in particular, to ensure the proposal would meet the professional measurement standards that govern high-stakes credentialing. This report sets out the psychometric reasoning behind the design, shows how that reasoning answers the assessment concerns raised in public comment, and documents the proposal's conformance with the governing standards.

The standard I applied is the Standards for Educational and Psychological Testing (2014), issued jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education. These are the governing framework for the development and evaluation of assessments in the United States, and they address licensure and credentialing directly. I worked from them throughout the design. Validity, reliability, and fairness were requirements the design had to meet as it was built.

2. The Nature of the Assessment and What It Must Establish

The Curricular Pathway is a content-based, criterion-referenced credentialing assessment, and the standards and evidence that govern it follow from that. It is not norm-referenced. Candidates are not ranked against one another, and there is no scaled score, curve, or quota. It is not statistically scored or equated. Each piece of evidence in a candidate's portfolio is judged against a fixed criterion: whether it demonstrates the minimum competence required of a newly licensed lawyer. The inference the assessment supports is a classification: that a candidate who completes the portfolio has demonstrated the minimum competence required to practice law.

Two things follow. The validity argument rests primarily on content, so the portfolio must sample the domain of lawyering competence well and the scoring must track that domain. And the chief technical risk in any portfolio assessment is construct-irrelevant variance from human judgment, the intrusion into scores of who produced the work, who scored it, and the relationship between them, in place of the quality of the work. The design addresses both. It samples the domain through the portfolio, and it removes irrelevant variance from the scoring.

3. The Central Design Decision: Separating the Competence Judgment from Supervision

The most consequential decision we made was to take the supervising attorney out of the evaluation of competence. It is the central psychometric safeguard in the design.

A supervisor who has taught a student, mentored that student, and relied on that student's work is not a disinterested judge of the student. Unstructured supervisor ratings of one's own trainees are among the least reliable measurements in routine use. Leniency pushes them up, because few people will fail someone they know and have invested in. Halo lets a favorable impression color every specific judgment. Standards drift from one supervisor and one placement to the next, so identical work can draw opposite verdicts. Research on performance ratings, from my own field, has shown for decades that a sizable share of the variance in such ratings reflects the rater rather than the person being rated. There is also a conflict of interest: the supervisor gains from the student's progress and, in many placements, from the student's continued work in the placement. If supervisors were to certify competence, doing so would introduce construct-irrelevant variance of the worst kind.

What remains for the supervisor is what a supervisor is placed to know, which is facts. The supervisor attests that the work is the candidate's own, that it has been redacted, that the cover memo is accurate, and that the work contains no material misstatement or critical omission of law. For client interactions the supervisor completes a short behavioral checklist that records only whether defined disqualifying behaviors occurred. It does not ask for a rating of overall quality. That kind of subjective, non-comparable judgment is what we set out to remove. The supervisor is a witness to authenticity and to the conditions under which the work was produced, not a judge of competence.

The competence judgment moves to independent examiners selected by the Board, who score de-identified work against common rubrics. That separation is the foundation of the design. The rubrics, the calibration, the double scoring, and the anonymity all rest on it.

4. Objectivity, Comparability, and Reliability by Design

The most common objection in public comment was that the bar examination is a single, uniform, externally set instrument, while a portfolio scored by people is subjective and not comparable across candidates. The design meets this objection by engineering the conditions under which scoring becomes consistent and comparable.

Objectivity and a common standard. Every submission is evaluated against the same criterion-referenced rubric, developed by the Board to professional standards and applied without identifying information about the candidate. The standard is fixed and explicit: a submission demonstrates minimum competence if a reasonable supervising attorney would consider it acceptable work product from a new lawyer. Each rubric element is scored on a binary basis, demonstrates or does not demonstrate minimum competence, with explicit descriptors and defined handling of elements that do not apply to a given document. Candidates are measured against this fixed criterion, not against a grader's impression or against one another.

Reliability of scoring. Replacing a single timed examination with portfolio review raises a fair question: would two examiners reach the same decision on the same work? The design treats this as a measurement problem and uses the controls the profession relies on to secure rater agreement. Examiners complete structured training on the rubrics and the decision rules. They calibrate on benchmark submissions that span the range of performance, with extra attention to submissions near the competence threshold, where decisions are hardest and consistency matters most. They must reach acceptable agreement with established criterion ratings before they score live submissions, and the Board recalibrates them periodically to catch and correct drift. Every submission is scored independently by two examiners, and disagreements go through a defined reconciliation procedure. These are the standard controls used in high-quality constructed-response scoring to produce reproducible classifications.

Comparability across schools and placements. Because the competence determination is made centrally, by calibrated examiners applying one set of rubrics, it does not inherit the variation in rigor that exists across professors, courses, and placements. The law schools certify completion of coursework; they do not certify competence. Some variation in the educational experience is expected and even healthy, but it stays out of the licensing decision, where uniformity is essential.

5. The Validity Argument: Construct Definition and Content Coverage

A credentialing assessment is only as defensible as its definition of the competence it claims to measure. The competencies here were not assembled ad hoc. They come from the essential eligibility requirements of Rule 5A, the Twelve Building Blocks of Minimum Competence in the IAALS Building a Better Bar study, and the practice analyses of the National Conference of Bar Examiners and the California and Florida bar examiners. Practice analyses are the empirical foundation of content validity for a credentialing program, because they establish, from the work practitioners actually do, which knowledge and skills are necessary for competent practice. That anchoring helps establish content validity.

The assessment maps onto that model. Appendix A is an explicit crosswalk tying each competency to the evidence in the portfolio that demonstrates it, so the link between what is measured and what is required is transparent and auditable. Breadth is secured twice over. The doctrinal coursework covers the same subjects tested on the NextGen bar examination, including four that most students would not otherwise take, so the license rests on the full range of foundational knowledge. The written portfolio is built for breadth as well: six distinct pieces, each addressing at least one legal issue absent from the others, with at least two grounded in original legal research. Following the Building a Better Bar findings, the assessment looks for command of foundational concepts across subjects, the competence that better reflects readiness to practice.

Some have asked whether two observed client interactions are too few to establish competence. They are not a graded performance. They are a screen for the absence of disqualifying behaviors, and they carry a modest, bounded inference about minimum competence in client communication. That screen sits on a much larger base of supervised practice, roughly 270 hours in clinics and field placements, plus simulation courses devoted to interviewing and counseling, and it is one strand of a portfolio that also holds six written work products, three professional responsibility journals, and three reflective addenda. What the two interactions are asked to support is small and well supported by everything around them. The pilot will let the Board test whether the number should increase.

6. The Competence Standard and Comparability to the Bar Examination

The Court directed that the pathway not be a diploma privilege and not be easier or less demanding than the bar examination, and that those who complete it be equally eligible for licensing as those who pass it. The design honors that in concrete ways. Candidates meet the same non-assessment requirements as examinees: the juris doctor, the Multistate Professional Responsibility Examination, and the character and fitness review. The doctrinal domain is the one the examination tests.

The passing standard is criterion-referenced and tied to credential-worthy performance. The minimum-competence criterion is fixed in the rubric and operationalized through calibration that concentrates on the submissions nearest the threshold, where a defensible standard has to be set and held. The pilot's enrollment cap is a limit on administrative capacity, and oversubscribed seats are filled by random selection. The passing point therefore tracks the quality of the work and is not tuned to yield a particular result. The bar examination remains available. A student may pursue both routes, and a student who does not finish the pathway may still be admitted by examination. The pathway adds a competency-aligned route without lowering the standard on the existing one.

7. Integrity of the Evidence and Fairness

Because the portfolio is produced in practice settings rather than under examination conditions, the design includes controls so that the work evaluated is the candidate's own and is scored fairly.

Authorship and attribution. Each submission must be the candidate's own substantive legal work, and the candidate must be the primary author of the legal analysis, reasoning, and expression. Before any competence is credited, the examiners must affirmatively find that the submission and its cover memo give a sufficient basis to evaluate the candidate's own contribution; a negative finding makes the submission insufficient whatever its quality. That finding is the safeguard against work that cannot be attributed to the candidate.

Use of artificial intelligence. Generative tools cannot be excluded from contemporary legal practice. The design treats their appropriate use as a competency in its own right. Candidates disclose how and how much they used such tools, attach their prompts and responses, and explain what they judged appropriate to rely on. The rubric then scores whether the candidate exercised sound judgment about when and how to use them. A companion rubric element fails any submission that merely replicates a model or template. The candidate attests to authorship, and the supervisor attests that the disclosed protocols were followed.

Conflict screening and context influences. Examiners score de-identified work, which keeps the candidate's identity out of the judgment and supports fair treatment across groups. Information about the underlying representation is collected so the administrator can screen for conflicts of interest when assigning examiners, and that information is withheld from the examiners. Drawing on multiple work samples from varied settings further limits the pull of any single context on the result.

8. What the Pilot Will Establish and Address

Sound measurement practice separates what design can establish from what only implementation can. Most of the governing standards are met by the requirements and design elements set out above. A smaller set can be met only once the pathway runs, because they call for evidence the program itself generates: the actual reliability of examiner decisions among participants, the consistency of the classification on replication, and evidence bearing on criterion-related and consequential validity. The proposal commits the Board to gather this evidence during the pilot, with methods suited to small samples and in consultation with external experts in educational and psychological measurement and licensure testing. The pilot is capped and randomly selected so the cohort can support a credible evaluation.

I offer one assessment-related recommendation for completeness. The program should adopt the Board's established process for testing accommodations, so candidates with disabilities have a documented way to request accommodations for each portfolio component and any altered format is reviewed to confirm it still measures the intended competence. The traditional examination already provides this. Extending an equivalent process to the pathway would keep the two routes at parity and bring the program fully in line with the fairness provisions of the Standards.

9. Conformance with the Standards

I evaluated the proposal against the Standards that govern a content-based, criterion-referenced credentialing assessment: validity; reliability and precision; fairness; test design and development; scores and cut scores; test administration and scoring; supporting documentation; and workplace testing and credentialing. In my professional judgment the proposal meets the applicable standards in these chapters, with the reliability and validity standards met at the design level and confirmable in full once the pilot evidence is in hand. Standards that assume features this assessment does not use, such as norms, equating, score linking, and statistical item models, do not apply. Table F1 sets out the mapping in full, stating for each applicable standard how the proposal meets it, with citations to the report section or appendix that supplies the support.

10. Conclusion

In my professional opinion, the Curricular Pathway as designed is a methodologically sound, content-valid, criterion-referenced credentialing assessment. Its scoring is built to produce reliable and comparable decisions, and its design conforms to the Standards for Educational and Psychological Testing. Measurement principles were applied at every stage, and the pilot is structured to confirm, with program data, the reliability and validity the design is built to deliver. Implemented as designed, with the scoring controls and pilot evaluation described here, it will yield defensible evidence that those licensed through it have the minimum competence required to practice law.

Respectfully submitted,

Deniz S. Ones, Ph.D.
Court-Appointed Assessment Expert, Alternative Pathway Implementation Committee