

Alternative Pathways Implementation Committee



Public Comments on Curricular Pathway (October 2025-June 2026)

These comments were received from the public in response to an email sent by chairperson Tom Boyd explaining the Implementation Committee and soliciting feedback.

In addition to the following comments, members of the public provided the Implementation Committee with copies of outside materials. Because of the length of some of these materials, they are not included here, but they can be accessed as follows:

- Materials from the Oregon Supervised Practice Pathway Portfolio program relating to evaluation of client counseling (available [here](#))
- Deborah Jones Merritt, *Client-Centered Legal Education and Licensing*, 107 Minn. L. Rev. 2729 (2023) (available [here](#))
- John O. Sonsteng, *Legal Practice Practicums: Making a Case for Change: A Way Forward* (January 2025) (available [here](#))

Curricular Pathway and General Comments received
October 7, 2025, to October 9, 2025

MacKenzie Johnston

From: Kirsten Gorman <gorm7870@outlook.com>
Sent: Monday, September 22, 2025 11:16 AM
To: BLE
Subject: [EXTERNAL] Public Comment on Curricular Pathway to Licensure

Dear Mr. Boyd,

Thank you for your continued commitment to ensuring Minnesota's Licensure system upholds the highest standards of competence while evolving to meet the needs of today's legal profession. I write today in strong support of the proposed Curricular Pathway to Licensure and to respectfully urge the Board to consider expanding the program, or creating a parallel pathway, for law school graduates who have completed their J.D. but have not yet successfully passed the bar exam.

As a recent law school graduate who has fulfilled all academic and experiential requirements and remains committed to entering the legal profession in Minnesota, I can attest to the stress, inequity, and barriers that the traditional bar exam imposes on many qualified graduates. There are numerous reasons, personal, financial, health-related, or test-anxiety based, that can prevent otherwise capable graduates from passing the bar on their first or even subsequent attempts. These setbacks should not permanently prevent talented and service-driven individuals from contributing to Minnesota's legal system and underserved communities.

The curricular pathway represents a critical evolution in legal licensure, affirming that sustained, performance-based assessment is a more accurate and equitable measure of professional competence than a single high-stakes exam. But limiting this pathway only to currently enrolled students, while understandable from a logistical standpoint, overlooks the very group that may benefit most: recent graduates who have completed their education, engaged in supervised practice, and are working in or adjacent to legal roles, yet remain unlicensed due to the bar exam hurdle.

I urge the Board to consider a flexible, post-graduate implementation of the pathway, one that allows for:

- Supervised practice and portfolio development under licensed attorneys;
- Demonstrated completion of required competencies;
- A structured review and mentorship process through approved legal employers or clinics;
- A timeline for completion that aligns with professional readiness and public accountability.

By expanding the pathway to include recent graduates, Minnesota would take a leading role nationally in creating an inclusive, competency-based licensure system, one that reflects both legal excellence and the real-life diversity of experiences in our profession.

Thank you for your time and thoughtful consideration of this request. I am happy to offer additional input or participate in future stakeholder conversations on this important issue.

Sincerely,

MacKenzie Johnston

From: Neal Blanchett <nealjblanchett@gmail.com>
Sent: Tuesday, October 7, 2025 12:24 PM
To: BLE
Subject: [EXTERNAL] Comment On Alternative Pathways Proposed

Dear Committee,

This alternative program arises from certain politically powerful persons desiring to get more of their preferred racial groups and to lessen the proportions of their particular disliked racial groups admitted to practice law. This is contrary to the spirit of race-neutrality, the 14th Amendment to the US Constitution, and to the Supreme Court's recent SFFA decision.

The program is at best unwise as well as likely unlawful. Providing an alternative process out of a desire to aid some racial groups while penalizing others because too many of the latter succeed creates racial resentment and division.

I would urge you not to go down this path. The bar exam is a time-tested, objective, race-neutral pathway to admission. Adding another pathway for what everyone knows are expressly racial reasons to increase admission of politically powerful persons' specific favored racial groups is a disastrous road you should not go down.

Thank You,
Neal Blanchett

MacKenzie Johnston

From: Jay Benson <jbenson@chanhassenlawyers.com>
Sent: Tuesday, October 7, 2025 12:55 PM
To: BLE
Subject: [EXTERNAL] feedback on proposed alternative pathways approach

Dear Alternative Pathways Committee:

I am writing in response to an email received earlier today that invited feedback on a proposal that was sent regarding alternative pathways to assess competence to practice law.

My feedback is as follows: The current system of bar admission is not broke and it should not be changed. Objective standards are helpful and even desirable. If someone cannot pass the bar examination, they should not be practicing law. The credibility of the profession will suffer if these changes are implemented.

Virtually all attorneys I speak to agree with me on these issues; but most are reluctant to speak up and are they are resigned to the fact that these changes are inevitable.

I don't intend to spend any more time or energy on these issues, but I wanted to at least weigh in with my opinion. Thank you for the opportunity to be heard.

Respectfully,

Jay A. Benson #227432

MacKenzie Johnston

From: Berglund, Anders <aberglund@mylegalaid.org>
Sent: Tuesday, October 7, 2025 12:56 PM
To: BLE
Subject: [EXTERNAL] Alternative pathways to Licensure feedback

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hi Tom,

My name is Anders Berglund and I am a young attorney with Mid Minnesota Legal Aid's Youth Law Project.

I was licensed to practice in May 2023 after passing the standard Bar Examination.

I wholeheartedly disagree with the bar exam's status as the only current path to licensure, and fully support alternative pathways.

Here is why I disagree with the current system:

- The Bar exam tests mostly someone's ability to retain information and regurgitate it in a test setting. There are *countless* people in my life who are utterly brilliant, but are poor test-takers. These people should NOT be punished for their relative lack of test taking capacity
- The Uniform Bar Exam tests material that is not only irrelevant to most practices but is *actively false law*. In my recollection, the bar exam includes things like "common law criminal elements", when every state in the nation now has statutory criminal codes. In what world is this information helpful to test on?
- The bar exam does NOT test someone's ability to be a good attorney. In my practice, knowledge of the law is important, but is learned *on the job*. The bar exam taught me none of the law that I use day-to-day. Further, I think the following skills are MORE important than pure of-the-cuf law knowledge:
 - o Compassion and trauma-informed care
 - o Listening skills and communication skills
 - o Problem-solving skills and issue spotting
 - o Creative thinking
 - o Cooperation among other attorneys/colleagues
 - o Writing skills.
- Every study I have seen says there are lawyer shortages, not surpluses. Rejecting want-to-be attorneys over a bad test does nothing to address on-the-ground realities of our communities

Here is what I think about alternative pathways to licensure:

- Supervised practice pathway makes a ton of sense. If someone can demonstrate to an already-licensed and practicing attorney that they have what it takes to be an attorney, they should get to be an attorney. The legal profession relies on shared truths and self-governance. Who better to assess someone's capacity than existing attorneys?
- If law school is not enough to become an attorney, what is the point of it? School-based licensure would ensure that law schools are teaching the *actual skills of being an attorney* and would ensure that those who go into \$200,000 of debt to become lawyers do not do so in vain. Law school needs its own reforms, but is currently a 3-year stress-factory with no guarantee of becoming an attorney? Why?
- The trades (electricians, plumbers, carpenters, etc.) have used apprentice-based career pathways seemingly forever without issue. If someone goes through an apprenticeship and is deemed fit to practice, why shouldn't they? Alternatively, if the supervisor of the apprenticeship deems them unfit, wouldn't they know better than anyone?

Long story short: it's the 21st century. The legal profession needs to change. The time to stop over-worked, over-stressed, anxiety-inducing useless tests of competency is now.

I am not afraid to tell older lawyers they are wrong if they disagree with me. They are. If LinkedIn has taught me anything, it is that older attorneys are obsessed with suffering and believe trauma and poor work-life balance are rites of passage. End the trauma cycles. The fact that some older attorneys had to suffer does NOT mean we should continue the suffering for the sake of it. Those in power need to stop forwarding their trauma and stress, or even more young attorneys are going to suffer with anxiety, depression, and substance-abuse. Ending the bar exam as the only path to licensure is one step of many.

Thanks,

Anders Berglund
Staff Attorney - Youth Law Project
Mid-Minnesota Legal Aid
Minneapolis Office
111 North 5th Street,
Suite 100
Minneapolis, MN 55403

MacKenzie Johnston

From: Chaplinski, Jennifer <jennifer.chaplinski@pubdef.state.mn.us>
Sent: Tuesday, October 7, 2025 12:58 PM
To: BLE
Subject: [EXTERNAL] Non Attorney Practice

I think this is a terrible idea. The law is complicated and changing. I would not want a pretend lawyer who just happened to be very bright, but has no formal training represent me. Much like my Dr. I prefer they actually go to law school.

Jennifer Chaplinski
Assistant Public Defender
Office:Â 763-235-4024
Cell/Text:Â 320-316-3297

MacKenzie Johnston

From: Patricia Cangemi <alligatorsam@gmail.com>
Sent: Tuesday, October 7, 2025 1:03 PM
To: BLE
Subject: [EXTERNAL] Supervision based Path to Licensing

Hello,

I may not fully understand this proposal but given the short turnaround for comment I will raise some questions. Formal Testing, so to speak has been dismissed as a measure . I believe it is a scientifically based measure of competence and should not be dismissed fully. There needs to be a measured uniform baseline of knowledge that is measured in this way. It may be possible to enhance the measurement process through a mento process. I think the really good lawyers have engaged in this process and all benefit from this but I do not believe that a mentor's assessment of a person's skills is a sufficient measure. If we go this route, let's skip the law school expense and experience and allow a person to gain a license simply by working with another lawyer.

MacKenzie Johnston

From: Gena Chapman <Gena.Chapman@stratasys.com>
Sent: Tuesday, October 7, 2025 1:10 PM
To: BLE
Subject: [EXTERNAL] Feedback on skipping the bar exam

Any "alternate path" that allows attorney licensure without the rigors of passing a bar exam will diminish our profession and professionalism, together with purporting to solve a problem that does not exist (a shortage of lawyers?).

Please reconsider.

Gena Chapman, Esq.
Lino Lakes, MN

MacKenzie Johnston

From: Bill Cottrell <Bill@halperncottrell.com>
Sent: Tuesday, October 7, 2025 1:13 PM
To: BLE
Subject: [EXTERNAL] Mn Curricular Pathway to Attorney Licensing

Fascinating idea that I am not opposed to but I just wonder the time, money and cost to have this fairly complicated process reviewed and approved along with the time it will take to do an audit and make sure the applicant has completed all that is required.

It seems like that part of the process would be quite expensive.

Best Regards,

William G. Cottrell
Attorney at Law



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Licensed to practice law in Minnesota and North Dakota.

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MacKenzie Johnston

From: Brandon Engblom <bengblom@duluthhousing.com>
Sent: Tuesday, October 7, 2025 1:37 PM
To: BLE
Subject: [EXTERNAL] The Supervised Practice Pathway

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Chair Boyd,

This is a quick note on the proposed supervised practice pathway to the practice of law. As a member of the bar in Greater Minnesota, I think this is a great idea. However, I would push your committee a bit further. Our historical method of creating new members of the bar in this nation is through formal apprenticeship with experienced practitioners. Only in the last several decades (maybe closer to a century at this point) have we seen the law school lobby effectively rob the nation of a meaningful way into the practice of law that doesn't cost hundreds of thousands of dollars in total.

Our State would be better off with a more meaningfully distinct path to becoming a member of the bar, through several years of dedicated work and self-study under the direct supervision of a licensed member of the bar—entirely removed from the clutches of law school administrators. I say this half in jest, but the reality is that many otherwise capable people find themselves locked out of our profession at the school house gate. If a new alternative pathway is going to be established, it should really be true alternative pathway. Rules can be implemented to ensure that an apprenticed person is ready for the practice of law and sanction can be developed to hold lawyers accountable for failing to perform their role under any sort of true apprenticeship model. I could never fully outline my plea for a return to the historical norm in an email, but I hope this generally captures the spirit of my position.

Best,

Brandon M. Engblom

MacKenzie Johnston

From: Melinda Elledge <MSEGrant@comcast.net>
Sent: Tuesday, October 7, 2025 1:50 PM
To: BLE
Subject: [EXTERNAL] One of the stupidest ideas ever

We don't need to license incompetent people who've not gotten a law degree and passed the bar exam. This is preposterous.

Melinda Elledge
0026402

MacKenzie Johnston

From: Kristen Cray <kristencray@gmail.com>
Sent: Tuesday, October 7, 2025 1:59 PM
To: BLE
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Dear Mr. Tom Boyd,

I am a new admit to the Bar of Minnesota. I am proud of my state and hopeful to join future bar associations as well.

Speaking as the very last class of law graduates before ChatGPT, now one of the last takers of the traditional bar exam before NextGen, I cannot overstate how difficult it is for new attorneys like me to establish ethos, dignity, and respect in the legal profession today. The non-traditional programs in Oregon and California have notoriously tarnished the standing of their most qualified attorneys.

I aspire to join other state bars like Massachusetts in a few years by motion instead of by examination. If this plan proceeds, then I worry that states like MA which require higher scores for bar admission will exclude states like Minnesota from joining their bars by motion and experience.

This may have no impact whatsoever on senior attorneys, but it is professionally devastating for new admits like myself.

Thank you,
Kristen Cray, Esq.

MacKenzie Johnston

From: Sam Glover <sam@samglover.net>
Sent: Tuesday, October 7, 2025 2:17 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hi Tom and members of the committee:

The propose plan for alternative pathways to licensure seems like a substantial, positive step. I hope I'm not alone in thinking that the alternatives to the bar exam seem like better ways to assess a prospective lawyer's readiness for practice.

—Sam Glover

MN attorney license no. 0327852

[My website](#)

MacKenzie Johnston

From: Peter Gorman <peterwgorman51@gmail.com>
Sent: Tuesday, October 7, 2025 3:40 PM
To: Director
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

To: Alternative Pathways Implementation Committee

Dear Mr. Boyd,

Whatever plans you submit to the Supreme Court regarding alternative licensing, I hope that your committee will not recommend elimination of the Emeritus Lawyer License. I have held that license for about three years, during which time the only law I have practiced is as a volunteer lawyer for the Immigrant Law Center of Minnesota and for the Volunteer Lawyers Network. I've represented perhaps 125-150 clients during that period. I hope to renew my emeritus license next year so that I can continue performing this service.

Peter Gorman, Lic. 003633X
4300 West River Parkway, No. 243
Minneapolis, MN 55406
(612) 594-0208

MacKenzie Johnston

From: Cara J. DiMare <carajdimare@gmail.com>
Sent: Wednesday, October 8, 2025 7:38 AM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Alternative Pathways Committee:

I am writing to express my profound support of curricular-based and supervised-practice based pathways.

My legal focus has been work for Tribes and Tribal members. In this practice, I have seen too many amazing Native attorneys forestalled from providing valuable service to their communities and the world at large. The bar exam does not account for the legal necessity of tremendous cultural awareness and instead front loads attorneys who are good at taking the bar and on occasion awful at the actual practice of serving clients.

Work in Tribal communities, for Native or non-Native attorneys, mandates a breadth of knowledge of complex multi-jurisdictional issues and an aptitude for empathic understandings of generational trauma and perseverance, and so many more qualities that bar examinations shrink and effectively teach law students are not fundamental or lauded. To be a zealous advocate with a skill set fit to work in a legal system certainly requires an eye for detail, but from my years running a reservation legal aid office I can say that the crucial skill of issue spotting in stories mirrors no component of the current bar.

I have passed two bar examinations in the two states where I've applied within the past five years and I have a current and operating knowledge of what it takes to pass the examination as opposed to what it takes to practice. I also teach for a Tribal College where I shudder at the thought that my students who have incredible abilities as orators, leaders, and advocates, with a deep understanding and care for navigating multiple judicial systems, should make it through law school and then have to be subject to such an arcane mechanism as this examination to showcase their talents.

I applaud your Committee for seeking a way out of this mechanistic madness towards a more wholesome approach that better serves clients and communities, Tribal and beyond. I am writing this today in honor of my friends Ron His Horse Is Thunder, an inspirational Tribal leader, Tribal College President, and law school graduate, and Alphian Metoxen, an exceptionally gifted law student from Oneida Nation, both of whom have passed into the spirit world but who I know would stand behind me in these words.

Sincerely,
Cara J. DiMare.

MacKenzie Johnston

From: Michael Hero <mherolaw@yahoo.com>
Sent: Wednesday, October 8, 2025 8:44 AM
To: Director
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Dear Examiners,

Although I am now at the end of my career, and no doubt, nearing the end of my life (I'm 75) I have dedicated 42 years to the ethical practice of law. I am a great believer in our judicial system and am proud of the high standards of our profession in Minnesota. I fully understand that some law students perform poorly on law exams so this proposed alternative may be a good way to permit otherwise competent law graduates who fail the bar exam to obtain their license. However, I strongly encourage you to make this alternative process both rigorous and thoughtful. In my career I originally relied mainly upon CVs and references in hiring new lawyers. I found that process unreliable and so went to a practical oral exam with the finalists for an attorney position. I found that process also unreliable at times once I placed the successful candidate into the real life world of private practice.

For the past 15 years I have mentored a young attorney who practiced law and held the same values and ethical standards that I held. We need a new generation of great ethical lawyers to represent our clients well. Please keep me in the loop as you move forward with this initiative.

Thank you.

Sincerely, Michael W. Hero

MacKenzie Johnston

From: Helgoe, Barron <Barron.Helgoe@pubdef.state.mn.us>
Sent: Wednesday, October 8, 2025 9:31 AM
To: BLE
Subject: [EXTERNAL] Alternative Pathways
Attachments: ClientCounselingSessionTempatesandRubricforPLandSA.docx

Dear Committee Members:

- 1) This Oregon State Bar Supervised Practice Portfolio Examination (SPPE) template attached seems useful so I thought I would pass it along for reference.
- 2) The Public Defenders in our office supervise student interns who cover bail and probation violation hearings. I see that two client interactions are required in the current plan. I am wondering if additional client interactions and the lessons learned from additional interactions might be more helpful in assessing core competencies. It takes time for students to find their voice. The initial interactions can be illuminating but confidence is lacking. The current plan of two interactions would work well if applicants had more simulated/mock interactions in advance of actual client interactions.

I support the project.

Given how atrocious my handwriting is, I had sympathy in 1990 for the bar examiner who had to read my blue books.

Regards,



Barron Helgoe
Assistant Public Defender
First Judicial District
Minnesota Board of Public Defense
1107 Hazeltine Blvd.
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Chaska, MN 55318
952-600-7084 Ext. 1322
Barron.Helgoe@pubdef.state.mn.us
MN Bar ID #021095X

MacKenzie Johnston

From: Michael Edman <michael@edmodlaw.com>
Sent: Wednesday, October 8, 2025 10:24 AM
To: BLE
Subject: [EXTERNAL] Re: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair.

Follow Up Flag: Follow up
Flag Status: Completed

The curricular pathway clearly does not state that a juris doctorate is required, it only talks about law school coursework in foundational areas of law. If a JD is still required, it should clearly be stated within the curricular pathway section.

Michael P. Edman
EMAIL: michael@edmodlaw.com
Ph: 507-235-8700

MacKenzie Johnston

From: Mimi Hasselbalch <marian.hasselbalch@smrls.org>
Sent: Wednesday, October 8, 2025 11:14 AM
To: BLE
Subject: [EXTERNAL] Feedback Regarding Alternative Pathways to Licensure

I apologize, as I do not have currently time to read the initial proposal, so if my comments have been have already been addressed, please feel free to ignore my feedback.

As part of the Alternative Pathways to Licensure program, I would ask/suggest that planners and developers put a heavy focus on professionalism. I attended William Mitchell College of Law and all of our professors and instructors often emphasized the importance of being a professional and acting like one both in the day-to-day practice of law and in the courtroom. In the current political environment, the continued use of degradation, insult and hate speech is becoming the norm and it needs to be stopped from infiltrating the practice of law. I left private practice about four years ago and I was already seeing a lack of professionalism. I opine the pandemic seriously contributed to the issue. Nonetheless, professionalism needs/deserves a spotlight. One of the greatest gifts I received from my law school education was the knowledge and use of use critical reasoning. I believe this, combined with taking pride in the profession, must be an essential part of training anyone who wants to be a practicing lawyer. Dress like a professional, act like a professional, be a professional. Take pride in being that 2% of the population that is highly educated and follow the rules of professional responsibility. Use your skills of critical reasoning. Do not give in to using meaningless adjectives and trying to elicit emotion. Behave like a lawyer. Please make this an import part of the Alternative Pathways Program.

Sincerely,

Mimi Hasselbalch
Hotline Attorney
Southern Minnesota Regional Legal Services
450 North Syndicate Street, Suite 260
St. Paul, MN 55104

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MacKenzie Johnston

From: Steve Bernhardt <sjburnt@gmail.com>
Sent: Wednesday, October 8, 2025 11:37 AM
To: BLE
Subject: [EXTERNAL] Comment on Alternative Pathways

Attn: Tom Boyd, Alternative Pathways Committee Chair

I have reviewed the proposed path for the curricular-based pathway.

In theory, it should add to the skill set needed, and it is a good idea.

The additional costs and efforts will likely reduce the number of applicants, which should help with the wage deficit.

The biggest problem, at least during the current administration/kingdom, is that very few practicing attorneys will make enough salary to pay for the costs of law school. Prospective students should know how little they will earn as an employee and balance it against the mountain of debt they will incur.

Thanks for considering this point of view.

Steve Bernhardt

Steve Bernhardt
sjburnt, llc
(952) 465-8671
sjburnt@gmail.com

"And the days that I keep my gratitude
Higher than my expectations
Ah! Well, I have really good days"

MacKenzie Johnston

From: Christopher Johnston <cjohnston@jmlegal.com>
Sent: Wednesday, October 8, 2025 12:33 PM
To: Director
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

AI and now easier to become an attorney. What could possibly go wrong? Further - in my 25 years practicing in Minnesota, I've seen, firsthand, a drop off in the quality of recent law school grads - I don't see this program helping.

Sincerely,

Christopher A. Johnston

Attorney at Law

Law Group of Iowa

A Johnston | Martineau Company

7900 Hickman Rd. #200

Windsor Heights, IA 50324

515-556-IOWA

MacKenzie Johnston

From: Jacobsen, Mariah <Mariah.Jacobsen@tranetechnologies.com>
Sent: Wednesday, October 8, 2025 12:38 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello, Mr. Boyd:

What safeguards will be put into place to ensure that the written submissions are not AI generated? While obviously no attorney memorizes everything they need to know to practice, there is certainly a need to learn to communicate articulately on the fly, think critically, and issue spot-often without the assistance of technology. The bar exam-particularly the written portion-tests these skills and I'm not sure these skills can be appropriately tested in this format.

Thanks,

Mariah Jacobsen
General Counsel, Thermo King Americas
mariah.jacobsen@tranetechnologies.com
651/418.2946 (text and calls)
314 W. 90th St., Minneapolis, MN 55420

MacKenzie Johnston

From: Randall A. Kins <randall@kinslawfirm.com>
Sent: Wednesday, October 8, 2025 2:37 PM
To: Director; BLE
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

Dear BLE,

I appreciate the request for public feedback. I am writing in opposition to the proposed diploma privilege modification. I graduated in 2013 and failed the bar the first time I took it. I had a full time job at a firm and poured my efforts in to that job instead of studying as much as I should have. I did not give the bar exam the respect it deserved and failed by a slim margin. I spent the next several months working and studying frantically so I could pass and happily, my efforts paid off and I passed with ease the second time.

Failing the bar caused me to delay significant life events while I studied and poured myself in to bar prep. While a terrible experience, it was not without silver linings. The humility and respect for the profession that came from my failure made me a better lawyer and I am now among the best of the defense attorneys in the state, have argued at the Supreme Court, served as president of the Minnesota State Bar Association First District, and numerous other leadership positions within the community. Failing the bar taught me to prioritize things that are important.

In the post-covid world we have already seen a startling decrease in courtroom respect and decorum exhibited by newly-minted attorneys. Attorneys are now very comfortable wearing Crocs to court, clothes in the courtroom that just 10 years ago would have caused you to be held in contempt by a judge, non-professional attitudes toward practice and the tribunal they are in front of, and general disrespect for the profession.

The last several years have also seen a sharp decrease in law school admission numbers. Since I applied in 2010, numbers have fallen from 52,404 to 39,665, a 25% reduction nationwide. <https://www.lawhub.org/trends/enrollment> Minnesota can no longer support 4 law schools. This downward trend is no doubt causing lawyer shortages and the move toward diploma privilege is an obvious effort to get attorneys licensed...no matter whether they can pass the same test as lawyers of the past. I know several people who were unable to pass the bar after several tries and to be honest...there is a reason.

For many students, the bar exam is the first time they have been held to an objective standard. The bar exam is not swayed by how prominent your parents are, how much money your family donated to your school, how much your teachers like you, whether your aunt can get you a lucrative experience at their firm, etc...it is an objective measure. Frequently, it is the ONLY objective measure as many float from undergrad to law school to a law firm with their primary qualification being the privilege afforded by their station. Admittedly, it is a very uncomfortable and unpleasant test. Removing it from the licensure process will undoubtedly make it easier to be a lawyer...but I hope ease is not the point.

I think we need the bar exam. It is a test not everybody can pass, and therefore is a rite of passage so engrained in the American legal system that doing away with it will change the way people view

lawyers. Indeed, we frequently look at unconstitutional holdings from the Wisconsin Supreme Court and joke "yeah well...that's what happens when nobody has to pass the bar exam before becoming a Justice." Please don't make Minnesota the butt of the same jokes by doing away with the bar exam. Everybody should have to pass one objective measure in their lifetime to become a lawyer. We may not be able to keep Croes away from courtroom counsel tables, but we can at least make sure the person wearing them had to pass a test that proved they are competent to practice law.

Randall A. Kins, Esq.

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Randall@KinsLawFirm.com

MacKenzie Johnston

From: Colleen O'Malley <comalley@mmm.com>
Sent: Wednesday, October 8, 2025 2:51 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello,

I am writing with myoverwhelming support for alternative pathways to attorney licensure in Minnesota. Please see my reasons below:

1. The Bar Exam is a financial barrier for new attorneys. They must forgo 3 months of paid work to study effectively. Most successful bar takers also pay for an expensive bar exam course. These expenses only increase if they do not pass the first time. These financial burdens also hit near the time when their first law school loans are due.
2. The Bar Exam does not test for many of the skills and competencies necessary to be an attorney. In fact many successful bar takers promptly forget everything they learned for the exam so they can filltheir brains with the actual knowledge they need to practice.

If I were hiring an attorney for my company, I would much prefer to hire the attorney who demonstrated competence through a holistic experiential work requirement and portfolio submission than the attorney who passed a multiple choice test.

Thank you for your consideration of an alternative pathway to licednsure that will better prepare the lawyers of the future.

Best

Colleen O'Malley | she/her
Global Contract Governance Senior Specialist
Enterprise Supply Chain
St. Paul, MN 55144-1000 | United States
Time: CST
comalley@mmm.com

MacKenzie Johnston

From: Clayton Lisota <Clayton@caledonialaw.com>
Sent: Wednesday, October 8, 2025 3:13 PM
To: BLE
Subject: [EXTERNAL] Comment to Proposed Minnesota Curricular Pathway

To whom it may concern,

I have been asked to comment on the Proposed Minnesota Curricular Pathway.

While I think the goals are admirable, I do think there are some serious concerns with the proposal.

The new required course work of Criminal Procedure/Evidence/Business Associations/Corporations/Family Law is too inflexible. I understand that these new required courses would be helpful to students on the Next Gen Bar Exam. However, adding these courses as mandatory (along with requiring experimental courses) is going to reduce the sparse amount of free credits students have to specialize in their preferred field of law.

I took half of these classes during my law school tenure. I remember missing out on other classes and more specialized courses that I wished I had the time to take. I absolutely believe that the proposed new required course should be available and students should be encouraged to take them by their academic advisors. They should be offered at times that do not conflict with each other as core areas of law.

However, if a student wants to spend more time specializing in employment/labor law, intellectual property law, or take a deep dive into constitutional law, the proposed requirements do not allow enough time for student experimentation and specialization. Good academic advisors can act as intermediaries in this area by encouraging students with middling grades to focus on core bar exam areas whereas students who are a quick study can grapple with family law (or other proposed required course areas) closer to the time of the test.

Perhaps the Next-Gen Bar Exam will have a tighter focus on the nuances of Criminal Procedure/Evidence/Business Associations/Corporations/Family Law than prior bar exams and students will find more mandatory study helpful. They probably will, but they will lose a substantial amount of opportunities to discover the type of lawyer they want to be and specialize their practice areas as they choose. The sacrifice is not worth the prize.

I do think the experimental learning requirements will be helpful for students, though the path to post-grad success often revolves around students getting internships which provide such experience. Therefore, this education is already provided in an informal capacity. However, those internships do not often have direct client interaction. Therefore, for many students, this will be a redundant requirement except for the client interaction portion. Having law students interact with clients is a fundamental skill for most, but not all, practice areas. Overall, it should improve the practice in the State, depending on the rubric used to evaluate the interactions.

Thank you for taking my thoughts into consideration.

-Clayton T. Lisota
Murphy & Roverud, PLLP

MacKenzie Johnston

From: Alissa Mumy <alissa.mumy@huskers.unl.edu>
Sent: Wednesday, October 8, 2025 4:17 PM
To: BLE
Subject: [EXTERNAL] FW: Feedback Opportunity on Proposed Curricular-Based Pathway to Licensure

Chairman Boyd,

I was a non-traditional law school student, who graduated from University of Nebraska in 2021. I worked full-time through law school in my corporate sales job, while attending law school part-time. While this pathway is not for the faint of heart, I am incredibly glad I chose it, for the following reasons:

- I graduated law school with 10 consecutive years of corporate sales and marketing experience in the heavy equipment industry, which is invaluable now in my role as head Legal Counsel at Rosenbauer America, another heavy equipment manufacturer
- I continued to hone my professional skills and build my corporate network
- I was able to continue making an excellent salary, which made law school debt much easier to handle and enabled me to continue raising my salary after law school
- I was able to gain legal experience at my current company through stretch projects

I wanted to provide the below feedback on the Proposed Curricular-Based Pathway to Licensure:

- This is a very needed option for working students who have difficulty allocating time to study for the bar
 - Most full-time students are afforded the luxury of studying full-time, yet our scores are stacked against our better situated peers
- However, there are some considerations for working students I'd like to bring forward:
 - Requiring clinics and field placements will be extremely difficult to manage for working students
 - Often, in my personal experience, law schools will not allow externships with your current employer
 - That means you must ask your employer to let you go part-time, or quit your job
 - Or, requirements for externships are so stringent that students may have to quit their jobs due to required in-person working hours
 - Clinics have the same issues, requiring in-person presence during working hours

While I was in the extremely privileged position of having a good job, I went to school with several other students who were non-traditional who were on food stamps, trying to feed families, and were unable to have the same experiences or opportunities as their peers who have parents who can support them through school.

I ask that you consider ways to make law school possible for those who must work. I am happy to meet with you on this issue further or assist in any way that is beneficial as I am passionate about law school becoming more practical and meeting modern needs.

Sincerely,

Alissa Rader
Licensed **MN** Attorney
Legal Counsel, Rosenbauer America

MacKenzie Johnston

From: David Ludescher <dludescher@northfieldlaw.com>
Sent: Wednesday, October 8, 2025 5:05 PM
To: Director; David Ludescher
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Director,

I don't understand what is being proposed.

I assume that the current bar exam will remain in place. If I understand correctly, this new system would allow someone to be licensed to practice law if they could prove competency to practice even if they didn't pass the bar exam. Either way, regardless of competency, a person would have to have attended law school and graduated.

Is all of this correct?

If so, I would note that the bar exam does not test a person's competency to practice law. It only tests their knowledge of general principles of law. And, law schools generally focus on the ability to pass the bar exam and have very little to do with how to practice law in the real world.

Paying for law school will still be the major issue facing those of limited means who wish to become a lawyer. Because of the financial constraints many of these people face, they are forced to work or take out huge debts in order to get through school. With limited time and money, these people will have a harder time passing the bar.

In sum, I think attorney licensure should be viewed from a much larger perspective. I would not be willing to participate. I can charge

attorney rates for a new, licensed lawyer who I can oversee. But, someone who has graduated from law school, but doesn't have a license is no different than a paralegal, and probably has less skills.

David

David L. Ludescher
Grundhoefer & Ludescher P.A.
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507-645-4451 (Phone), 507-645-7233 (Fax)
dludescher@northfieldlaw.com, www.northfieldlaw.com

MacKenzie Johnston

From: David Ludescher <dludescher@northfieldlaw.com>
Sent: Thursday, October 9, 2025 9:24 AM
To: Director; David Ludescher
Subject: [EXTERNAL] Re: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Emily,

I took the bar examination 37 years ago. In all honesty, it has nothing to do with the competency to practice law. It is all about the knowledge of the law and test taking ability. A lawyer can only learn to practice the law by practicing.

A better solution to solve whatever problem you are trying to solve is to allow potential lawyers to get a two year paralegal degree, and then have two to five years of practice under a lawyer. Going to law school is the biggest barrier to becoming a lawyer. And, because the real purpose of going to law school is to pass the bar, law schools are geared to this end. They are not geared to putting into practice what is learned.

And, my thought is that anyone who completes a course of study at an accredited law school should be licensed to practice. If they aren't, why is the school accredited?

The bar examination used to make a lot more sense when a person could become a lawyer by being "learned in the law". It was proof that they were learned.

David L. Ludescher
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MacKenzie Johnston

From: Jordan Humphrey <jordanrhumphrey@gmail.com>
Sent: Wednesday, October 8, 2025 8:16 PM
To: Director
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

This is fabulous, highly impactful work. Thank you so much for doing this and big thanks to Tom Boyd.

MacKenzie Johnston

From: Peter Mikkalson <pmikkalson@hotmail.com>
Sent: Wednesday, October 8, 2025 8:30 PM
To: BLE
Subject: [EXTERNAL] Re: [EXTERNAL] Circular Pathway

Hello, Thanks for the response and link. I understand now where we sit. I'm not convinced Minnesota clients will be best served. Not everyone that thinks they could be a lawyer or obtain outrageous student loans deserves the high responsibility and privilege that comes with that role and it appears to me we're lowering the bar owing to some admittedly dire financial circumstances of recent graduates. Notably, the UofM has taken a wait and see approach. All of this of course is symptomatic of legal services equilibrium throughout the country. I'm a WM grad '91, where nothing was gifted. Please keep me on your email distribution list. Regards, Peter Mikkalson #00221090.

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From: BLE <BLE@MBCLE.STATE.MN.US>
Sent: Wednesday, October 8, 2025 4:04:04 PM
To: Peter Mikkalson <pmikkalson@hotmail.com>; BLE <BLE@MBCLE.STATE.MN.US>
Subject: RE: [EXTERNAL] Circular Pathway

Dear Mr. Mikkalson,

Thank you for your inquiry. You can find detailed information on the Board's website at <https://ble.mn.gov/board/alternative-pathways/>. This page provides an overview of why the Minnesota Supreme Court established the Alternative Pathways Committee, as well as the specific charge assigned to the committee and other helpful background information.

Thank you,

MacKenzie Johnston | Bar Application Coordinator
Minnesota Board of Law Examiners
25 Rev. Dr. Martin Luther King Jr. Blvd., Ste. 110 | St. Paul, MN 55155
Ph: (651) 201-2711 | Fax: (651) 297-1196 | mjohnston@mbcle.state.mn.us

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-----Original Message-----

From: Peter Mikkalson <pmikkalson@hotmail.com>
Sent: Wednesday, October 8, 2025 2:22 PM
To: BLE <BLE@MBCLE.STATE.MN.US>

Subject: [EXTERNAL] Circular Pathway

Hello, Real quick-what's driving this change? Thanks PeterM

Sent from my iPhone

MacKenzie Johnston

From: Kira Kelley <kira@climatedefenseproject.org>
Sent: Wednesday, October 8, 2025 10:24 PM
To: BLE
Subject: [EXTERNAL] Attn: Tom Boyd, Alternative Pathways Committee Chair

Hello Chairperson Boyd,

I write to you to express my strong support for the proposal to develop alternative pathways to licensure aside from the traditional bar exam. I believe you understand the importance of this already-- that the bar exam poses a disproportionate burden for aspiring attorneys from certain marginalized backgrounds. Alternative licensure pathways that recognize different learning styles and allow for people to work and support themselves or their families while obtaining licensure would be such an improvement to our profession. We need more attorneys from lived experiences of oppression, poverty, racism, neurodiversity, and other backgrounds that the traditional bar exam so often weeds out.

Thank you for working on this!

Kira

Kira Kelley (they/she)
Staff Attorney
Climate Defense Project
climatedefenseproject.org

MacKenzie Johnston

From: pete@pjohnsonlegal.com
Sent: Thursday, October 9, 2025 9:14 AM
To: BLE
Subject: [EXTERNAL] ATTN: TOM Boyd, Alternative Pathways Committee Chair

Mr. Boyd,

My comments are on more of a general nature as I was unable to open the proposed curricular-based pathway.

In the past few years, it appears that many states have been attempting to make it easier for people to pass the Bar and become licensed attorneys. In general, I oppose any change that allows people to become licensed attorneys who are not qualified to practice law. I have run into many people who, quite frankly, I am surprised were able to pass law school, let alone pass the Bar exam. There are even a few people practicing, who I believe hurt our profession rather than enhance it.

That being said, I have always been in support of another pathway to becoming a lawyer, not solely based upon passing the bar. Some people just don't test well but would make fine attorneys. I am whole heartedly in favor of a pathway, similar to an apprenticeship type of approach, where people who have passed a rigid educational portion, can move into an apprenticeship under a licensed attorney to earn their Bar admission through a showing of competent practice over a period of time under that attorney's supervision.

Under this approach, I don't think the Educational portion would necessarily have to be the entire 3-year law school in its current format, but rather something that prepares them for the apprenticeship program, which I see more like a two-year educational program, followed by two or three years of apprenticing.

I am very concerned that some will use any change, this one included, to push through people that are really not competent or appropriate to practice law based only on diversity arguments; sex, race, or some other demographic. While I support many of those diversity actions, I do not do so when it is just to get to some number that shows "equity" among people who become lawyers. We need to set and adhere to strict standards to ensure that those licensed to practice are competent and suited to the practice of law. With the increasing AI presence, I see people relying on Attorneys less, if we flood the market with less than competent people, this will speed that up even more.

I was finally able to open the proposed curricular-based pathway document. I personally feel this does not go far enough to ensure that someone is ready to practice law, especially without have passed the Bar. I think this would cover what I envisioned as the educational portion of my hypothetical apprenticeship program, but it would put people out as licensed attorneys who are really not prepared to practice. Especially in the rural areas where new attorney can open their own office and not have the benefit of senior attorneys to rely on.

I'm glad Minnesota is looking at doing something in this area. It is definitely needed, but the only thing worse than not moving fast enough is moving too fast just to do something.

I wish you all the best in finding a way to move this forward and it becoming a tool to better serve Minnesota citizens and add to the practice of law in Minnesota.

Peter M. Johnson
Attorney



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pete@pjohnsonlegal.com

MacKenzie Johnston

From: GKeller PA <gkellerpa@yahoo.com>
Sent: Thursday, October 9, 2025 9:17 AM
To: BLE
Subject: [EXTERNAL] Alternative Pathways to Licensure

I think this is a bad idea, and further dilutes the standards. It's already very bad that convicted felons are being licensed.

Greg Keller

[Sent from Yahoo Mail for iPhone](#)

MacKenzie Johnston

From: Liz Pierce <pierce@prlawoffice.net>
Sent: Thursday, October 9, 2025 10:37 AM
To: BLE
Subject: [EXTERNAL] Proposed plan for Alternative Pathways

I am deeply concerned that this plan will cost so much that we will weed out the poorest students. During law school, back in the 80s we used to joke that we would have to pay the employer for our first job. We were willing to work for free as apprentices but all of the law firms wanted us to have experience.

The risk of an apprentice program is that the student will only be allowed grunt work and not real client interaction.

The hope of eliminating the bar exam was discussed when I was a student. At the time Hamline Law School and St. Thomas Law School were accredited. We wondered if these two new schools would be permanent fixtures in Minnesota.
If law schools do a good job of evaluating students, why do we need more?

I wonder what the problem is that you are attempting to fix. If it is the failure of the bar exam to correctly assess students, or is it to prepare students better, then perhaps requiring law schools to provide more experience based work rather than adding another institutional barrier.

PIERCE RICHARDS LAW OFFICE
Liz Pierce
pronouns (She, her, hers)
97 Langford Park #1
Saint Paul, MN 55108
Cell: 651-895-4635

Fight Fascism every day

MacKenzie Johnston

From: Dan Griffith <griffithlaw@yahoo.com>
Sent: Thursday, October 9, 2025 11:48 AM
To: BLE
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Dear Mr. Boyd,

I understand the need for some additional hands on experience before a successful applicant is granted the privilege to represent clients. I also believe that an objective test is important. The Bar Exam provides the objective test and most future attorneys receive the hands on experience through clerking so I am not sure we need something in addition to those two pursuits. Thank you and have a great day.

Dan G.

MacKenzie Johnston

From: Noah Reutzel <noahreutzel1@gmail.com>
Sent: Thursday, October 9, 2025 12:39 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello,

My name is Noah Reutzel, and I am a (somewhat) recently licensed attorney having passed the July 2022, bar on my first attempt. I would like to offer my perspective on the proposed curricular-based pathway.

I am fully in support of the proposal. The bar exam, as it is now, is an antiquated, inherently classist, barrier to entry into the legal field. Again, I say this as someone who has recently gone through the rigorous process of applying for, studying for, and taking the bar exam. It is important for us recent bar passers to not have the mindset of "well I did it so everyone else should have to as well." That thought process is fallacious and harmful.

Of course I worked and studied hard. However, I also had the comfort of knowing I had the monetary and familial backing to do so. That is not the case for so many potential attorneys. How can one who is working and possibly taking care of children possibly have the same opportunity to study as someone with the ability to take sometimes months off work and other responsibilities to dedicate to study? That does not show one's ability to perform the duties of an attorney. It shows the level of privilege unrelated to merit.

Anecdotally, many of my peers who I consider smarter and more competent than myself were not first time bar passers. Several of them had to take the exam two or three times before passing. Despite that, they are absolutely stellar attorneys and some of the most accomplished and dedicated people I know. I cannot say what caused them to fail the exam, but I can say that it has nothing to do with their ability as lawyers. A system that gatekeeps those people and forces them to essentially waste years of their lives before being allowed to practice is, in my opinion, fundamentally flawed. There must be alternatives.

For these reasons, and many more, I urge the committee to continue to recommend the proposal and to keep exploring other avenues for licensure. Thank you for your time.

Best,

Noah Reutzel, Esq.

MacKenzie Johnston

From: Lindsey Rowland <lrowland@meuserlaw.com>
Sent: Thursday, October 9, 2025 12:49 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

To whom it may concern:

I am writing to voice my opposition to Alternative Pathways to Attorney Licensing. The bar exam is an important tool to measure competency as a lawyer. Passing the bar exam requires a *basic* understanding of the law and hard work to prepare.

My concern is that eliminating the bar exam as a requirement will water-down the requirements to be a lawyer. In my opinion, law schools have already watered-down the requirements to graduate.

Eliminating the bar exam as a requirement takes away an objective tool to ensure that members of the bar have the intelligence and competency to serve their clients well. Evaluating applicants' performance in law-school clinics, externships, simulations, and supervised practice, is too subjective.

Just like law professors are reluctant to fail a law student, so too will be the clinic, externship, and simulation supervisors. There is no way to create consistency to ensure that some supervisors are not more lenient than others.

In conclusion, I think this approach is fraught with problems and I hope that it is not implemented.

Kind Regards,

Lindsey Rowland | Attorney

Direct: 952.641.2399 | Main: 952.345.2052 | Fax: 952.345.2053

10400 Viking Drive, Suite 250, Eden Prairie, MN 55344

LRowland@meuserlaw.com | www.meuserlaw.com

MacKenzie Johnston

From: Jill M. Sauber <jill@sauberlaw.com>
Sent: Thursday, October 9, 2025 12:55 PM
To: BLE
Cc: Jill M. Sauber
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

Morning!

I wanted to take the opportunity to comment on the alternative pathways to licensure. I completely agree that having an experiential component to licensure makes most sense, having done a legal clinic at St. Thomas school of law, I feel like that experience was much more valuable and practical than the theoretical/case law-focused classes.

I do have two comments.

First, I don't believe that two client interactions is enough. That should be increased to 4 to 6. It seems like that is an important component to private practice or public interest attorneys - working directly with clients.

Second, though I understand the NextGen bar does not have Will and Trusts on it, I feel it is such a critical area of law that touches many general practice attorneys or private practice attorneys! With our aging client demographic, it's more important than family law. Please consider adding that to the list of topics, or replacing family law with estate planning/elder law.

Overall, I'm so happy that licensure is moving in this direction. I truly believe that our profession is a service profession, and we need to have practical and experiential experience to do well. That is lacking in our current required law school curriculum.

Thanks for your consideration!

This message was sent from a mobile device - please excuse brevity and typos.

Jill M. Sauber // Certified Elder Law Attorney*

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7760 France Avenue South
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Minneapolis, MN 55435
P: 612.524.7351
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*Certified as an Elder Law Attorney by the National Elder Law Foundation

MacKenzie Johnston

From: Zachary Johnson <zacharyjohnson@tszlaw.com>
Sent: Thursday, October 9, 2025 1:13 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathway to Licensure

Dear Sir or Madam:

This is a terrible idea. From what I read, it seems as though this is designed to allow people to practice law who are unable to pass the bar. Why would we be looking to do that? The bar requires at least a rudimentary knowledge of common areas of practice. This allows even the young attorney to issue spot and protect clients against collateral consequences of their decisions. It is also a test to ensure that the attorney's work ethic is at least sufficient to obtain and memorize the knowledge needed to pass the bar. It is a baseline test for competence.

I do not see the benefits of changing this. A person should be able to pass the bar if they are going to practice law in any state. Every attorney has passed the bar, and every attorney should pass the bar. Please do not debase our profession by allowing people who cannot pass the bar entry into practice. Clients will get hurt by this.

Kind regards,

Zachary H. Johnson, Esq.

For the Firm

Thomason Swanson & Zahn PLLC

120 N. Main Avenue, PO Box 87

Park Rapids, MN 56470

Tel: 218-732-7236

Fax: 218-732-5664

zacharyjohnson@tszlaw.com
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MacKenzie Johnston

From: Tomenes, David L. (OGC) <David.Tomenes@va.gov>
Sent: Thursday, October 9, 2025 1:52 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Mr. Boyd:

I am writing to strongly oppose a licensing process for prospective attorneys that would allow demonstrating “competence through supervised experiential work and submission of a portfolio reviewed by the Board of Law Examiners.” Rather than level the playing field for new attorneys and increase diversity in the profession, this change will cheapen the legal profession, harm new lawyers, and undermine the public’s confidence in attorneys.

Most problematic is the notion that private law firms are going to provide quality oversight of students. I say this from experience as a first-generation law student and attorney. During law school, I had to work to support myself and my family. As a first generation student, I had no connections. I had to work to identify bad lawyers and good lawyers; places where work was getting done and where it was not. What I found was that a lot of lawyers are willing to take on “law clerks” with the expectation that they will do clerical or administrative projects as opposed to substantive legal work. “Externs” who came to work at these firms and who received law school credit did similar tasks. Of course, those who have connections with prominent law firms or know good attorneys will do fine. Then again, those students are currently doing fine.

There are financial incentives for law firms and law schools like to fudge numbers in a way that the bar exam does not allow. For example, supervisors in private practice who want law students to continue to provide (free) work in the future will almost certainly be willing to attest that the applicant “led the client interaction with little or no assistance from me” because the phrase is meaningless—there is no definition what a “little” assistance is versus substantial assistance. What is more, requiring students to submit work product that is “at least 1500 words in length” runs counter to good legal writing, which encourages plain language. If we are to encourage legal scholars to add verbiage to court submissions in order to satisfy arcane rules and regulations the craft of the legal profession returns to an epoch of charging by the word.

Perhaps most importantly, the American public overwhelmingly supports a bar licensing exam for attorneys. In a 2020 poll, 60% of Americans supported an in-person bar examination. See <https://www.prnewswire.com/news-releases/national-survey-finds-support-for-bar-exam-301144482.html>. There is no reason to believe that the numbers in Minnesota are different. In a climate where the rule of law is constantly being questioned, taking steps to undermine the public’s confidence in the profession is not the right step.

Thank you,

David L. Tomenes
Attorney
Office of General Counsel
U.S. Department of Veterans Affairs
Office: 612-467-5913
Cell: 651-421-2867

MacKenzie Johnston

From: Doug Seaton <Doug.Seaton@umwlc.org>
Sent: Thursday, October 9, 2025 1:59 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways to Licensure

Sir or Madam: I have received today the memorandum about the Alternative Pathways to Licensure and have several concerns: (1) I am afraid that this may be an effort to disguise unlawful race-based preferential treatment for some law practice applicants, (2) I do not think we need more lawyers in Minnesota, if that is a reason for this proposal, and certainly not more less prepared or less competent lawyers, (3) I am afraid that this proposal WOULD result in less prepared and less competent lawyers, because law school teaching and study is necessary for training good lawyers, and (4) this proposal seems to contemplate more mentoring and supervision by current lawyers, in addition to the pro bono demands already made on the Bar, which I personally exceed, but which represents a kind of Corvee or forced service which is troubling. Sincerely, Douglas P. Seaton, License 0127759

Douglas P. Seaton
Upper Midwest Law Center
12600 Whitewater Drive, Suite 140
Minnetonka, MN 55343
612-428-7001 direct
612-428-7000 main
Doug.Seaton@umwlc.org

Sent from my iPad

MacKenzie Johnston

From: VanVoorhis, Sage (MDE) <sage.vanvoorhis@state.mn.us>
Sent: Thursday, October 9, 2025 2:13 PM
To: BLE
Cc: Director
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Mr. Boyd:

I am a graduate of the University of Minnesota Law School and have been a Minnesota licensed attorney since 2002. I have concerns in multiple areas about this scheme, including protecting the public and maintaining professional standards.

“Experiential pathways to licensure” have not been sufficiently proven as an effective measure of competency. Also, freeing law schools from the scrutiny of their graduates' bar passage rates could lead to a decline in educational standards. The bar exam provides a measure of quality control for legal education by holding schools accountable for their students' preparedness. While the bar exam has been scrutinized for its disparate impact, replacing it with a more subjective measure, like a work portfolio, also has the potential to introduce bias. There is a risk that human assessment could be less fair or less standardized than a traditional exam.

The bar exam's primary purpose is to assess a candidate's qualifications to practice law and to guarantee that they meet the minimum competency standards required to provide ethical and competent representation. Eliminating the bar exam would remove this vital safeguard for consumers of legal services. The bar exam offers a tough, yet manageable, professional standard for all who wish to practice law. A standardized examination helps ensure a baseline of knowledge across the profession, which is particularly important as lawyers often practice in states other than where they were trained.

While some critics may argue that much of the material is quickly forgotten, I contend that the bar exam effectively tests important, fundamental principles of substantive law. It requires applicants to demonstrate a broad knowledge base that might not be fully covered by specialized law school coursework. The exam forces students to hone practice-ready skills, such as rapid information synthesis and the methodical application of law to new fact patterns. These abilities are seldom sufficiently tested by law school grades alone and the exam fills a crucial gap. Research has shown that while law school performance is predictive of bar passage, the exam itself offers a final check on a candidate's readiness.

As a former consumer of the legal services of three Wisconsin attorneys (who obtained law licenses via Wisconsin's “diploma privilege”), I can tell you anecdotally that Wisconsin attorneys admitted to the bar without having passed a bar exam are on the whole noticeably inferior to the Minnesota attorneys with whom I have worked for over two decades. Respect for the law is eroding daily, and I fear this diluting of standards for licensing attorneys will only hasten the demise of the rule of law in this country.

Sage Van Voorhis

Staff Attorney

651-582-8571 | sage.vanvoorhis@state.mn.us

Minnesota Department of Education

Office of General Counsel – Dispute Resolution

400 NE Stinson Blvd., Minneapolis, MN 55413

education.mn.gov

MacKenzie Johnston

From: Schutt, Amy (she/her/hers) <amy.schutt@minneapolismn.gov>
Sent: Thursday, October 9, 2025 2:14 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Dear Tom Boyd,

I received the email below with invitation to comment on a proposal for a curricular-based pathway to legal licensure. Having been a licensed member of the Minnesota legal community for 10+ years now, I expect you will receive many comments that oppose this proposal based on the sentiment "I had to do 3 years of law school and take the bar, so everyone else should too." I'm writing to you to counterbalance those comments.

I applaud your willingness to evaluate the status quo. I've long believed that law school is too theoretical and lacks meaningful training in the practical skills necessary to be a good lawyer. I also believe the bar examination's rote-memorization format is largely irrelevant to modern practice and serves simply as a barrier to entry, disproportionately impacting individuals who do not score well on standardized tests. The proposed Curricular Pathway offers meaningful solutions to these concerns. I support its adoption.

Amy B. Schutt | Assistant City Attorney | City of Minneapolis

Name Pronunciation: AY-mee SHUT | Pronouns: she/her

612-673-5052 | amy.schutt@minneapolismn.gov

MacKenzie Johnston

From: Joel Sedgeman <joel.sedgeman@gmail.com>
Sent: Thursday, October 9, 2025 2:41 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways Feedback

Hello,

I have concerns about the new alternative pathways that are being considered for legal licensure in Minnesota. The bar exam is one of the few remaining gateways in law that is difficult for low performing legal candidates to circumvent. Low performing attorneys commit legal malpractice by which clients are harmed, often with no options for reparations.

Specifically, I am concerned that the curricular track places a heavy emphasis on written work product that can be easily produced by Chat GPT. Talking with my friends in academia, the only real way to ensure students are not submitting AI work product is to have a proctored written exam with no computer access to the internet (i.e., handwritten blue books or locked down laptops).

The proposed practice-based pathway seems to rely heavily on personal attestations from current attorneys. I have concerns this process could be undercut if a candidate simply had a few attorney friends willing to say the right things on forms for them. And then once admitted to practice, these new attorneys could just continue the ruse, leading to significant damage to the reputation of the legal profession.

Thank you for taking the time to review my comments.

Joel Sedgeman
Sent from my iPhone

MacKenzie Johnston

From: John Strothman <jastrothman@msn.com>
Sent: Thursday, October 9, 2025 3:56 PM
To: Director
Cc: John Strothman
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

To the Alternative Pathways Committee:

If these "pathways" are alternatives to the bar exam, what a demanding and probably expensive regulatory mess it could create. If these alternatives are additional to the bar exam what is achieved? What is the problem you are trying to solve? If its weeding out incompetent and unethical attorneys they are apt to survive most any achievement analysis system particularly in the early law practice years of law school graduates. If it is designed to weed out the huge percentage of law school graduates who wish to use their law degree to advance a political career and never will practice will they be placed in a separate category because they can't pass practice testing post law school. What is flawed in the present system? In reality most law school graduates have learned enough to perhaps pass the bar exam on their first effort but are relatively clueless as to most any beneficial legal career. The first five or six years in practice appear needed for most law school graduates to really learn how to be competent attorneys whether as generalists or specialists. Testing attorneys years after law school ala medical specialties could be a waste of time and energy. But I react to this notice without knowing what the Supreme Court and Minnesota and American Bar Associations ascertain as the present problems with the education and practical abilities of law school graduates. Also it would be helpful to be informed as to what this committee has as its mission (and why). Perhaps you might best fill all of us in with that info. Thank you.

John (Jack) Strothman

MacKenzie Johnston

From: Tom Williams <twilliams@tomwilliamslaw.com>
Sent: Thursday, October 9, 2025 5:15 PM
To: BLE
Subject: [EXTERNAL] "Alternative Pathway to Licensure" -- Feedback

Tom Boyd
Alternative Pathways Committee Chair

In response to the email sent out today regarding developing an “**alternative pathway to licensure**,” I offer these brief negative comments.

At two **tier system of licensing attorneys** is bound to be an uneven and unfair system. There should be one objective, merit-based standard for all applicants for licensure. If an applicant cannot meet that standard, then they are not qualified to serve the community as an attorney.

Using a two-tiered system for qualification means that one set of attorneys has been licensed using an objective, uniform system of testing, and another set of attorneys has been licensed using a subjective system of evaluation that can easily be manipulated. Adopting such a subjective system in the name of fairness or equity abandons an objective, merit-based testing system. It’s not fair to the attorneys that pass the bar, nor does it perform the function of ensuring the public is represented by attorneys that have all met a certain standard, and meet the same qualifications, to serve as practicing attorneys.

If the reason for adoption of a two-tier system is that certain groups of people fail the bar exam in higher numbers than other groups of people, then what you are saying to me is that you don’t believe that they have the capacity to study for the exam, and acquire the knowledge to pass the exam, that other groups have. Those low expectations for any group are demeaning, and give the false implication that standards need to be lowered in order to accommodate certain groups of people.

A dual-system for licensing will also require an extensive commitment of time and money by members of the bar in order to get these applicants across the finish line, so they can become licensed without passing the bar. It’s a waste of time and resources. The solution is not finding a way to fudge people into licensure, it’s to provide assistance to them in education, and in their bar exam preparation, in order for them to acquire the knowledge and skill necessary to do what every other lawyer has been able to do: pass the bar exam.

I’m strongly opposed to this recommendation. It will be a disaster to drop a one objective, standard test of merit for licensure, for a two-tier system, with the second tier based upon subjective analysis.

Thomas J. Williams, Attorney
MILLER & WILLIAMS, LLC.
ATTORNEYS AT LAW

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(952) 920-8600

twilliams@tomwilliamslaw.com

MacKenzie Johnston

From: K <kofossey@gmail.com>
Sent: Thursday, October 9, 2025 5:54 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways

It seems to me that people that don't want to go to law school do have an alternative pathway to working in the law: it is called being a paralegal. Not only am I licensed, but before I was licensed, I had a four year degree and then a paralegal certificate from an accredited program. After I did all that, I went to law school. And I can state with certainty that no amount of paralegal work in a specified area could compare to what I have since learned.

It seems like the bar association is constantly working to devalue licensure. We studied hard, paid a fortune for law degrees at top schools, but now, it is suggested that we will have to compete with people that take Barbri and pass the bar without a law degree. I had worked in the law for almost a decade before I was licensed. And I can tell you my paralegal background and baccalaureate degree and paralegal certificate is in no way, shape or form even close to the knowledge I gained through my law degree, my clerkships at the courts, and my clinical work in school. Law school teaches you a much different way of thinking of things and seeing potential problems than my experience did working at what was the biggest law firm in the state. I may have known corporate law back then quite well, but that did not teach me anything about contract law, torts, and the multitude of other areas that I learned at the UMN Law School. And I would be doing a great disservice to my clients if I was advising a corporate client but could not see potential problems by the questions they would ask.

In my opinion, this is just pure ridiculousness by people that sit in St. Paul and overthink ideas for a more equitable universe but have no real appreciation of the consequences or the real world practice of law that is really hard. Not to mention, it sounds like a really bad idea for clients. The bar association should be protecting our practices, not giving it away. I am NOT supportive of this in any way and would like the bar to stop thinking up these "great" ideas and start doing things that matter.

MacKenzie Johnston

From: Joshua Gutzmann <gutzm019@alumni.umn.edu>
Sent: Thursday, October 9, 2025 7:11 PM
To: BLE
Subject: [EXTERNAL] Attn: Tom Boyd, Alternative Pathways Committee Chair
Attachments: 10.-Christopher_MLR.pdf; 9.-Merritt_MLR.pdf

Mr. Boyd:

Thank you for taking the time to solicit input on alternative pathways to licensure. As you may know, the Minnesota Law Review touched on this topic as part of a 2022 symposium that produced some helpful scholarship (published in 2023) related to the committee's proposals (see attached).

I believe that Wisconsin's successful diploma privilege pathway could be a helpful model for Minnesota--though, admittedly, Minnesota's three law schools are less similar to one another than Wisconsin's two law schools.

As for the apprenticeship model, I agree with the general principle that legal education should be oriented more toward practice, not just theory. But I have concerns about the amount of resources needed to adequately facilitate and monitor such a program to ensure its integrity. I wonder whether it will be possible to ensure that apprentices' mentors are providing sufficient oversight, and I worry about what will happen to a candidate whose mentor fails to fulfill their role or has subjective expectations that are either too low or too high. I am also skeptical about whether it will be possible to fairly evaluate individual candidates' legal skills based on real-world work product, which is often produced collaboratively. If the NextGen Bar Exam lives up to its promise, it may do a better job at objectively evaluating candidates' skills while also encouraging practice-oriented legal education.

All told, I think the diploma-privilege pathway should be prioritized over the apprenticeship pathway, but I do not necessarily believe that the apprenticeship option should be abandoned.

Respectfully,

Josh

--

Joshua Gutzmann, M.Ed., J.D.

gutzm019@alumni.umn.edu

+1-920-273-5014

MacKenzie Johnston

From: Anne Yoakum <Anne.Yoakum@fujifilm.com>
Sent: Thursday, October 9, 2025 7:41 PM
To: BLE
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Good Afternoon:

I am writing to express my strong support for alternative pathways to licensure in Minnesota.

As background, I took and passed the New York Bar Exam on my first attempt in 2004, waived into Minnesota in 2005 and waived in to the District of Columbia Bar in 2010. In 2025, I took and passed both the Ontario Barrister and Solicitor Exams on the first attempt following completion of the Canadian National Committee on Accreditation exams, all six of which I passed on the first attempt. I received an exemption from the Ontario articling (experiential training) requirements and will be attending my formal call to the bar ceremony there on October 27, 2025.

I have worked in a variety of settings since I graduated from law school, including as a Howrey & Simon Fellow at Lambda Legal Defense and Education Fund, as a Law Clerk for Hon. Judge Ronald M. Gould of the U.S. Court of Appeals for the Ninth Circuit, as an Associate at Faegre & Benson (now FaegreDrinker) and as an in-house attorney at a variety of health care organizations with a practice focused on regulatory and contracting work. I have also served on the MSBA Health Law and Food Drug and Device Law Councils and as a representative to the MSBA Assembly.

In my personal opinion, the process of studying for and taking the multiple bar examinations for which I have sat has little or no relationship to the ethical, competent and successful practice of law. Much of the New York (including the MBE) and Ontario exams focused on either memorizing or being able to quickly reference many areas of law that I have never again used during over 20 years of practice -- and that I am unlikely to ever use during the remainder of my legal career. In modern practice, many lawyers are highly specialized and would not be competent to practice in other areas without spending significant time refreshing their expertise. This is certainly true of me. For example, the Ontario materials cover the wait-and-see approach to the rule against perpetuities in that jurisdiction. While interesting from an academic perspective and required to pass the Solicitor exam, this information is of no use to me as a senior lawyer, and when my spouse and I require legal services regarding our own wills and related matters, we hire an attorney who is competent in the field of trust and estates. Similarly, the New York exam covered information such as calculating days for criminal court filing deadlines, which could be looked up in the rules of criminal procedure using standard research skills if needed in practice and has no relationship to the competent practice of many attorneys working nearly exclusively on non-criminal matters. In addition, I have had the honor of working with very talented attorneys whose services I would enthusiastically recommend who did not pass the bar exam on the first attempt. I have also worked with attorneys who passed the bar exam (with high MBE scores) but whose services were unsatisfactory from a technical and/or ethical perspective.

In my opinion, rather than requiring such in-depth knowledge of minor points across the many subject matters covered on the bar exam, the legal profession would be better served by identifying core competencies for lawyers (research, ethics, motion basics, contract basics, etc.) and then allowing attorneys to gain practical subject-matter-specific knowledge and experience that the new attorneys can use to serve their clients and the profession.

Most Canadian jurisdictions, including Ontario, have experiential articling programs, in addition to the bar examination. In completing my recent Ontario articling waiver application, I had the pleasure of reviewing the practical knowledge, mentorship and experience that I have gained through the chapters of my legal career. These experiences are far more representative of my legal skills than my performance on the bar examinations. I very much support the evaluation of the fitness of new lawyers through experiential training and competency-based standards, rather than the current bar examinations.

Thank you very much for your work to solicit feedback from the bar on the proposals to consider competency-based licensure processes for our newest colleagues.

Please let me know if I may provide any additional feedback or information.

The opinions contained herein are representative of my personal views and do not in any way represent the positions of FUJIFILM.

Best Regards,

Anne

Anne Kanyusik Yoakum

Division General Counsel, Life Sciences

FUJIFILM Holdings America Corporation

200 Summit Lake Drive

Valhalla, New York 10595-1356

Tel: 612-454-9696

E-Mail: anne.yoakum@fujifilm.com

MacKenzie Johnston

From: Kristine J. Zajac <zajac1@yahoo.com>
Sent: Thursday, October 9, 2025 9:32 PM
To: BLE
Subject: [EXTERNAL] Attention Tom Boyd

I'm writing you even though I should be sleeping after a very busy law day to say that I oppose doing away with the bar exam and I know many attorneys that feel the same. Will we next get rid of medical board exams, too? If we can't have uniform standards for all attorneys to have to pass then we've done away with objectivity. This seems to be the legal equivalent of a 'participation trophy' for everybody. If somebody can't pass a bar exam are they really deserving to be an attorney? Do we want our profession inundated with just anybody and watered down? Should we allow the pilots, medical doctors and accountants not to have to pass uniform exams, too?? Please excuse any typo, etc. I wanted to write this since it's very important to me but it's the end of a tough legal day when I should be sleeping. I know I don't speak alone but rather for many.

Ms. Kristine J. Zajac, Attorney

Zajac Law Firm
400 South 4th Street
Suite 1025
[Minneapolis, MN 55415](#)
[\(612\) 789-2300](#)
www.zajaclawfirm.com

MacKenzie Johnston

From: Susan Yager <susanyager30@gmail.com>
Sent: Thursday, October 9, 2025 9:59 PM
To: BLE
Subject: [EXTERNAL] Excellent

The idea to offer a pathway to licensure which provides a mentorship is excellent. Doctors have residency requirements to learn and acquire more skills. New graduates should be mentored and educated by practicing lawyers similar to clerkships. As an older attorney, a young attorney would be invaluable to my practice.

Currently, attorneys tattle like school children by writing letters to judges rather than offering legal arguments backed with legal research. Legal writing needs improvement. I am hopeful that the new pathway will improve legal writing.

Sincerely,
Susan Yager
651-395-0806

MacKenzie Johnston

From: Lynne Torgerson <l@lynnetorgerson.com>
Sent: Thursday, October 9, 2025 11:11 PM
To: BLE
Cc: Lynne Torgerson
Subject: [EXTERNAL] New bar exam: commentary
Attachments: PastedGraphic-4.tiff

To Whom It May Concern:

1. The saying that . . . if it ain't broke, don't fix it . . . applies.
2. The bar examination process has been used successfully throughout the United States for decades. There is nothing wrong with
the traditional system of taking the test.
3. The new proposal is terrible and should never be used.

Thank you for your courtesies and assistance herein.

Respectfully,

Lynne Torgerson, Esq.
Attorney at Law
60 South Sixth Street
Suite 2800
Minneapolis, Minnesota 55402
(612) 339-5073
Website: www.lynnetorgerson.com
Email: l@lynnetorgerson.com

Criminal Defense, Second Amendment/Gun Rights, and Expungements

Note: This electronic mail is intended to be received and read only by certain individuals. It may contain information that is attorney-client privileged or protected from disclosure by law. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then delete both the message and the reply. Thank you.

MacKenzie Johnston

From: Craig Kepler <ckepler@bestlaw.com>
Sent: Wednesday, October 8, 2025 1:46 PM
To: Director
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

Why not fix Rule 7.A. to eliminate the “mommy penalty”?

My wife and I are both admitted California lawyers. We had both been full-time lawyers in California since 1986 (me) and 1991 (her). We moved to Minnesota in 2001. At that point we had two young kids. We were fortunate enough in terms of our family finances that my wife was able to take some years away from work with our babies until our youngest started kindergarten. However, what this meant was that when she later applied for admission under 7.A., she did not meet the 36-month test of Rule 7.A.(1)(c).

To be clear, the only career she had pursued since 1991 was the practice of law, and she practiced full-time continuously other than a gap of some years to care for our babies. Since she passed the California bar, she met the threshold of Rule 7.B., but that rule only applies during the 36 months following the bar exam. Bottom line is that she did not qualify for Rule 7 admission solely because she had spent some time being a mother. The “mommy penalty.”

Craig Kepler
Attorney
DIRECT 612.349.5640
MOBILE 612.281.7872 [V-CARD](#)

BEST & FLANAGAN

BEST & FLANAGAN LLP
60 South Sixth Street, Suite 2700 Minneapolis, Minnesota 55402
TEL 612.339.7121 FAX 612.339.5897 [BESTLAW.COM](#)

Curricular Pathway and General Comments received
October 10, 2025, to October 17, 2025

MacKenzie Johnston

From: Mark Sides <sidesspot@gmail.com>
Sent: Friday, October 10, 2025 5:32 AM
To: BLE
Subject: [EXTERNAL] Comment in Favor of Alternative Paths to Attorney Licensure

Good Morning,

Thank you for allowing comment on the potential for alternative paths to attorney licensure. As a long-time member (since 1994, though with a gap) of the bar, I think it is important for our profession to explore additional means of attracting qualified individuals to the practice of law. Allowing for paths that do not require the bar exam facilitates that process. I believe that a new process, not based on a test, will allow more opportunity for persons of diverse backgrounds to become attorneys. This can only help, among other things, the profession assist those of limited means who are often most in need of our services.

Kudos to the Court, the Board, and the Committee for thinking in new ways.

Kind Regards,
Mark Sides
0251343

MacKenzie Johnston

From: Jon Medin <jonmedin8@gmail.com>
Sent: Friday, October 10, 2025 5:41 AM
To: BLE
Subject: [EXTERNAL] Changes to licensure for attorneys feedback

Dear Board,

The most important aspect of licensure is ensuring that individuals acting on behalf of others in the legal arena are highly qualified. Previous methods have been refined to ensure this qualification. Being an attorney is not about seeking personal goals but about being well-placed and skilled to represent others. While some skills are gained through experience, I believe most are acquired through education and the licensure process. Therefore, it is highly ill-advised to deviate from the current route.

Having qualified attorneys available to provide help when needed is crucial. I would not want anyone representing my interests who has not been adequately trained and measured for competency. Adequate assessment involves multiple evaluation points and various opinions (teachers) agreeing that the person is fully trained to take on the responsibility. The final measure is passing the bar exam. This cannot be achieved through the proposed process, which lacks broad application and sufficient evaluations. For this reason, I am against the proposed changes.

Jonathan Medin
License 023980x

MacKenzie Johnston

From: Mark Rodgers <mark@mninjurylaw.com>
Sent: Friday, October 10, 2025 10:04 AM
To: BLE
Subject: [EXTERNAL] i think the #1 priority for the law in mn

Should be for the courts to improve what they do

Lifetime learning and pride in good work are two key things i see not done enough.

For example a one sentence constitutional law analysis in the devos(2020) case by the mn supreme court is wrong.

Putting more requirements for a bar exam that is already stressful enough will not improve our legal system.

If you want to add the practice part of becoming a new aty in mn as a mandatory pass fail class for new mn attorneys maybe that is a good idea.

Mark 218-556-9908 -cell

I look forward to your response.

Mark L. Rodgers, Attorney at Law
Rodgers Law Office, PLLC
1421 Bemidji Ave N
Bemidji, MN 56601

Telephone: 218-444-5297

Fax: 218-444-6060

www.mninjurylaw.com

MacKenzie Johnston

From: Wendy Lahn, Esq. <lahnlawg@gmail.com>
Sent: Friday, October 10, 2025 12:40 PM
To: BLE
Subject: [EXTERNAL] Invitation to Comment on Alternative Pathways to Licensure

I, for one, do not support this concept of Alternative Pathways to licensure. There are too many generations of lawyers that have come before this, that worked so hard to earn a law degree and pass the bar exam through traditional means. For all of those who have come before these "NexGen" students, it would be travesty to allow students to follow a different path, than the path history has dictated for decades of former students and successful examinees who have joined the Bar over the years.

Wendy Lahn, Esq.

Admitted 2006

0386848

MacKenzie Johnston

From: Andr a Szabo <amszabo3@gmail.com>
Sent: Friday, October 10, 2025 2:43 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair.

Good Afternoon,

I reviewed the draft proposed plan for a curricular-based pathway. I have mixed thoughts on this. On one hand I think it's great to be more inclusive and have alternatives available for those seeking licensure. This plan is well thought out and I am encouraged to know that folks would still need basic curriculum in order to be eligible, including additional curriculum that generally is not required, like family law.

On the other hand, which weighs heavier in my mind, I have heard as a profession nationally we are continuing to crank out large class sizes and the predictions from top law firms is that with AI's growth they will require less junior attorneys. Therefore, I do not think this moment is a good one to offer other pathways than the traditional one to get licensure. It seems to me, as our profession adapts to the immense changes before us, now it not the time to admit more new lawyers and potentially flood a market that may not have as high a demand for new lawyers.

Thank you for the opportunity to comment,
Andrea.

--

Andr a M. Szabo, Esq.
(941) 223-3150 | amszabo3@gmail.com

MacKenzie Johnston

From: John Proper <John.Proper@mfin.com>
Sent: Friday, October 10, 2025 4:34 PM
To: BLE
Cc: John Proper; John Proper
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

Tom Boyd
Alternative Pathways Implementation Committee Chair
Minnesota Board of Law Examiners
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite 110
St. Paul, MN 55155

John Proper – MN Bar No. 0399594

Mr. Boyd:

While experiential learning is valuable, it should not replace the bar exam as the primary gatekeeping mechanism for entry into the legal profession. The bar exam ensures a standardized, objective measure of legal knowledge and analytical ability that experiential assessments cannot consistently replicate.

1. Lack of Standardization and Objectivity

- Uniformity: The bar exam provides a consistent benchmark across jurisdictions. Experiential assessments vary widely in quality, scope, and rigor depending on the institution or supervising attorney.
- Bias and Subjectivity: Experiential evaluations are inherently subjective. Supervisors may assess candidates based on personal impressions, which can introduce bias and inconsistency.

2. Risk to Public Protection

- Competency Assurance: The bar exam tests core competencies—legal reasoning, ethics, and substantive law—that are essential for protecting clients and upholding justice.
- Experiential Gaps: Not all experiential paths expose candidates to the full breadth of legal issues. A candidate might excel in one niche area but lack foundational knowledge in others.

3. Equity and Access Concerns

- Unequal Opportunities: Experiential pathways may favor candidates with access to prestigious internships or well-connected mentors, exacerbating inequality.
- Economic Barriers: Candidates from underrepresented backgrounds may struggle to secure unpaid or low-paid experiential opportunities, limiting their ability to qualify under such a system.

4. Professional Accountability

- Licensure Integrity: The bar exam is a formal, regulated process that reinforces the seriousness of entering a profession with significant ethical and legal responsibilities.
- Experiential Ambiguity: Without clear, objective standards, experiential assessments may dilute the perceived rigor and credibility of legal licensure.

5. Precedent and Public Confidence

- Historical Reliability: The bar exam has long served as a trusted method for evaluating legal readiness. Replacing it could undermine public confidence in the legal profession.
- Global Norms: Most jurisdictions worldwide require a formal examination. Moving away from this norm could isolate Minnesota's legal system and complicate cross-border practice.

Experiential learning should complement, not replace, the bar exam. While practical experience is essential for developing legal skills, the bar exam remains the most reliable, equitable, and objective tool for ensuring that all candidates meet the minimum standards required to practice law.

Warm regards,

John Proper

Vice President and Assistant General Counsel

john.proper@mfin.com

Direct: 945.218.7935

2699 Howell Street No. 1100, Dallas, TX 75204

mfin.com

MacKenzie Johnston

From: Joe Schulz <drjoeforwork@gmail.com>
Sent: Friday, October 10, 2025 5:37 PM
To: BLE
Subject: [EXTERNAL] Fwd: Invitation to Comment on Alternative Pathways to Licensure

ATTN: Tom Boyd, Alternative Pathways Committee Chair.

Dear Mr. Boyd and Members of the Alternative Pathways Committee,

Thank you for the opportunity to review and comment on the proposed Curricular Pathway to attorney licensure. I appreciate the Committee's thoughtful work in designing a structured, experiential route that emphasizes supervised practice and portfolio-based assessment. This model has the potential to elevate legal education and better prepare students for the realities of practice.

That said, I believe this pathway stands on a knife's edge. On one hand, it could become a rigorous academic and professional track for high-functioning A/B students; those who thrive in experiential settings and produce publishable legal writing. Encouraging or even requiring publication of portfolio work could push the boundaries of legal scholarship and deepen student engagement with complex legal issues. This would be a meaningful contribution to legal academia and public discourse.

On the other hand, I am concerned that the pathway could be perceived, or used, as a workaround for students who struggle with standardized testing. While I support alternative assessments, I caution against creating a system that inadvertently lowers the bar for competence. The comparison to public school districts using portfolio alternatives for students unable to pass state assessments is apt. The risk is that the pathway becomes a mechanism for licensure without sufficient rigor, rather than a true alternative measure of readiness.

I also question whether the supervised practice component, while valuable, is truly distinct from what law schools already offer through clinics and externships. If the goal is to enhance experiential learning, why not expand these existing programs while still requiring passage of the bar exam as a final benchmark? This would preserve the integrity of licensure while allowing for broader, deeper preparation.

In short, I support the pathway's intent and structure, but urge the Committee to ensure it remains a high-standard route, not a fallback. The legal profession demands competence, judgment, and resilience. Any licensure pathway must reflect that.

Thank you again for your work and for inviting public input.

Sincerely,

--

Joe Schulz, Ed.D., J.D., Esq.

Minnesota:0505821 | Texas:24149396

In-House Counsel | Terra Labor Consulting Group, LLC, Houston, TX

(*cell*) 956-341-3907

MacKenzie Johnston

From: David Anderson <advokatdma@gmail.com>
Sent: Saturday, October 11, 2025 6:36 AM
To: BLE
Subject: [EXTERNAL] Proposal for Alternative Licensing Protocols

Dear MBLE:

Thank you for the email concerning the consideration of alternative licensing protocols for admission to the Bar.

I was licensed in 1981 and have been actively practicing for 44 years, including work as a Judicial Law Clerk for MN Trial Judges in the 6th Judicial District, and as a Business Attorney in private practice. In addition, I have served as Chairman of a number of Bar Association Committees, including Solo/Small Practice Section, and Law Office Management Section.

My first question is : is the system broken? The Bar Exam pass rates in the last 5 years range from 70% to 83%, so I assume we are targeting the 17-30% of the attorneys who failed the bar exam.

I believe we need to publicize (to the practicing bar) a thorough review of who these applicants are. Do they just need help paying for Bar Review courses? Could they pass if they received a law-school hosted review course following graduation?

Are they comprising the bottom 33% of their respective law school graduation classes?

An article was published in the Stanford Law Review entitled:
A Systematic Analysis of Affirmative Action in American Law Schools

<https://www.stanfordlawreview.org/wp-content/uploads/sites/3/2010/01/Sander.pdf>

It came to the surprising conclusion that Affirmative Action actually resulted in *fewer Black attorneys*. This was essentially due to the fact that they floundered in more challenging academic environments, had a higher dropout rate, and dramatically lower bar passage rate.

I fear that the current BLE proposal seeks to bake the same cake with a different recipe.

Bottom line: I do not favor a change in the current system without consideration of other, more targeted efforts to increase the bar passage rate, without walking up to the edge of lowering standards or the current rigors of law school admission and bar exam standards.

As an alternative: perhaps a lower tier of legal professional ("paralawyer"?) for those unfortunates who cannot pass the rigorous bar exam in MN on 2 attempts. Of course, this would immediately cast them as "flunkees" who are "less than" and subject to derision and judgment.

These persons could perhaps be limited to certain areas of law, or functions in the profession subject to supervision by those of us lucky (or smart) enough to have passed the bar exam and become "real lawyers."

Sincerely,

--

David M. Anderson, Business Attorney

Atty ID 133425

Anderson Business Law LLC

POB 44504

Eden Prairie, MN 55344

ebizlaw.com

952.200.2460

advokatdma@gmail.com

MacKenzie Johnston

From: matthew randol <mjrandol@ymail.com>
Sent: Saturday, October 11, 2025 3:30 PM
To: BLE
Subject: [EXTERNAL] License feedback

Hello,

While I'm generally in agreement as to the plan to reduce course work requirements, we would do well to innovate even more boldly.

If there is a value to law school, it's best described by the training which provides its students a basic understanding of how to think like a lawyer. Expertise or even competence in any particular area of the law is not the objective - or if it is it's never accomplished. Competence and expertise are levels of knowledge and skill that can only be achieved by struggle in the trenches of the profession.

To teach students how to think like lawyers, UMN or any other school shouldn't require more than a year, and the courses covered for this purpose shouldn't need to stray from the most obvious core curriculum: constitutional law, property law, etc. No more than 30 hours of course work should be required for graduation. With that credential, one should be allowed to sit for the Bar and seek a full fledged job in the law.

Best,

Matthew Randol

[Envoyé depuis Yahoo Mail pour iPhone](#)

MacKenzie Johnston

From: Kristina Stierholz <stierholz@aol.com>
Sent: Saturday, October 11, 2025 4:54 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways

Hello -

I have a few thoughts on this alternative pathways option.

First - it's not clear what problem this is intended to solve. I'm one of many women in my graduating class, most of whom no longer practice law. If you're looking for more lawyers to serve the public, I'd suggest first mining the existing lawyers who no longer practice and supporting their reentry into the field. I'd happily practice again, but having taken many years off and moved out of state, it is hard to get licensed where I now live. You may have lawyers from other states living in Minnesota without a reasonable path to licensure.

Second - this method appears to rely on assessments from professors and practicing lawyers who observe the unlicensed lawyer's work. Have you considered how you will evaluate their capabilities to assess someone else's work and honestly provide feedback. Even with training and practice, managers struggle with providing candid feedback, especially when it means so much to the recipient. Telling someone they do not possess the skills to practice will be difficult. Are you grading the graders?

Otherwise, I have no comments. Best of luck in implementing this.

Kristina Stierholz

MacKenzie Johnston

From: Robert Meller <rmeller@mellerlaw.com>
Sent: Sunday, October 12, 2025 10:35 AM
To: BLE
Subject: [EXTERNAL] Bar Exam

Our goal is to provide the most competent representation possible to our clients. The Bar Exam is the only remaining standard to ensure our clients in Minnesota receive that competent representation.

Please don't remove this last threshold to competency our: our citizens deserve skilled practitioners. This is about what's good for society, not what's easy for those aspiring to practice law. This has worked well for over 100 years, if it works, don't fix it.

Sent from my iPad

MacKenzie Johnston

From: Jason Hardy <jason@hardy.us>
Sent: Sunday, October 12, 2025 1:53 PM
To: BLE
Subject: [EXTERNAL] Solicited Feedback Alternate Pathways to Licensure

Dear Minnesota Board of Law Examiners:

It is my opinion that an alternative pathway would degrade the overall level of competency of attorneys licensed to practice law in Minnesota and would also be a disservice to the public.

If anything, the requirements of the alternative pathway and supervised practice should be added on to the requirement of passing the bar exam. If you cannot pass the bar exam, you have no business advising the public regarding the law. The test has a high pass rate and can be repeated. The few who do not pass, cannot handle the rigors required to represent and advise the public regarding the law. The exam, of course, does not guaranty that someone will be a good, ethical attorney, but does ensure that those that move forward have at least some minimal level of intelligence, a basic understanding of the law, and the skill necessary to accomplish work (e.g. pass the exam). If a particular candidate has reasonable mental abilities but for some reason cannot pass the bar exam, that may be a disservice to the that individual and the public, but this disservice will be far outweighed by the benefit of protection of the public from unqualified representatives who gain licensure through the "alternative pathway." There are many alternative careers for these individuals. The alternate pathway also opens the licensing process to corruption.

Regards,

Jason Hardy

MacKenzie Johnston

From: Sonja Woodward <sjwoody1167@yahoo.com>
Sent: Monday, October 13, 2025 1:01 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

I think a practical alternative to a bar exam is a wonderful idea. I have passed two bar exams. However, I think bar exams are a complete waste of time. In neither exam I took (Maryland and California) were there any subjects I have used in practice. The way you learn the materials for the bar exam is to cram it all in as fast as possible - which means you retain virtually nothing of what you learn. Bar exams do not protect the public from bad lawyers. Lots of bad lawyers can pass the bar exam. However, they do make lots of money for the bar exam providers and preparation courses. What bar exams do do is cull out those who cannot control their nerves. *Maybe* that's a good thing for litigators but there are a lot of lawyers out there who will never step in a courtroom and they do not deserve to be culled based on the inability to control their nerves in an extremely stressful situation that they will never encounter again. Graduating from law school and law school grades are a much better measure of whether someone can be a good lawyer than a bar exam. This new program will benefit so many when it is fully implemented and provide law students with real life legal experience they don't get now.

Sonja J. Woodward
Maplewood, MN
Bar No. 0265330

MacKenzie Johnston

From: Cecil Schmidt <cecil.schmidt@icloud.com>
Sent: Monday, October 13, 2025 1:31 PM
To: BLE
Subject: [EXTERNAL] Alternate pathways to licensure

I have read with interest the proposal for creating alternative ways to licensure.

I offer a few comments on the idea from the perspective of someone who has:

- been licensed to practice in MN for about 60 years
- been a member of an Ethics Committee
- been a member of the Federal Practice Committee
- been on the management committee of a large law firm

Against that background, I think the idea of having a practice based path to licensure in addition to an exam based path is a good idea and deserves to be tested. I have been involved in other activities where experience or On The Job training are routes to certification and such activities have worked effectively. In some of those, the “supervisor” must first be certified. However, any system can be abused.

My personal concerns are revolve around the idea of WHO is qualified to supervise the work of a “Barrister in Training”. I would suggest consideration be given to who might be excluded from providing supervised work such as:

- those who have had ethics complaints upheld against them
- those who are shown as “supervisors” but have repeatedly had the work product of one or more trainees under their supervision rejected as “inadequate”.

Cecil Schmidt
mobile 612-747-2679
cecil.schmidt@icloud.com

MacKenzie Johnston

From: Sara West <sara.west@sjwestconsulting.com>
Sent: Monday, October 13, 2025 1:33 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Dear Mr. Boyd,

I wanted to take a moment to provide my strong support for a program that offers an alternative pathway to licensure in the state of Minnesota.

I attended the University of New Hampshire Franklin Pierce School of Law, graduating in May 2011 from the Daniel Webster Scholar (DWS) Program. This program was a two-year practical bar examination program that required me and my colleagues to take extra courses, achieve a specific GPA, and participate in practical coursework that would help us to become practice-ready attorneys. This model was one of the first of its kind, and I am ever grateful to have been selected as one of the participating candidates.

I have been practicing law since graduation in 2011, acting as an assistant prosecutor, working in tax controversy services to defend taxpayers in audit before the IRS and like state agencies, and have recently been contracting as a family law attorney for the past year. Not only did the DWS program help me to become an efficient researcher and legal writer, it also helped me to learn best practices for working with and for clients.

While Legal Research and Writing taught me how to theoretically analyze a legal issue, the DWS program taught me that clients don't want to pay for "maybe" and "it depends". The DWS program was a culmination of combining the theoretical practice of law with the practical application of representing clients.

Because New Hampshire is a small state, small bar, and the only law school in the state is located in the state's capital a few blocks away from the NH Supreme Court, we were able to periodically meet with NH Supreme Court Justices as a part of the DWS program. I found this experience to be invaluable, and I accredit my relative comfortability in the courtroom to this component of the program.

I could probably go on for days about the incredible value that I think this type of program brings to the practice of law, but I wanted to at least share some initial thoughts and my strong support for the implementation of a program like this in Minnesota.

Please let me know if you have any questions for me; I would be more than happy to share about my wonderful experience!

Thank you,

SARA WEST
CHIEF EXECUTIVE OFFICER
SJWEST CONSULTING

C 603.289.5895
F 855.710.6299
E sara.west@sjwestconsulting.com
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MacKenzie Johnston

From: Karen Schanfield <kschanfield@gmail.com>
Sent: Tuesday, October 14, 2025 8:40 AM
To: BLE
Subject: [EXTERNAL] Alternative Pathways project

Hello, Tom,

I am a licensed attorney, currently Of Counsel with Fredrikson & Byron. I'm writing to let you know that I appreciate the work your committee is doing and fully support the idea of exploring alternative pathways to licensure. I believe both the curricular based pathway and the experiential pathway are worthy of additional exploration and consideration.

Thank you,

Karen Schanfield

Karen Schanfield
kschanfield@gmail.com
651 270 9815

MacKenzie Johnston

From: Andrea Anne Curcio <acurcio@gsu.edu>
Sent: Monday, October 13, 2025 7:47 PM
To: BLE
Subject: [EXTERNAL] Comment on Alternative Licensing Pathway
Attachments: Minn comment on pathway.pdf



Professor Emeriti Email | [LEARN MORE >](#)

Please see attached comment on the proposed alternative licensing pathway. Thank you for the work you are doing and the opportunity to submit this.

Andrea [Andi] Curcio
Professor of Law
Georgia State University College of Law
85 Park Place
Atlanta, GA 30303
404 413-9157

You can read my most recent publications at: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=55478

For up-to-date information on lawyer licensing, see <https://lawyerlicensingresources.org/>

October 13, 2025

Mr. Tom Boyd
Committee Chair
Alternative Pathways Implementation Committee

Dear Mr. Boyd:

I write to support Minnesota's thoughtful and rigorous alternative licensing curricular pathway proposal, and to thank you and your colleagues for the work you are putting into creating this pathway. I am a recently retired law professor. For thirty years, the focus of my teaching was Civil Procedure, Evidence, and Pre-trial Litigation and one area of my scholarship was legal pedagogy and law licensure. Based on that experience, I can confidently state that the proposed pathway provides a challenging licensing process that protects the public, and unlike the traditional bar exam, provides opportunities to assess the wide range of competencies Minnesota has identified as necessary to represent clients effectively.

For decades, states outsourced law licensure to the NCBE¹ and did not examine whether there were other ways to assess new lawyers that might better protect the public than the traditional bar exam. Today, many states, including Minnesota, are doing the hard work to design a licensing process that does not cede complete control over licensing to an outside organization. Your committee has done a commendable job identifying core competencies new lawyers need and designing a stringent licensing process that ensures that law graduates will possess those competencies. The doctrinal course requirements ensure new lawyers learn fundamental threshold knowledge that serves as the foundation for learning new areas of the law. The experiential course requirements ensure new lawyers have had the opportunity to use their doctrinal knowledge representing clients under the supervision of trained educators who mentor their development. The required client interactions ensure new lawyers have the experience of interacting with clients; with all the uncertainties those interactions create. The professional responsibility journal entries ensure new lawyers identify, and grapple with, professional ethics and responsibility issues as they arise in practice, rather than solely in a classroom. The portfolio assessment ensures new lawyers' work product is assessed by unbiased neutrals, providing an additional level of assurance that only those possessing the required minimum competencies will be admitted to practice. All these pieces create a pathway that licenses new lawyers who are well-equipped to represent clients, not just well-equipped to take a two-day exam.

¹ See Marsha Griggs, *Outsourcing Self-Regulation*, 80 WASH. & LEE L. REV. 1807 (2024).

This pathway is challenging, and it necessitates a commitment to successfully negotiating a myriad of additional obligations and responsibilities during law school. I suspect that for many students, those burdens, combined with licensure portability issues, will lead them to choose the traditional exam. That said, having this option available is a positive step forward in creating an authentic assessment process that protects the public, addresses many of the shortcomings of a traditional bar exam, and asserts Minnesota's power to determine licensing processes that best serve the people of Minnesota.

As with all new proposals, some will oppose this pathway. For some people, opposition is based on a fear of the unknown: will new lawyers licensed differently be minimally competent; will a new licensing process result in new lawyers being admitted into the bar based on their supervisor's desires to see them admitted rather than on merit; will a new licensing process somehow cause a decline of public perception about the profession. To address those concerns, one only needs to look at New Hampshire, which for two decades, has had a curricular pathway somewhat like the Minnesota proposal. In New Hampshire none of these fears became a reality, and in fact, the opposite is true – law firms want to hire graduates who have completed the curricular pathway because they are deemed to be better equipped to hit the ground running.² Some who oppose alternative pathways may believe that a traditional bar exam is the only objective measure of minimum competence. That view disregards the fact that a key component of success on the traditional bar exam is having the time and money available to pay for an expensive bar review class and to devote eight weeks to full-time study for the exam.³ If it were truly an “objective” measure of lawyering knowledge, time and resource differences would have no impact on outcomes. Others may have additional concerns, which this comment process allows them to express and the committee, to the extent possible, to address.

In sum, Minnesota is one of the states at the forefront of recognizing that while the traditional bar exam still has a place in the licensing process for those who choose that path, that exam has sufficient flaws that alternative pathways should be explored. This proposal sets the stage for licensing new lawyers who choose to take a challenging licensure pathway that better prepares them to be minimally competent upon graduation. I appreciate the work it has taken to create this proposal and the work it will take to implement it. I strongly support its adoption. Thank you for the opportunity to express my support.

Sincerely,

Andrea A. Curcio

Andrea A. Curcio
Professor Emerita
Georgia State University College of Law

² Institute for the Advancement of the American Legal System (IAALS), *Ahead of the Curve: Turning Law Students into Lawyers: A Study of the Daniel Webster Scholar Honors Program at the University of New Hampshire School of Law* (January 2015), available at: https://iaals.du.edu/sites/default/files/documents/publications/ahead_of_the_curve_turning_law_students_into_lawyers.pdf

³ ACCESSLEX INST., ANALYZING FIRST-TIME BAR EXAM PASSAGE ON THE UBE IN NEW YORK STATE 5–6 (May 2021), available at: <https://www.accesslex.org/NYBOLE>

MacKenzie Johnston

From: Mandy Theissen <mandytheissen@gmail.com>
Sent: Tuesday, October 14, 2025 11:56 AM
To: BLE
Subject: [EXTERNAL] Support for Alternative Pathways to Licensure

Dear Members of the Alternative Pathways Implementation Committee,

I am writing to express my strong support for the development and implementation of alternative pathways to attorney licensure in Minnesota. I commend the Minnesota Supreme Court and the Board of Law Examiners for taking meaningful steps toward a more inclusive and competency-based licensing system.

This issue is deeply personal to me. My husband is a first-generation child of Ethiopian refugees. He pursued a law degree with the goal of becoming an immigration attorney, driven by a desire to help others access the same opportunities that changed his family's trajectory. He has the heart, the knowledge, and the experience to serve clients with excellence, but he has not been able to pass the bar exam due to challenges with ADHD and the time constraints of the test. Despite taking the exam three times, he struggles to complete all the questions within the allotted time.

Yet his contributions to the legal community are undeniable. He has worked as a product trainer and research expert at Thomson Reuters, teaching attorneys at global law firms how to conduct legal research. He has led hundreds of CLEs and currently works at the International Institute of Minnesota, helping immigrants navigate complex legal systems. His work is impactful, and his calling is clear. The only barrier to his full participation in the legal profession is a single standardized test that does not reflect his true competence or ability to serve clients.

The proposed curricular-based and supervised-practice pathways offer a promising solution. These models would allow individuals like my husband, who have demonstrated their skills through real-world experience and service, to be evaluated in a more holistic and equitable manner. I believe these pathways will strengthen our legal profession by ensuring that licensure reflects actual competence, not just test-taking ability.

I urge the Committee to continue its work with urgency and care, and to consider the stories of those whose talents and dedication are not captured by traditional exams. Our legal system and our communities will be better served when we open the door to all who are qualified and committed to justice.

Thank you for your leadership and for inviting public input on this important initiative.

Sincerely,
Mandy Theissen

--

MANDY THEISSEN, ESQ.

C. 612.207.0958 | E. mandytheissen@gmail.com

MacKenzie Johnston

From: Anderson, Tamara <tamara.anderson@sap.com>
Sent: Tuesday, October 14, 2025 12:42 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Dear Members of the Alternative Pathways Committee,

I appreciate the thoughtful work that has gone into the proposed Curricular Pathway to attorney licensure. As a licensed attorney in Minnesota, I support efforts to make the profession more inclusive and reflective of real-world legal practice. I agree that lawyering competence is best demonstrated through actual legal work, and I commend the emphasis on experiential learning.

I have several concerns I hope the Committee will consider:

Equity and Tradition. The bar exam, while imperfect, has served as a shared professional milestone. Most of us endured both rigorous academic and practical training (both in coursework and independent internship/clerkship experiences), followed by the stress of preparing for and passing the bar exam. The proposed pathway may actually create unequal standards, especially if only a subset of students are eligible.

Stress and Professional Readiness. The bar exam tests not only legal knowledge but also the ability to perform under pressure—an essential skill in legal practice. While experiential learning is valuable, most successful law students already pursue a multitude of experiential learning experiences. Additionally, being a student attorney, those experiences cannot replicate the intensity and focus required in high-stakes situations. The same is generally true of attorneys in their first few years of practice—the stakes and intensity increase as your experience allows you to take on more complex matters.

Burden on Practicing Attorneys. The pathway appears to rely heavily on supervised practice, which may place additional strain on attorneys already facing heavy workloads. Without adequate support and compensation, this could lead to burnout and inconsistent training quality. Even still, structured support and oversight is always great in theory but rarely does more than create additional (and unhelpful) administrative burdens.

Quality Assurance. While experiential learning is critical, not all mentors or placements offer high-quality instruction. I worry that students may learn from poor practices that do not serve the public well. And, again, even with structured support and oversight of the mentors, it seems unlikely that will add value to the quality of the instruction and not just additional administration burden.

That said, I would support a program of this nature if access to the alternative pathway were limited to candidates who can demonstrate (by application or some other eligibility identifying mechanism) that they have faced disproportionate disadvantages or come from underrepresented backgrounds—such as those affected by test anxiety, financial constraints, or limited access to preparatory resources. Additionally, I believe the practical coursework and experiential requirements should be well in excess of what the average traditional law student in the top 50% of their class completes during law school. This would help ensure that the pathway remains rigorous and fair, while also advancing the goal of increasing inclusivity within the legal profession.

I urge the Committee to consider these concerns and alternatives as part of its ongoing evaluation. Thank you for your time and dedication to improving our licensing system.

Thanks,
Tamara Anderson, CIPP/US
Senior Legal Counsel, Legal US (Admin)
SAP AMERICA, INC. United States
E: tamara.anderson@sap.com
M: +16122580346

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MacKenzie Johnston

From: Joseph Rosholt <joseph.rosholt@olmstedcounty.gov>
Sent: Wednesday, October 15, 2025 9:11 AM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Mr. Boyd,

I received an email relating to the proposal for licensure outside of the bar exam eliciting feedback from practitioners. I am of the opinion that the bar exam is more than a rite of passage. The exam tests an attorney's work ethic and general competence. I have practiced w/ and against attorneys who have struggled to pass the bar exam. From that experience I can see that there is a difference in their competence vs. an attorney who passed on the first attempt. I think the exam does in fact identify attorneys who are ready and competent to practice. I fear that removing the bar exam requirement will be detrimental to the health of our profession.

Joseph K. Rosholt
Managing Attorney- Criminal Division
Olmsted County Attorney's Office
151 Fourth Street SE
Rochester, MN 55904
507-328-7600

MacKenzie Johnston

From: Olivia Bradford <olivia.bradford0219@gmail.com>
Sent: Tuesday, October 14, 2025 4:57 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair.

Dear Committee,

My name is Olivia Bradford, and I recently sat for and passed the February 2025 Minnesota Bar Examination. Having just completed this process, I wanted to share my perspective on the proposed alternative pathways to licensure currently under consideration.

First, I want to acknowledge that the traditional bar examination effectively assesses a broad range of legal competencies across multiple practice areas. Upon licensure, attorneys are granted the privilege to practice in nearly any field of law, with only a few specialized exceptions. The bar exam serves as a necessary safeguard to ensure that each new attorney possesses a foundational understanding of the diverse legal landscape in which they are permitted to operate.

After reviewing the proposed alternatives, I have significant concerns, as these pathways (not including the NexGen Bar) would allow graduates to obtain a law license without any standardized assessment of their competency across the full spectrum of law. This, in my view, risks diluting the integrity of our profession and the confidence that clients and the public place in licensed attorneys.

I understand that one rationale for exploring alternative pathways is the perception that the bar exam is unfair or disproportionately impacts underrepresented groups. While I support efforts to promote diversity and inclusion within the profession, I respectfully disagree that eliminating or reducing the rigor of the licensing process is the appropriate solution.

It is not necessary to spend thousands of dollars on commercial bar preparation courses to succeed. While I initially purchased Barbri, I soon realized that my own law school notes were far more valuable for my study process. I independently supplemented with Adaptibar, which is significantly more affordable and still provided sufficient preparation. Success on the bar exam is achievable without great financial burden.

Regarding test anxiety, I empathize deeply with those who struggle in this area. I have DSM-diagnosed anxiety and have received academic accommodations in the past. However, due to the financial and logistical challenges of obtaining an updated psychological evaluation, I chose to take the bar exam without accommodations while balancing my responsibilities as a wife and mother of two young children. Despite these challenges, I was able to pass. I believe this speaks to the fact that the bar exam, while demanding, is not insurmountable.

Rather than lowering licensure standards, perhaps the focus should be on making accommodations more accessible and ensuring that students are aware of available support. Law schools already provide numerous free resources, including outlines and study tools. Many institutions also integrate bar readiness programs into their curriculum at no additional cost.

The bar exam, particularly the NexGen Bar Examination, represents a fair and modernized evolution of licensure. It not only tests black-letter law but also measures practical competencies and professional judgment that are critical to effective lawyering. Law schools can and should adapt their curricula to prepare students for this more holistic assessment, which I fully support.

However, the proposed alternative pathways, as currently described, do not provide a reliable or equitable measure of readiness to practice law. A law license is not merely a credential; it is a solemn responsibility. Clients entrust us with their most sensitive matters, and the public depends on our competence and integrity. Easing entry into the profession without maintaining rigorous assessment standards, as that is what these alternative pathways do, does a disservice to both our clients and the justice system.

I support the NexGen bar as a thoughtful and necessary step forward. But I cannot support alternative licensure pathways that eliminate objective assessment or meaningful challenge. Our system must ensure that every attorney has demonstrated both knowledge of the law and the ability to apply it effectively.

Thank you for your time and for your continued commitment to upholding the standards of the Minnesota legal profession. I appreciate the opportunity to share my thoughts on this important issue.

Respectfully submitted,

Olivia Bradford, Esq.
P: (515)-214-7511

MacKenzie Johnston

From: Vander Weide, Vern J. <vjvanderweide@locklaw.com>
Sent: Tuesday, October 14, 2025 9:42 PM
To: Director
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

Interesting. Lots of questions, as I'm sure the board is aware. One that comes to mind is whether lawyers will have differently titled licenses, depending upon whether they passed a bar exam. Like, e.g., doctors who are board certified and accountants who passed the CPA exams are "certified public accountants" versus "public accountants." The legal consuming public may want this information, as likely will many law firms.

Vernon J. Vander Weide | Of Counsel

Lockridge Grindal Nauen PLLP

100 Washington Avenue S | Suite 2200 | Minneapolis MN 55401

P: 612-209-5406 | www.locklaw.com

MacKenzie Johnston

From: Matt Jobe <jobe1987@gmail.com>
Sent: Wednesday, October 15, 2025 9:42 AM
To: BLE
Subject: [EXTERNAL] Support Curricular Pathway to Attorney Licensing

Good morning,

I am writing to express my support for the curricular pathway to attorney licensing. I agree that the curricular pathway would allow people to demonstrate that they have the necessary skills to be a licensed attorney. The curricular pathway may be an even better measure of competence than the bar exam. I am also hopeful that adding the curricular option makes the process for attorney licensing more equitable.

Sincerely,

Matt Jobe
0395447

MacKenzie Johnston

From: Thuzong Xiong <thuzong@gmail.com>
Sent: Wednesday, October 15, 2025 11:17 AM
To: BLE
Subject: [EXTERNAL] Tom Boyd, Alternative Pathways Committee Chair.

Good morning,

I am writing in support of the proposed curricular pathway to attorney licensing. The bar exam is a poor method of assessing if an individual is able to competently practice law. It is both under and over inclusive.

The proposed curricular pathway is closer to actual practice. The core courses and experience requirements will be better gauges of attorney success. It shifts the focus to learning how to lawyer, instead of learning how to take a test.

In addition to being a better method of assessing future competency, it is more equitable for all law students.

I fully support this alternative to the bar exam. Even though I passed my bar exam on my first attempt, it was a deeply unpleasant experience that our profession should leave behind.

Thank you,

Thuzong Xiong
#0399454

MacKenzie Johnston

From: kristinaperez00@gmail.com
Sent: Wednesday, October 15, 2025 8:27 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Dear Mr. Boyd,

I am sending this comment against the proposed changed for a path to licensure.

Although some people may seem to possibly benefit in the short term, ultimately it will be unfair. Unless somehow it can be assured that everyone would have the chance to successfully approach licensure in this alternative way I strongly disagree with the proposed changed.

What about people who put their heart and soul into demonstrating through this exam? Should they be made to HAVE to take this route if THEY aren't lucky enough to secure a position that situates them advantageously to approach licensure in this alternative way?

Although as a Hispanic woman, I can appreciate the intention behind this proposal to make the path to licensure more accessible, I find it categorically unfair to those of us who were instructed and made to adhere to an academic level of competence that was demonstrable through the exam. I assure you. There will be those who study and struggle, like I did. They will need to focus and prioritize exam preparation. Should they be passed in line by someone who is more socially and/or professionally advantageously situated while someone else's only path to licensure is to pass the exam??

I did not have connections. I needed to focus and study and prioritize the one and only fair way to licensure. If you change this standard in an effort to enhance fairness in the path to licensure, you will unfortunately instead be creating a different injustice altogether that will put others in less advantageous positions behind others who get to take an easier route.

I vehemently oppose this proposed change. While we me must be willing to assess ourselves and our profession as a whole, the bar exam is a fair and impartial way of assessing one's competency. By changing how one reaches the goalpost, you will undoubtedly leave others lost or feeling defeated on their path as they struggle to try demonstrating competence the one acceptable way--now add another path that might leave them feeling inadequate and inept as they prepare to show competence the ONLY way the that is required of them or that they are able to?? The exam is the ONLY TRUE way that is fair. Giving someone an advantage over here inevitably takes away from someone else who has only one way to licensure over there.

Thousands of lawyers will tell you there is nothing wrong with an exam to reach licensure. Keep the Bar the same. Don't lower it or move it for some while others could only wish they could access that alternative path. It is inherently UNFAIR. This change would not serve it's purpose. It would only cause unfairness and shift the burden that right now across the board, doesn't give others better access or improved chances. Keep it the same until you can assure ALL candidates would have the SAME opportunity to obtain work positions that would push them forward. As a Hispanic woman who struggled to pass this bar and had no connections for an advantageous professional position, I would have been

left out of this alternate path to my great disadvantage. I had one way and one way only and I pushed and pushed and never gave up until I reached it. This proposed change dishonors that sacrifice that we all EQUALLY had to achieve.

Sincerely,

Kristina Perez

MacKenzie Johnston

From: Cameron Field <fieldcf@gmail.com>
Sent: Thursday, October 16, 2025 9:53 AM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello,

Thank you for the opportunity to comment on this program.

I am surprised to see the bar proposing a pathway to licensure that avoids taking a bar exam. This program looks like it will create a massive amount of paperwork to review the applications, and the cost of that will only further increase already substantial annual fees to the state bar. I also highly question whether this paperwork can capture an individual's ability to represent clients and meet the high standards set by the bar exam.

The documents provided seemed to contain a lot of assumptions on the need or impact of this proposed program without supporting evidence. What "disproportionate" effect does the bar exam have? I don't see the bars' role of licensure standard to make it easier or more accessible to be an attorney, that seems to be in the interest of protecting aspiring attorneys, where the bar exists to protect the public the attorneys represent.

I encourage the bar to not make things more complicated. I hold a license in another jurisdiction and the requirements are much more straightforward to hold licensure. The Minnesota bar seems to be making things unnecessarily complicated and is straying from its core purpose, protect the public from lawyers.

The bar exam works, it is rigorous test designed to be hard. If the bar is looking for ways to make it easier to be a member of the bar, I would offer the option of lowering the annual dues.

Best,

Cameron Field

MacKenzie Johnston

From: Paul Murphy <northdakotamurf@yahoo.com>
Sent: Friday, October 17, 2025 8:34 AM
To: BLE
Subject: [EXTERNAL] proposed plan for competency

The rule is rooted in wisdom, with the growing AI effects on the industry, I feel this proposal will be an added barrier to practice for new attorneys and will be a benefit to established firms and a barrier for new attorneys. Competency is difficult to ascertain and unless it is a chronic condition, it may not be cause for concern.

MacKenzie Johnston

From: Shaun Jamison <sjamison@purdueglobal.edu>
Sent: Friday, October 17, 2025 1:16 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways Comment

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Date

RE: Comment on Alternative Pathways

Dear Chairman Boyd:

I am writing in response to the email I received inviting comment on the committee's proposal as a member of the Minnesota State Bar. I am a long time fan of portfolios as a pathway to licensure and wholeheartedly endorse the concept.

Portfolios afford the bar and the public the protection of having attorneys with provable skills. It reduces artificial barriers to the practice of law that timed essays and objective questions inadvertently create. It is a superior method of measuring skill, more accessible, and more fair.

I am concerned, however, that continued reliance on American Bar Association (ABA) accreditation as the educational requirement for a direct path to admission undermines the very values that portfolios bring. Portfolios are helpful to any candidate, but they will increase the diversity of the bar by removing barriers. But the same barriers exist to obtain legal education in the first place. Completely online schools cannot apply for ABA accreditation. Yet, many of their students are the underserved and disadvantaged. I know from twenty-five years of teaching law online at Purdue Global Law School (PGLS), that we deliver high quality curriculum and instruction. Our students are impressive and dedicated. Our tuition is 1/3 that of many ABA-accredited schools which means our graduates are better positioned financially for public service careers.

I recommend that the proposal be modified to amend the educational requirements for admission to practice in Minnesota. In addition to ABA accreditation, I recommend that state accreditation be honored as a qualification to sit for the bar upon graduation. Should the state be concerned that a non-aba school becomes problematic, they could include a provision that the Minnesota Supreme Court could remove a law school whether ABA or not, that is performing poorly. Most non-ABA schools are located in California which requires them to regularly publish metrics related to their performance. Additional protections could include requiring experiential courses meet ABA requirements just as your proposal does for clinical and field placements.

Minnesota in general, and the Minnesota State Bar specifically, have been leaders on many issues. California, Connecticut, and Indiana have direct paths to licensure for PGLS graduates. Wisconsin has, for many years, allowed those passing other states' bars to sit for their bar exam immediately. This is also now true in North Carolina. The first time our graduates were allowed to sit for Indiana's bar exam, 100% of the five takers passed. Minnesota has the opportunity to be at the cutting edge of access and diversifying the bar.

I appreciate your committee's service. Having served on bar committees myself, I know it is a serious effort and commitment. Please reach out to me if you would like more information. Thank you for considering my comments.

Shaun G. Jamison
Associate Dean of Academic Affairs
Purdue Global Law School
Minnesota Atty Reg. No. 0238946
3227 Aquila Lane, South
Saint Louis Park, Minnesota 55426
(952) 261-9142
sjamison@purdueglobal.edu

MacKenzie Johnston

From: Niedwiecki, Anthony <Anthony.Niedwiecki@mitchellhamline.edu>
Sent: Friday, October 17, 2025 1:36 PM
To: BLE
Subject: [EXTERNAL] Curricular Pathway Proposal
Attachments: Comment in Support of Minnesota Curricular Pathway Niedwiecki.pdf

Tom Boyd, Committee Chair:

Attached is my comment in support of the proposed curricular pathway. Please let me know if you have any questions. Thank you for all of the great work you and the committee have done.

Anthony Niedwiecki | Professor of Law

Mitchell Hamline School of Law
875 Summit Ave. | St. Paul, MN 55105

Great in theory. **Even better in practice.**

Comment in Support of the Minnesota Board of Law Examiners' Curricular Pathway Proposal

Submitted by Anthony Niedwiecki, Professor of Law and Former President and Dean, Mitchell Hamline School of Law

The Minnesota Board of Law Examiners' proposal to establish a curricular-based pathway to attorney licensure represents a thoughtful, evidence-based innovation that aligns precisely with national research and best practices for ensuring competence, fairness, and public protection. The proposal reflects a forward-looking understanding of how to better measure readiness for practice—one rooted in authentic, performance-based assessments rather than a single high-stakes written examination.

I was fortunate to have worked with CLEAR, the Committee on Legal Education and Admissions Reform, organized by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA). I was a member of its working group focused on attorney licensing, and I chaired the subgroup that looked at innovative licensing pathways. In this subgroup, I worked closely with the main national leaders who have studied attorney licensing, including those who developed Oregon's initial pathways proposal and those who are helping implement Oregon's Supervised Practice Portfolio Examination pathway. Our subgroup met with representatives from every state who have begun or are considering implementing innovative pathways to attorney licensing.

Ultimately, CLEAR published the most comprehensive national study of licensing reform to date, which provides substantial empirical and policy support for Minnesota's initiative.¹ This comment draws on CLEAR's findings to demonstrate that the curricular pathway advances three interrelated goals:

1. Enhancing validity and fairness in measuring minimum competence while maintaining the rigor needed to protect the public;
2. Improving public protection by producing more practice-ready lawyers; and
3. Promoting access and equity within the legal profession.

The proposed curricular pathway represents a needed addition to the ways lawyers can be licensed in Minnesota because the bar exam is disconnected from the actual practice of law, the bar exam is more a measure of privilege over merit while the

¹ A copy of the full report is here: <https://www.ncsc.org/our-centers-projects/clear>

proposed pathway advances the goals of equity and fairness, this new pathway aligns with the goals of the CLEAR report, other states have successfully implemented portfolio-based assessments, and the proposal ensures rigor and public protection.

A. The Need for Reform: CLEAR's Findings on the Limits of the Bar Exam

The CLEAR Report identifies a persistent disconnect between the bar exam and actual practice readiness. Studies summarized by CLEAR, including *Building a Better Bar*, demonstrate that 'minimum competence as tested on the bar exam does not seem to be the same as practice readiness.' This misalignment results in licensing barriers that do not correlate with lawyers' ability to competently serve clients.

CLEAR's report further reveals that time-pressured bar exams measure speed rather than competence—contradicting professional norms emphasizing 'thoroughness and preparation' over haste. The report also documents that overly high cut scores exclude thousands of otherwise competent graduates annually, contributing to attorney shortages and exacerbating inequities in access to justice.

In short, the traditional bar exam imposes economic, psychological, and professional costs without demonstrably improving public protection. CLEAR thus calls for reform of bar admissions processes to better meet public needs, including the adoption of innovative pathways such as curricular and supervised practice models.

Many of these concerns are not eliminated by the NextGen Uniform Bar Examination (NextGen). Although NextGen integrates the assessment of many skills needed of a new attorney, it does it by asking questions about how to do a skill. It does not require that the applicant demonstrate its ability to do the skill. For example, NextGen asks the examinee which source of law may answer a legal question. It does not ask the applicant to do the actual legal research.² That is a big difference. The curricular pathway actually assesses the applicant's ability to perform the skill, and in this example, it would assess the applicant's ability to research the legal question and apply the law that was found. By requiring the applicants to demonstrate their ability to perform a legal skill, the curricular pathway is assessing the applicants' ability to actually do the work required of a lawyer.

B. Bar Exam as a Tool of Privilege and not Merit

For first-generation law students and those from underrepresented backgrounds, the bar exam often acts less as a merit-based test of legal competence and more as a

² See example questions developed by the National Conference of Bar Examiners, the entity that develops and administers the NextGen Bar Exam: <https://www.ncbex.org/exams/nextgen/sample-questions/integrated-question-sets>

filter of privilege. Structural disadvantages in prior education, reduced access to resources, burdensome financial pressures, lack of mentoring, and psychological stress all intersect with the bar's high-stakes, speeded format and expensive preparatory structures to produce unequal outcomes.

Persistent racial, ethnic, and socioeconomic disparities in bar passage—evident even after controlling for credentials—underscore that the exam does not measure pure legal aptitude but rather captures and magnifies existing inequalities. The result is a profession that reproduces inequity in its entry gate.

Implementing the curricular pathway will allow applicants to choose a path that breaks down these disparities while still providing proof that the applicant is competent to practice law. Offering alternative options to attorney licensing recognizes the diverse backgrounds and situations of the students in Minnesota's law schools, especially at Mitchell Hamline which has the only part-time program in the state. Students who are part-time feel these disparities most acutely because they often work full-time, are caretakers of their family, and may not have the ability to take the necessary time off to prepare for the bar exam. Yet, they bring unique skills and work backgrounds that would make them excellent attorneys.

A few years ago, I had a student who was a single parent who had to work full-time while studying for the bar exam. She failed the bar exam the first time because she was unable to dedicate the necessary time to study during the weeks leading up to the exam because of her work and family obligations. She failed even though she graduated with honors and excelled in the school's clinical program. I decided to hire her as a research assistant the next summer to study a new bar preparation book that was written by a colleague at another school. By connecting her work to the bar exam, she was able to support her family and study for the bar exam at the same time. She passed the exam that time. The curricular pathway avoids this scenario while better measuring a person's ability to practice law.

C. Alignment with CLEAR's Recommendations

Minnesota's proposed curricular pathway directly fulfills several of CLEAR's core recommendations:

- Recommendation 1: Lead collaborative efforts to realign legal education, bar admissions, and new lawyers' readiness to practice with public needs. Minnesota's process—led jointly by the Board of Law Examiners and faculty experts from each of the three Minnesota law schools, including Mitchell Hamline School of Law—exemplifies precisely this collaborative, evidence-driven leadership.

- Recommendation 5: Encourage experiential learning that involves client interaction. The curricular pathway integrates clinics, externships, and real-world experiences into the assessment of competence—embedding client responsibility into the licensing process itself.
- Recommendation 6.1: Explore innovative pathways to licensure that enhance practice readiness and address access to justice. Minnesota’s model—like those developed and emerging in Oregon, Washington, and New Hampshire—embodies this recommendation by offering an alternate pathway that ensures competence through performance and reflection rather than rote memorization.

D. Evidence from Other Jurisdictions

CLEAR highlights that some states have already moved toward curricular and supervised practice pathways, including Oregon and New Hampshire. These initiatives provide compelling early evidence of their feasibility and effectiveness. Minnesota can apply the lessons learned from these early adopters to help implement its new curricular approach to attorney licensing.

The Minnesota proposal—using a 'menu approach' in which students compile a portfolio of experiential work drawn from clinics, externships, and jobs—is particularly promising. It mirrors the successful Daniel Webster Scholar Honors Program in New Hampshire, whose graduates perform comparably or better in early practice evaluations than their traditionally licensed peers.³

E. Ensuring Rigor and Public Protection

CLEAR’s findings emphasize that rigorous, structured, and transparent assessment—not the format of an exam—is the foundation of public protection. The Minnesota proposal achieves this by:

- Embedding assessment throughout legal education, consistent with psychometric standards of reliability and validity;
- Requiring faculty and supervising attorneys to evaluate defined competencies using rubrics and calibrated scoring processes, similar to Oregon’s Supervised Practice Portfolio Examination; and

³ Alli German & Elena Harman, *AHEAD OF THE CURVE: Turning Law Students into Lawyers, A Study of the Daniel Webster Scholar Honors Program at the University of New Hampshire School of Law*, IAALS (2015), found here: https://iaals.du.edu/sites/default/files/documents/publications/ahead_of_the_curve_turning_law_students_into_lawyers.pdf

- Maintaining all other licensure requirements, including the MPRE and character and fitness review.

Such approaches yield direct evidence of competence in client-facing tasks, which is the most valid measure of readiness for practice.⁴

F. Conclusion

The Minnesota Board of Law Examiners' curricular pathway proposal is a responsible, evidence-based innovation that strengthens public protection, enhances fairness, and aligns licensure with the actual skills lawyers need. It reflects the national consensus emerging from the CLEAR Report and other empirical studies that competence is best demonstrated through authentic, experiential, and performance-based assessments.

By adopting this model, Minnesota will continue to lead the nation in aligning legal education, licensing, and the profession's obligation to serve the public good.

Respectfully submitted,

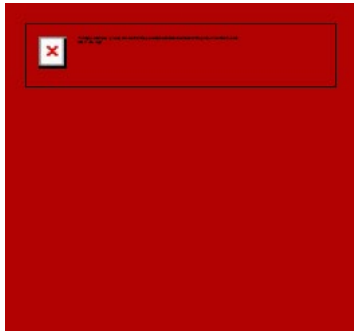
Anthony Niedwiecki
Professor of Law
Former President and Dean

⁴ Merritt, Curcio & Kaufman, *Enhancing the Validity and Fairness of Lawyer Licensing*, 73 Wash. U. J. Law & Public Policy 96 (2024).

MacKenzie Johnston

From: Joan Howarth <joan.howarth@unlv.edu>
Sent: Friday, October 17, 2025 1:40 PM
To: BLE
Subject: [EXTERNAL] comment on Curricular Pathway proposal
Attachments: howarth minn comment 101725.docx

Please see the attached comment. Thanks! Joan



Joan Howarth

Emerita Professor of Law

William S. Boyd School of Law

University of Nevada, Las Vegas

Dean Emerita, MSU College of Law

joan.howarth@unlv.edu

author of [Shaping the Bar: The Future of Attorney Licensing](#) (Stanford University Press 2023)

[current info on licensing reforms](#)

October 17, 2025

Mr. Tom Boyd
Committee Chair
Alternative Pathways Implementation Committee

Dear Mr. Boyd:

As someone who has researched and written extensively about attorney licensing (*see, e.g.* SHAPING THE BAR: THE FUTURE OF ATTORNEY LICENSING (Stanford Univ. Press 2023)), I have had the privilege of consulting with many jurisdictions about the strengths and weaknesses of our efforts to assess minimum competence to protect the public. The CmTicular Pathway your committee is developing deserves support for many reasons, but I'll highlight just three here.

First, the proposal rests on contemporary research about public protection and minimum competence. The details are shaped for Minnesota, but the foundation is national research.

Second, better public protection requires serious focus on whether law graduates are sufficiently prepared to practice law. In other words, the profession needs to ask more of law schools. The CmTicular Pathway proposal does just that

Third, better attorney licensing requires thoughtful collaboration with all the major players—legal educators, bar examiners, practicing lawyers, and courts. The many substantive strengths of this CmTicular Pathway proposal result from the Committee's careful, intentionally collaborative process.

I am grateful to you and the Committee for this important work and expect that other jurisdictions will also benefit from your thoughtful efforts.

Sincerely,

“

Professor Emerita

MacKenzie Johnston

From: Merritt, Deborah <merritt.52@osu.edu>
Sent: Friday, October 17, 2025 1:52 PM
To: BLE
Subject: [EXTERNAL] Comments on Proposed Curricular Pathway
Attachments: Merritt on MN Curricular Based Pathway.pdf

Please see the attached comment on the proposed curricular pathway for licensing. Thank you, Deborah Merritt

Deborah Jones Merritt

Distinguished University Professor

John Deaver Drinko/Baker & Hostetler Chair in Law Emerita

The Ohio State University Moritz College of Law

Cell: 614-361-6402

For up-to-date information on lawyer licensing, see <https://lawyerlicensingresources.org/>

October 17, 2025

Tom Boyd, Chair
Alternative Pathways Implementation
Committee

Dear Chair Boyd:

The Alternative Pathways Implementation Committee has proposed an extraordinarily thoughtful curricular pathway for applicants to demonstrate their minimum competence to practice law. The pathway rests on a comprehensive list of the competencies needed to serve clients effectively, draws upon successful licensing pathways in other states, and includes features that will allow for smooth implementation in Minnesota. As an expert in lawyering competence and assessment, I have worked with several states to improve their licensing systems. Based on that work, as well as my research on lawyering competencies,¹ I am confident that Minnesota's Curricular Pathway offers a valid, fair, reliable, and feasible method of assessing minimum competence. More than that, the proposed pathway will encourage all candidates for admission in Minnesota (including those who choose the less comprehensive NextGen exam) to broaden the competencies they bring to law practice.

The proposed pathway recognizes a longstanding problem with bar admissions in the United States: traditional bar exams do not test candidates on critical competencies like conducting legal research, gathering facts, developing holistic strategies to address client problems, counseling clients, resolving ethical dilemmas under pressure, managing law-related workloads, or pursuing self-directed learning. All these competencies are critical for competent law practice, and their importance has grown with the decline of mentoring in law practice. Law schools today must do more to prepare their graduates for practice, and licensing authorities must do more to ensure that new lawyers possess these competencies.

The proposed pathway is also foresightful: It recognizes the enormous changes that AI will bring to both law practice and assessment during the next few years. AI is already more successful in passing the traditional bar exam than most human applicants. What competencies, then, will the human applicants bring to law practice? Human lawyers will need the ability to interact with clients, gather facts, develop holistic strategies, practice ethically under pressure, and direct their own learning. They will also need the ability to use AI effectively and ethically—a set of complex skills that neither the current bar exam nor the NextGen exam attempt to assess.

¹ I co-directed the Building a Better Bar project, which the committee cites in its work, and was the primary author of the report based on that project. DEBORAH JONES MERRITT & LOGAN CORNETT, BUILDING A BETTER BAR: THE TWELVE BUILDING BLOCKS OF MINIMUM COMPETENCE, https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf (2020). Some of my other research on lawyering competencies and assessment appears in Deborah Jones Merritt, *Client-Centered Legal Education and Licensing*, 107 MINN. L. REV. (2023); Deborah Jones Merritt, Andrea Anne Curcio & Eileen Kaufman, *Enhancing the Validity and Fairness of Lawyer Licensing: Empirical Evidence Supporting Innovative Pathways*, 73 WASH. U.J.L. & POL'Y 96 (2024); and Deborah Jones Merritt, Andrea Anne Curcio & Eileen Kaufman, *Practice-Ready Licensing*, THE PRACTICE (Jan./Feb. 2024) (Harvard Law School Center on the Legal Profession).

Through my work advising other states on the development of valid, reliable, and rigorous licensing paths, I have learned many of the concerns that lawyers raise about these pathways. Your committee may hear some of the same concerns in public comments, so I share some of my perspectives here:

Examiners cannot fairly or reliably grade portfolio work product. In addition to advising Oregon on creation of their Supervised Practice Portfolio Examination, I have facilitated six separate grading sessions for that portfolio pathway. Those sessions have amply demonstrated that portfolio grading is feasible, reliable, and fair. The examiners grade portfolios anonymously; they are unaware of the applicant's identity, race/ethnicity, gender, or other personal characteristics. A conflict screening process ensures that graders do not review work product produced by a candidate they know or related to a matter in which their organization represents an adverse party. Graders use tightly defined rubrics, similar to the ones proposed by your committee, to assess the work product. They also receive a reference guide containing a variety of types of work product that graders have assessed in previous grading sessions—along with the scores assigned those submissions and rationales for the scores.

In addition to these safeguards, I lead a 4-hour calibration session at the beginning of each grading session. Graders receive 5-6 pieces of work product to grade before the week before session. I choose those pieces of work product to reflect submissions that fall close to the minimum competence line. I collect the graders' scores on those submissions, as well as their comments, before the grading session. I then start the grading session by facilitating a discussion in which the graders discuss their differences and reach consensus on how each piece should have been graded. The graders then adjourn to grade independently 2-3 more submissions. We end the grading session by comparing grades on those submissions and agreeing on principles that will guide grading during the remainder of the session.

This process has generated remarkably consistent and reliable grading. Over time, I have been able to see consensus in how graders score different types of work product. The grading sessions also allow graders to seek input from one another as they grade. This further enhances consistency by allowing graders to articulate and share the indicia that distinguish minimally competent work in any field.

Graders will not know whether candidates have cited the law correctly in their written work. The committee's proposed pathway, like the Oregon one, requires supervisors to attest that the legal analysis in written work product is generally correct. In many cases, submitted work product will have been used in client representation—providing additional assurance that, in the eyes of a licensed attorney, the work product is competent. The Oregon graders also spot check legal sources as they review submitted work product. This checking does not take long, and it provides an additional level of confidence in the assessment process.

Supervisors will assess their students or externs too favorably. Clinical professors, unlike most law school professors, provide regular feedback to students—and they are accustomed to providing negative feedback. Few students enter clinics fully competent to practice law. Instead, clinical professors help students develop that capacity (and protect clinic clients) through constant feedback. Practicing lawyers who supervise students in field placements or other work have similar incentives. These supervisors have both immediate and long-term interests in protecting clients and developing competent lawyers. Legal workplaces do not give participation medals or applaud lawyers for simply doing their best. Instead, most legal organizations demand quality work from their lawyers.

The proposed pathway, moreover, appropriately gives professors and supervisors limited input into the licensing decision. Bar examiners, rather than professors or workplace supervisors, will judge the competence of each applicant's nine pieces of written work (including the three professional responsibility journal entries). Professors and supervisors play a significant evaluative role only in assessing client interviews and documenting any concerns about candidate competence based on their work in a clinic or field placement. Bar examiners cannot observe these client interactions or work directly, so any input depends upon the professors or supervisors.

That information, notably, is entirely absent from the traditional licensing process. Our current system licenses new lawyers to practice on their own even if they have never interacted with a client or engaged in any type of practice under supervision. These elements of Minnesota's proposed pathway are essential, not just to provide some assessment of the candidate's competence, but to ensure that before they obtain a license they have (1) engaged with clients, (2) participated in handling client matters, and (3) received feedback on that work. This is a major advance in the proposed licensing path.

The proposed pathway will "dumb down" licensing. This is exactly what many lawyers said in the 1970s, when states began using multiple-choice questions as part of their bar exams. Change of any type seems to provoke fears of lowered standards. That seems to be especially true when change accompanies shifting demographics in the profession. In the 1970s, white women and people of color began graduating from law school in greater numbers than during previous decades. Today, women constitute a majority of law school graduates and the percentage of graduates of color has also grown.

The introduction of multiple-choice questions did not make the bar exam easier to pass, and Minnesota's proposed curricular pathway is not easier than the current bar exam or upcoming NextGen exam. On the contrary, the curricular pathway will require dedicated, focused work throughout law school. Candidates will complete 11 full courses on the subjects covered by the NextGen exam, not merely study for some of those subjects in a commercial bar prep course. They will also complete 15 credits of experiential coursework—more than twice the number of credits currently required by ABA accreditation standards. On top of this, they will complete at least six pieces of writing for portfolio review; prepare those pieces for submission (a task that the Oregon candidates have found particularly challenging); complete at least two client interactions; demonstrate their competency in several semester-long clinics or field placements; pass the multiple-choice Multistate Professional Responsibility Exam; and prepare three journal entries reflecting on professional responsibility challenges that arose in their supervised practice.

This is far from an easy licensing path. The six pieces of writing and three journal entries, all of which will be reviewed independently by bar examiners, alone require greater demonstration of competence from applicants than the NextGen exam will demand. The latter exam will require just three pieces of written work product, each produced in no more than an hour. Other portions of the exam, shortened from 12 hours to just 9 hours, will consist of multiple-choice questions and short-answer questions. None of these questions will effectively test research competence or other essential competencies.

Concluding Thoughts. I mentioned at the beginning of this letter that Minnesota's Curricular Pathway, if adopted, would improve the competence of all new Minnesota attorneys, not just those who choose this demanding competency-based pathway. That will happen because the Curricular Pathway will send a strong signal to law schools and law students. The pathway signals that the 11 required doctrinal subjects matter, that experiential education (including work in clinics and field placements) is essential

to develop competent lawyers, and that lawyers must reflect on the professional responsibility challenges they face in the workplace. Law schools will staff the doctrinal and experiential courses required to satisfy this pathway, and students will observe the importance of these courses for pathway participants. Schools and students will begin to focus on essential competencies rather than on the easiest way to pass a 9-hour written exam.

At the same time, the proposed pathway will better integrate Minnesota's practicing bar and judiciary in the education and mentoring of new lawyers. Field placement supervisors will learn that the feedback they give to students matters to licensing authorities. They will also receive new tools to help them structure that feedback. The practicing lawyers and judges who participate in grading written materials submitted to the bar examiners, finally, will feel that their experience matters in measuring professional competence. These graders will not simply apply scoresheets to canned problems; they will draw upon their professional experience. Oregon's portfolio graders have found this tremendously rewarding. Those graders receive no compensation for their work but eagerly sign up for each grading session.

I greatly admire the work that Minnesota is doing to enhance the competence and licensing of lawyers in your state. I hope these comments are helpful as you continue those efforts.

Sincerely yours,

A handwritten signature in black ink, reading "Deborah Merritt". The signature is fluid and cursive, with the first name "Deborah" written in a larger, more prominent script than the last name "Merritt".

Deborah Jones Merritt
Distinguished University Professor
John Deaver Drinko/Baker & Hostetler
Chair in Law Emerita

MacKenzie Johnston

From: Eileen Kaufman <ekaufman@tourolaw.edu>
Sent: Friday, October 17, 2025 5:04 PM
To: BLE
Subject: [EXTERNAL] Curricular Pathway
Attachments: Minnesota comment.doc

Follow Up Flag: Follow up
Flag Status: Completed

I am attaching a comment, enthusiastically supporting the proposal for a curricular pathway to licensure.

Best,
Eileen Kaufman

Eileen Kaufman
Professor of Law Emerita
Touro University, Jacob D. Fuschsberg Law Center
email: ekaufman@tourolaw.edu

Proud past Co-President of the **Society of American Law Teachers (SALT)**. SALT is a community of progressive law teachers working for justice, diversity, and academic excellence. To become a member, join at saltlaw.org.

October 17, 2025

Mr. Tom Boyd
Committee Chair
Alternative Pathways Implementation Committee

Dear Mr. Boyd:

I write to applaud the thoughtful and forward-thinking work of the Alternative Pathways for Implementation Committee and to enthusiastically support the subcommittee's proposal for a curricular pathway to licensing.

As a law professor, I have researched and written about lawyer licensing since the 1990s. All of my work convinces me that the licensing proposal you are considering provides a pathway for licensure far better designed to measure lawyer competence than the traditional bar exam. While a pen and paper multiple choice exam can test knowledge of rules, it cannot test the skills and values that lawyering requires, nor can it test professionalism. Knowledge of the rules is a necessary but clearly insufficient component of lawyer competence. The only way to examine professionalism, and therefore the only way to protect the public, is to engage students in the actual practice of law, under close supervision by faculty who possess the expertise to train and mentor developing law students. The curricular pathway proposal does just that. It combines a structured curriculum that ensures mastery of core legal principles with experiential coursework and supervised practice which provide direct evidence of a candidate's abilities.

It is impossible to review the work of the Committee without being struck by how very thoughtful the process has been. By starting with defining and articulating the core competencies required of new lawyers, the committee has provided a structure by which licensing pathways can be evaluated. The five components of the curricular pathway – required law school coursework, supervised practice coursework, client interactions, a portfolio of written work, and journal entries – very deliberately incorporates opportunities for students to acquire those competencies and also provides mechanisms for evaluating the student's performance. This offers a sensible, practical, and rigorous pathway to licensure.

I wholeheartedly support the proposal for a Curricular Pathway, which promises to provide a licensing system that systematically and methodically measures the many competencies required to practice law. I commend you for this groundbreaking work.

Sincerely,

Eileen Kaufman
Professor of Law Emerita
ekaufman@tourolaw.edu

MacKenzie Johnston

From: Schueler, Ken <kds@dunlaplaw.com>
Sent: Friday, October 17, 2025 8:10 PM
To: BLE
Cc: Schmidt, Magen; Giesen, John
Subject: [EXTERNAL] Alternative Pathway to Bar Licensure - Curricular Path

Follow Up Flag: Follow up
Flag Status: Completed

Dear members of the Minnesota Supreme Court and interested persons:

I am an appointed member of the Alternative Pathways Implementation Committee. I oppose the curricular path proposal in its current form.

I suggest the decision to adopt or not adopt the proposal be guided by Minnesota Supreme Court precedent. In *Gardner v. Conway*, the Minnesota Supreme Court when addressing the unauthorized practice of law stated: "As early as 1292, the problem was recognized when Edward I, by royal ordinance, limited the number of attorneys and directed his justices to provide for every county a sufficient number of attorneys and apprentices from among the best, the most lawful and the most teachable, so that king and people might be well served." *Gardner v. Conway*, 48 N.W.2d 788, 794 (Minn. 1951).

The draft curricular path proposal is largely based on the Oregon curricular path. There are different types of "curricular paths" to licensure. Daniel Webster law school in New Hampshire has a curricular path program that has a cap on participants and only allows candidates into the program that have strong academic skills. South Dakota has adopted a unique program that allows the dean of the law school to select a limited number of candidates who agree to spend their first two years as attorneys practicing in areas of the state that are lacking in legal representation. In return they are not required to pass the South Dakota bar exam. Wisconsin has its own form of curricular path for students that graduate from the University of Wisconsin Law School or Marquette University Law School.

The greatest concern with the proposed curricular path is that it allows students that lack academic ability in doctrinal coursework to slip through and become licensed attorneys. In order to be eligible to become licensed as an attorney using the curricular path you need to carry a 2.0 or 2.2 GPA, depending on which Minnesota law school you attend. The nightmare scenario is, for example, that you have a student that passed civil procedure with a D- but maintained a 2.0 GPA. If that student continues on the curricular path and is focused on criminal defense, he could become licensed and move from criminal defense into civil practice once he receives his license. There will be no further testing or evaluation of his knowledge of civil procedure. This issue was brought up to one of the members of the Oregon curricular path committee. He acknowledged this gap.

I propose students that participate in the curricular path have a minimum of a B GPA in doctrinal coursework. This will assist in ensuring the candidate has knowledge of core areas of the law. To truly determine whether the curricular path is comparable to the bar exam, I suggest the initial graduates of the curricular path take the bar exam.

The primary concern should be assuring prospective clients that the attorney meets first-year attorney standards in doctrinal course work.

Ken D. Schueler, Esq.

Board Certified Civil Trial Specialist – Minnesota
Member, American Board of Trial Advocates

Dunlap & Seeger, P.A.
30 Third Street Southeast
P.O. Box 549
Rochester, Minnesota 55904

507-288-9111

Curricular Pathway and General Comments received
October 18, 2025, to November 4, 2025

MacKenzie Johnston

From: Amanda McGannon <amandaportner@gmail.com>
Sent: Monday, October 20, 2025 2:01 PM
To: BLE
Subject: [EXTERNAL] Feedback on Curricular-Based Pathway to Licensure

Hi Tom,

Thanks for sharing information on your committee work. Assessing and ensuring lawyer competence while also balancing that many capable individuals may need alternate pathways to licensure is a worthwhile pursuit. While it may be outside the specific focus of this committee, I would like to share my personal experience and make a suggestion that reform in this area also embrace how rules regarding competence should be more widely considered, specifically Rule 7 Admission on Motion, without examination.

When I moved back to my native state and hometown in Minnesota, I found myself proving my competence for a third time through bar examination and admission. This left me wondering what is competence and how many times as a lawyer, mother, woman, daughter will I need to prove it?

I am a Minnesota native who attended law school in Kansas City where my husband grew up. In 2012, I passed the UBE and was licensed in Missouri (Test 1) and then licensed in 2013 in Kansas (Test 2), which still required a state-specific full-day written exam in addition to the passing MBE score I already had obtained. Cumulatively, I practiced law for about five years with the rest of my time devoted to raising our four children.

In 2023, I moved back to Minnesota with a young family to be closer to my family and mother who has health challenges. Here, ten years out of law school with four children under 10, I found myself taking and passing the Bar exam (Test 3) to again prove my competence. Under Rule 7 Admission on Motion, my scores were high enough albeit too old and I did not have enough near-term full-time practice hours to merit admission without examination.

What is competence? Do we lose competence? How do we prove competence? How do we ensure specific groups are not negatively or disproportionately impacted by our assessment of competence? Should we require lawyers who have already passed two bar exams, practiced law, and taken CLE for a decade to take another exam to prove their competence? Should we also reexamine Rule 7, which almost certainly disproportionately impacts women who are more likely to take time away from full-time practice to raise families to allow a broader timeline that isn't set up in a way that almost directly penalizes this decision? Do we allow for Rule 7 to have an alternate pathway?

These are hard questions. There are as many circumstances as there are people in the world. Do good rules sometimes create bad outcomes? Or can the rules be better? Thank you for your work toward that answer and the opportunity for me to share my experience with a rule that I feel could be made better and more inclusive for mothers - or anyone taking a voluntary break from the profession and relocating - to more easily be welcomed into the Minnesota Bar.

Respectfully and with appreciation,

Amanda McGannon
913-534-4979

MacKenzie Johnston

From: Zaidee Martin <zaidee.martin@gmail.com>
Sent: Monday, October 20, 2025 2:06 PM
To: BLE
Subject: [EXTERNAL] Comments on the alternative to the Bar Exam proposal

To the Board/Committee,

I would like to offer my comments on the proposed curricular pathway to licensure as an attorney in the State of Minnesota. I was able to read a copy of the proposal and attend a webinar on Monday Oct. 20th. I took the bar exam after graduating from law school in Minnesota in 2008. I was also lucky enough to get extensive training from my father in his practice during law school and then on the job in both the legal understanding and client interaction in my first years as an attorney. My legal practice is unique and narrow. I represent mostly local and independent labor unions and such what I do is very different from the typical lawyer. While you need knowledge of the law and the ability to apply it, client interaction and ability to listen to your client, incorporate and assess the particular circumstances for each particular client is critical for what I do. In addition, outside my professional life, I am privileged to be able to have first hand experience and then to be able to work with parents and adults with disabilities, with high support needs and/or who are neurodivergent. I've noticed that they think differently and at a different rate, they sometimes have a different path to get to the end, they sometimes have less energy to tackle a job, but that they often see things that a neurotypical would miss and better yet are I think better able to better speak, listen and advise other folks who think or live differently.

In particular, many of us lawyers don't practice the traditional estates or business or court law. There are places for good lawyers who have anxiety around tests or can't produce work as fast as we've traditionally expected.

In my own firm, I've worked on a transition plan to maintain quality for my clients and a work life balance for myself as I approach retirement and that included hiring another attorney. I've found that the legal profession isn't as accessible, enticing, or inclusive as I would wish and I had to take it upon myself to do the kind of training and opportunity in client interactions that wasn't as much of a focus in law school, at least when I attended.

I'm sure you are getting lots of opinions with concerns about your work in alternative pathways and the standard of lawyering if there is an alternative to the bar exam. It is hard to change what we know and have been through. But times are changing and the legal profession must change with it. A curricular pathway to licensure can increase new practical lawyer skills and be more inclusive for those who might not be able to or want to take the bar exam.

Your presentation on the alternative curricular pathway for licensure is well thought out and rigorous. I appreciate it and the work you are doing and I'm excited to hear the report on the supervised pathway in 2027, which hopefully make the law profession even more accessible for those who can't take the time or money to spend three years of law school, but might, because of (not in spite of) their full life make better lawyers.

Especially for lawyers who intend to practice in the less financially rewarding, but just as necessary fields, like the public sector.

So, thank you for your work, for law students and their clients and for the rest of us who see how needed this is and while I suspect there isn't anything else you need from me, I'm happy to help as I can.

Zaidee

MacKenzie Johnston

From: Tim Wong <tywongmn@gmail.com>
Sent: Monday, October 20, 2025 4:40 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways comments-- ATTN: Tom Boyd

Tom and members of the BLE:

Thank you for the opportunity to provide feedback regarding the proposal to create a curricular pathway for admission to the Minnesota Bar. I have the following comments for your consideration; please take these in the spirit of constructive feedback input as you consider the design of the program.

I'd categorize my feedback as falling into the categories of: (1) potential conflict of interest and public protection issues, (2) consistency and fairness, and (3) cost.

Potential conflict of interest/protection of public- I think BLE and the Court will want to think about and address a fundamental potential conflict of interest issue-- the law schools have a financial incentive to keep students attending and progressing. That assessment, which up to now has been principally for academic purposes, would be intertwined with the assessment of whether a student has the knowledge, skills and abilities to practice law. There has always been that tension to some extent, but up to now we had the bar exam as a neutral, external uniform test for admission and a competency filter. With the curricular pathway, the court and the public will be relying more than ever on law schools to filter out students who should not be lawyers. That is something they have historically done in very low numbers, and candidly, have a monetary incentive not to do. For example, based on what I could find online, the academic attrition rate for the three Minnesota law schools in 2023-24 were all at 2% or lower. Historically, the bar passage rate has been 80-90%, with first time pass rates in the high 80's to 90's but still below 98%. Has BLE thought about what the expected academic attrition rate should be, to ensure that the program is serving the important goal of protecting the public? Related to this issue, will the program involve periodic review of the law schools (and their faculty) by the BLE, to ensure academic rigor and an actual filtering of candidates?

Consistency and fairness- I think one of the biggest challenges faced by BLE in implementing the program is ensuring quality control and consistency in curricular and experiential evaluations. As I understand, students will be assessed on the curricular side by professors teaching the core subjects. On the experiential side, there will be clinic professors and field placement supervisors who are responsible for reviewing interactions. These evaluations, if used for bar admission, raise some interesting challenges. During my time in law school at Minnesota, I recall students from different sections comparing experiences with the different professors teaching torts, contracts, civil procedure, Con law, etc. To say there was a lack of consistency in approach and rigor between professors would be an understatement. Consistency was an issue in one school; multiplied across three schools (or even more when the program is extended to students from law schools across the country), the consistency issue seems daunting. How will BLE take steps to ensure that there is some consistency and a minimum level of acceptable assessment, to recognize and accept the curricular assessments made by various faculty members? Will there be periodic audits or other forms of quality control, to ensure consistency, reliability and fairness?

Similarly, regarding the 15 credits needed based on experiential learning, some of the same challenges seem to apply-- how will BLE ensure that assessments made by the clinic faculty and licensed attorneys managing the student during their program are applying a consistent and fair standard across programs and students? Will there be training done, or certification requirements for participating program managers, or periodic reviews/audits of programs to ensure that they meet BLE licensing expectations?

I do think that the written work product rubrics that have been developed are a good approach for achieving some consistency in assessing the written portfolio of work that would be submitted to the BLE for evaluation. While the rubrics are helpful, I would encourage BLE to develop a program to train portfolio evaluators on the standards expected, and ensure calibration and quality control (similar to the training and calibration work done currently for test graders). A separate fairness challenge/consideration regarding the written work portfolios is how to ensure that the written work product is in fact fairly attributable to the student, and has not been the result of undue assistance from others. That issue seems connected to the challenge of training the experiential learning supervisors, and is an important factor in achieving fairness for all program participants.

Finally, the proposal references initial limits on the number of participants in the curricular pathways program. That may not be an issue depending on how many students sign up (but I would guess it will be). It does seem reasonable to start out a pilot of the program by limiting participation. But if demand exceeds available spots, how will the schools decide who is in, and who is out? One of the arguments in favor of the program was the possibility of increasing the pipeline of lawyers available to underserved, underrepresented areas and populations- will the selection criteria take that goal into account? What other selection criteria will be used? Feedback about the Webster program in New Hampshire has been that while it works well, it has not helped increase the percentage of diverse attorneys nor has it addressed legal desert issues. It has also not been scaled up to the levels that will presumably be needed in Minnesota. Speaking with those administering the Webster program may be instructive, if Minnesota proceeds with its own curricular pathway.

Cost- The final comment I have is regarding the cost of the program. The proposal outlines the process for application, but (understandably) does not provide much detail yet about costs. Much of the cost should already be built into the law school experience, but if there is going to be rigor in the training and review process for participating law schools, faculty, clinicians and attorneys, that cost should be identified and accounted for as part of the program.

Tom, thank you for the opportunity to provide comments. Again, please do not take any of these issues raised as advocating against trying a curricular pathway program. But if the Court and the BLE are going to proceed with this ambitious program, I hope it will do so while addressing some of these practical challenges, and will fairly assess the risks and the outcomes of any program while mindful of these issues. Best wishes, and I look forward to seeing you at the BLE gathering in December.

Tim

MacKenzie Johnston

From: Chad Huot <chad.huot@thelegalrevolution.org>
Sent: Thursday, October 23, 2025 10:46 AM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair
Attachments: JGeffen BLE Letter (002).pdf; CHuot BLE Letter.pdf

Please find attached 2 comments on Alternative Pathways to Licensure.

Take Care,

--

Chad

**THE LEGAL
REVOLUTION**

Chad Huot, JD, MnCP | Paralegal

The Legal Revolution

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THE LEGAL REVOLUTION

10/23/2025

Via E-Mail

Minnesota Board of Law Examiners
180 E 5th Street, Suite 950
St. Paul, MN 55101

Re: Support for Supervision-Based Alternative Pathway to Licensure

Dear Members of the Minnesota Board of Law Examiners,

Today I am writing as a law school graduate and certified paralegal at The Legal Revolution, a nonprofit law firm that provides civil legal services to formerly incarcerated people to eliminate the collateral effects of mass incarceration, and operates a Prison to Law Pipeline that allows currently incarcerated people earn paralegal and juris doctorate degrees while on the inside. I am writing in strong support of an alternative licensure pathway that would allow law school graduates to earn licensure through post-graduate supervised legal work, under the guidance of a licensed attorney.

There is a concern that the legal community may lack the capacity to provide the necessary supervision to implement this pathway. I respectfully submit that this concern does not reflect the full reality of today's legal service landscape. Staff attorneys at The Legal Revolution not only have the practical bandwidth to supervise, but are also eager to do so.

Our team recognizes the need for passionate, community-oriented legal professionals. We are already mentoring, training, and supervising paraprofessionals and interns in meaningful legal work every day. A supervision-based pathway would simply formalize and elevate the mentorship that is already happening. It would also allow us to invest more fully in legal graduates who are committed to serving communities, but who may be unjustly held back by standardized tests that often do not measure the qualities most critical to effective lawyering: judgment, empathy, communication, and commitment to justice.

As someone who has completed law school and is currently working hands-on in the field, I can personally attest to the value of experiential learning under supervision. I work daily with attorneys and clients, draft legal documents, and support case strategy. Earning a law license through this model would not only validate my training and lived experience but also allow me to serve our community more fully, especially in areas where the need for legal assistance is great and growing.

The myth that standardized tests are the only measure of legal competence has excluded capable,

passionate individuals from licensure. A structured, supervised practice pathway would give the Court a meaningful, competency-based alternative that reflects how law is practiced in the contemporary era and how lawyers truly grow.

I urge the Board to move forward with confidence in developing this pathway. Organizations like The Legal Revolution are ready, willing, and able to support this vision. Earning licensure through post-graduate supervised legal work will help ensure that our next generation of lawyers reflects both the diversity and the dedication our justice system needs.

Thank you for your leadership and thoughtful consideration.

Respectfully,

/s/ Chad Huot

Chad Huot, JD, MnCP

The Legal Revolution

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Saint Paul, MN 55114

(612) 778-9880

Chad.huot@thelegalrevolution.org

THE LEGAL REVOLUTION

10/23/2025

Via E-Mail

Minnesota Board of Law Examiners
180 E 5th Street, Suite 950
St. Paul, MN 55101

Re: Support for Supervision-Based Alternative Pathway to Licensure

Dear Members of the Minnesota Board of Law Examiners,

My name is Jon Geffen and I am an attorney at the Legal Revolution Law Firm. I write to express our strong support of a Supervision-Based Alternative Pathway to Licensure in Minnesota. Our organization is deeply committed to expanding equitable access to the legal profession and strengthening the reach of quality legal services across the state.

Minnesota's legal community has both the capacity and the commitment to make this model successful. Every day, we witness attorneys, from solo practitioners to those in public service and large firms, dedicated to mentoring, training, and guiding the next generation of legal professionals. There is ample attorney bandwidth within our state to ensure that supervision under this model is rigorous, thoughtful, and beneficial for all involved.

Importantly, a supervision-based pathway will expand access to licensure and enrich the profession as a whole. By creating more opportunities for practical, hands-on learning, experienced attorneys will transfer essential skills, professional judgment, and ethical grounding directly to emerging legal professionals. This exchange will strengthen professional standards, deepen community ties, and cultivate a more collaborative legal culture.

Moreover, this pathway promotes equity and inclusion by reducing structural barriers associated with traditional licensure routes. Financial and logistical burdens of bar preparation and testing act as an unnecessary barrier to bar licensure. Providing a supervision-based pathway opens the door for capable, diverse candidates who might otherwise be excluded. In doing so, the supervision-based model aligns with Minnesota's commitment to justice and fairness, ensuring that the legal profession better reflects and serves the communities it represents.

We at The Legal Revolution believe that Minnesota is ready for this evolution in legal licensure. The supervision-based pathway is a pragmatic, forward thinking approach that will strengthen the legal community, broaden access, and ensure that every Minnesotan has the opportunity to thrive in a vibrant, diverse, and well-trained legal profession.

Thank you for your thoughtful consideration of this important initiative. We stand ready to assist in its development and implementation in any way that is helpful.

Sincerely,

/s/ Jon Geffen

Jon Geffen | Executive Director

The Legal Revolution

2550 University Ave., Ste. 439-S

Saint Paul, MN 55114

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MacKenzie Johnston

From: Tori Kelm <tori@galowitzolson.com>
Sent: Thursday, October 23, 2025 1:18 PM
To: BLE
Subject: [EXTERNAL] Comment on Alternative Pathways ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello Mr. Boyd,

I apologize for not providing my commentary by the deadline. I have always intended to somehow get involved or at the very least, be in the know, with how the attorney licensure procedures are changing. When I had first heard about the alternate pathways that other states were offering, I was already excited that alternatives to the bar were in existence. I was even more excited when I heard that Minnesota was looking into them! I just want to share my story and how I feel the revised pathways could be used for future students.

I started working for attorneys when I was in high school and immediately fell in love with the profession. I was mentored by two wonderful attorneys starting at age 17 (!) and have always wanted to pay it forward. I was a 3+3 student at Hamline and Mitchell Hamline and worked part-time throughout my education. My last semester of law school, I opted not to take regular classes and instead enrolled in a school-sponsored residency program through my workplace. I had only heard about this opportunity through another student who had done a residency, otherwise it was not an option that was widely promoted. I approached a professor who I had a great relationship with to be my sponsoring professor. Initially, she was interested, but once she realized how limited the actual schoolwork component was, she provided some feedback to the residency coordinator. I was mostly left out of these conversations, but ultimately my preferred professor was not able to sponsor me. I was instructed to reach out to a few other professors who were already sponsoring students. I was familiar with one of them, so I asked her and she agreed.

My experience with the residency program was amazing on the work side. I was able to really see what practicing law would feel like, at the firm that I would later work as an attorney at. I just don't think there is any substitute for this kind of experience. I was truly applying all of my schooling and getting to get a feel for billing, working with clients (as a supervised practitioner), and adjusting to life working full time. However, school-side was a very different experience. The journaling and research/presentation requirements were very easy (which I was glad to have a break from school work!), but working with the professor proved to be very difficult. Several meetings were missed or re-scheduled last minute, and at one point I was even accused, for lack of a better word, of not completing the journaling requirement, when really the professor just never checked the document I shared with her. I ultimately just felt very un-supervised and unsupported. I felt lucky that I loved my workplace placement, because if I didn't, I am not sure how I would have managed the semester.

I provide my story because I think it is an example of how important it will be to consider how professors are selected for the alternate pathways. I was glad to see that there will be more rigorous academic requirements, which seems similar to what I have seen some rigorous paralegal certificate programs requiring. I am fully in support of giving students other ways to get licensed in our state, and I think practice-based pathways really give students the best taste of what attorney-life would be like, especially for students like me who were ready to hit the ground running.

Thank you for your time and consideration and thank you for the work you are doing in support of future lawyer generations!

Sincerely,

Tori

Tori Kelm (she/her)

Attorney at Law | Galowitz • Olson PLLC

10390 39th Street North

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MacKenzie Johnston

From: Cohoes, Gordon <Gordon.Cohoes@pubdef.state.mn.us>
Sent: Thursday, October 23, 2025 1:53 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd; Alternative pathways to Licensure

Good Afternoon,

I have been a practicing attorney in Minnesota for 12 years, I am a full-time public defender, and I am a graduate of the University of Minnesota Law School.

In my opinion, all the necessary and important course work for a rigorous legal education can be (and in my case) was completed in just 2 years of law school.

The third year of law school was simply electives, clinics, work-study credit, or even non-law school-based classes at the U.

And yet, that third year still cost tens of thousands of dollars.

I think the single biggest way the committee could support a more equitable and less burdensome path for prospective lawyers of different backgrounds is to only require 2 years of law school instead of 3. Work experience/clerkship/apprenticeship could be required as an alternative, although in my opinion I do not think that would be strictly necessary.

Most of what I have learned that I need for my day-to-day work, I learned on the job. I am still unhappy about the amount of debt I had to go into for that third year, when my main focus was really just my clerkship at the Public Defender's Office.

It seems to me that at some point, it was decided that three years of law school was the proper amount and that has become institutionalized. It is long past due to revisit that expectation. I would be very interested as to what useful things any practicing attorney believes they learned 3L year. If some people enjoyed law classes then I suppose they could voluntarily keep taking them or auditing them, but it should not be required.

Gordon Cohoes
Assistant Public Defender - 1st Judicial District
919 Vermillion St., Ste. 200
Hastings, MN 55033
Attorney License Number 0395213

MacKenzie Johnston

From: Paul Edman <paul@edmodlaw.com>
Sent: Thursday, October 23, 2025 3:41 PM
To: BLE
Subject: [EXTERNAL] Proposed Curricular-Based "Pathway" to Licensure

Sirs:

I read with interest your initial draft of your proposed plan concerning the above referenced. At the outset, I believe this to be a bad idea from the viewpoint of protection of the public. It is clear from the draft that great effort was put into addressing my concern with lots and lots of verbiage that really said very little. It is clear that this proposal is from the perspective of candidates to be lawyers and their travails. That is the wrong perspective in my opinion. This should be first and foremost about protection of the public in the licensure process. This proposal fails dramatically in that regard. Respectfully,

Paul Edman
paul@edmodlaw.com



115 Downtown Plaza, Fairmont, MN 56031

Phone: 507-235-8700 www.edmodlaw.com Fax: 507-238-4719

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MacKenzie Johnston

From: Morris, Matthew <Matthew.Morris2@bestbuy.com>
Sent: Thursday, October 23, 2025 5:28 PM
To: BLE
Cc: Andrew Seifert; Pusch, Jennifer
Subject: [EXTERNAL] Comments/Questions on Alternative Pathways (Attn: Tom Boyd)

Dear Tom,

My name is Matthew Morris and I am a newly admitted member of Minnesota bar and the MSBA Tax Section. My colleagues on the section, including Andrew Seifert and Jennifer Pusch (copied here), would like some additional time to provide comments on the Alternative Pathways Implementation Committee's proposal on the curricular pathway to attorney licensing. The invitation to comment that we received on October 8 provides that comments before October 17 are preferred. We are currently researching and discussing the proposal and anticipate that we will have comments to share with you in early December—our next section meeting is at the end of November and we need some time to prepare our response. Please let us know if the committee is open to reviewing our comments at that time.

We have two clarifying questions:

1. Do applicants who meet the requirements of the curricular pathway also need to take the bar exam? Appendix E, the curricular pathway timeline, does not mention anything about the bar exam, so the answer to this question is likely no.
2. Is supervised practice a distinct experiential pathway to licensure, or is it only incorporated as part of the curricular pathway? The proposal provides that "[t]he Implementation Committee is using this Competency Framework as a guide as it designs two alternative experiential-based pathways to licensing: a curricular pathway with licensing based on work done during law school and a supervised practice pathway with licensing based on work done after graduation." Does this mean that the committee will release another proposal with details on supervised practice as a second alternative pathway, or is the curricular pathway (with a supervised practice component) the only alternative that the committee is currently considering?

Thanks,
Matthew

Matthew A. Morris | Director, Tax Controversy | **BEST BUY** | He/Him/His

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MacKenzie Johnston

From: Erin Anderson <andersonerinelizabeth@gmail.com>
Sent: Tuesday, October 28, 2025 8:14 PM
To: BLE; Director
Subject: [EXTERNAL] Writing in support of alternative pathways for attorney licensure

I am a licensed attorney in Minnesota. I am a first-generation college and law student. I cannot express enthusiastically enough my support to implement an alternative pathway to attorney licensure in our state.

The bar exam does not measure attorney competence, empathy, or emotional intelligence. The exam misses the competency mark in every way: it requires hopeful attorneys to speed through a wide variety of legal questions and spit out unrefined answers. It does not model real-life ethical practice, which would never require an attorney to consult zero resources to come to a rapid conclusion that is unedited. If anything, the bar exam creates poor habits that must eventually be broken for real-life practice.

I found preparing for the bar exam and the exam itself to be genuinely awful. The emotional exhaustion and mental turmoil were the last things my body and mind needed after law school. Furthermore, the bar exam prevents many students from being able to work. For first-generation and low income students, we do not have the privilege of simply taking additional months off work and generating income to study more. We have already given three years of our life to study, and we must start to earn again. We are at a competitive disadvantage against students who are financially stable and who can afford to take additional time unpaid to study. That model is the antithesis of justice.

The bar exam is a classist barrier to entry into the legal field. Importantly, it does not screen out talent—it only screens potential attorneys who may not thrive in a rigid, austere testing environment and/or advocates who do not have the financial safety net to study for the exam for the same number of hours as more economically privileged peers.

As a practicing lawyer, I do not admire a lawyer for their ability to fill in a bubble quickly and throw together a written response to a legal question under a time crunch. I admire a lawyer who is empathetic, detail-oriented, and passionate. I admire a lawyer who never assumes they know the law and always references resources, checking their work diligently and putting it through multiple rounds of review. Shouldn't the state of Minnesota also value these characteristics in its candidates for the legal profession?

Field experience is a far superior path to becoming a licensed attorney than taking an exam that utterly fails to assess the true qualities a lawyer must possess to be an ethical practitioner. An alternative field experience/curriculum pathway would allow low-income and first generation law students to potentially earn income, or at least tuition credit, while working towards licensure. As a practicing attorney, I can wholeheartedly confirm that absolutely nothing about the bar exam prepared me for the role I am in today. It was my law school clinics and field experience as a new attorney that have prepared me. And I am still learning every day.

I think requiring passage of the bar exam as the only mechanism for attorney licensure is a travesty. One of the most intelligent, compassionate advocates I know did not pass the bar exam. It is a travesty and

shame that this individual is not practicing right now because of this foolish barrier. I seriously hope the MBCLE makes a decision that furthers equity and inclusivity in the legal profession rather than one that restricts it.

Thank you.

MacKenzie Johnston

From: Leslie E. Redmond <infoleslieredmond@gmail.com>
Sent: Thursday, October 30, 2025 7:00 AM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Hello Attorney Boyd,

I'm in full support of this change. It's time we reimagine what it means to become a lawyer in Minnesota and beyond. The proposed alternatives provides an equitable, community-rooted pathway that values lived experience, mentorship, and applied learning just as much as classroom theory. This shift will open doors for so many brilliant minds who have the passion and potential to serve but have been shut out by unnecessary barriers.

Thank you.

Sincerely,

Leslie E Redmond, Esq/MBA

Curricular Pathway and General
Comments received November 5, 2025 to
December 16, 2025

MacKenzie Johnston

From: Jennifer Dailey <dail0026@yahoo.com>
Sent: Wednesday, November 5, 2025 10:33 AM
To: BLE
Subject: [EXTERNAL] Comment on Alternative Pathways to Licensure

Hello! I am sorry this was not to you before October 11, but I kept debating whether or not to comment.

I know many who are in the licensure process for social work, which requires 1000 hours of supervision. I'm sure there are pros and cons with everything, but I didn't want the attorney "supervision" to be akin to that. Although well intended, sometimes in the social work world it's hard to find a good supervisor. The good ones don't have time and others are basically in it "for the money" as it can be very expensive and sometimes cost prohibitive to pay someone to supervise for the 1000 hours.

I don't see that this program is truly that, but the tracking seemed somewhat micromanaging in format and many very good yet busy attorneys won't have time to do that. I just wasn't sure if you were intending to be modeling after the social worker format, which has pros and cons. I just wanted to make sure the possible cons were considered and the supervision was more useful and less "check box" in approach.

I am assuming this "alternative" pathway means the traditional pathway (law school then bar exam) is still available. That seemed to be the case from reading through the materials.

Thank you for your time,
Jennifer Dailey
Licensed since 2000

MacKenzie Johnston

From: Sonsteng, John <john.sonsteng@mitchellhamline.edu>
Sent: Thursday, November 6, 2025 3:00 PM
To: BLE
Cc: Carlson, Michael; Damien Riehl
Subject: [EXTERNAL] FW: Legal Practice Practicums Paper
Attachments: The Legal Practice Practicum Making a Case for Change A Way Forward 11 5 2025 FINAL.pdf

**Minnesota Board of Law Examiners
Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr Drive Suite 110
St. Paul, Minnesota 55155**

Dear Board Members,

Thank you for your letter concerning Alternative Pathways for Attorney Licensure. A group of us has been working on this subject for about 40 years and agree that changes must and can be made. The paper that is attached provides a framework for change.

You will see on pages 13-16, a demonstration of the important areas of legal practice and law practice management skills that should be but are not addressed in the legal education process.

The paper is posted on the Mitchell Hamline open access web pages.

We have observed that many laws schools recognize the importance of change. However, many of them only change the titles to: "experiential or practicum" as names of currently offered courses. Many people who criticize the legal education system address only the "What and Why." We have also addressed the "HOW" in significant detail.

To achieve the goals you have described, laws schools must revise their curriculums and teaching methods.

We are prepared to work with you to help make these necessary changes.

**John Sonsteng
Professor of Law
Mitchell Hamline School of Law
875 Summit Ave.
St. Paul, MN 55105
612 702 1024**

MacKenzie Johnston

From: Elizabeth Odette <Elizabeth.Odette@ag.state.mn.us>
Sent: Friday, November 7, 2025 11:13 AM
To: BLE
Subject: [EXTERNAL] FW: Invitation to Comment on Alternative Pathways to Licensure

ATTN: Tom Boyd, Alternative Pathways Committee Chair

Speaking in my personal capacity and not on behalf of my employer, I am fully supportive of this initiative and applaud those who are working to find additional pathways to practicing law.

Sincerely,
Elizabeth Odette (practicing in Minnesota since 2004)

MacKenzie Johnston

From: Wendell Bell <wendell.bell@protonmail.com>
Sent: Saturday, November 8, 2025 10:30 AM
To: Director
Subject: [EXTERNAL] Re: Invitation to Comment on Alternative Pathways to Licensure

As long as there is an alternative pathway for the Abe Lincoln's of our time—and as long as it is sufficiently rigorous that Kim Kardashian does not become my Sister at the Bar...

Wendell
817 939 8429

MacKenzie Johnston

From: Jordan Olsen <jordanolsen26@gmail.com>
Sent: Tuesday, November 11, 2025 1:44 PM
To: BLE
Subject: [EXTERNAL] ATTN: Tom Boyd, Alternative Pathways Committee Chair

Good afternoon,

I have a few comments/questions/concerns:

1. I think there should be a truncated or more affordable way for paralegals to become attorneys. I am a managing attorney with the Public Defenders Office in two northern Minnesota counties. Just within our organization, there is a huge range in what paralegals in our organization are expected to do or capable of doing.

For example, in some offices across the State, law clerks are more common because the office is closer to a law school campus. In those cases, law clerks are often tasked with the legal research projects and legal writing projects, obviously reviewed and supervised by active attorneys. That means paralegals are often used for many other tasks like organizing files, reviewing discovery and providing summaries of evidence, printing and organizing trial notebooks, filing documents with the court, reviewing evidence with clients at the jail, etc.

However, in our office our paralegal still has to do all those tasks, but she is also tasked with writing legal memos, legal motions, legal writing and briefing to the court. While I'm sure some of the paralegals in the former example would also make great attorneys, our paralegal has a better understanding of the law, constitutional issues, criminal rules, etc. - than many attorneys I've worked with or against.

So why didn't she go to law school? Well, she put herself through paralegal school while raising three kids. I know she's been encouraged by multiple attorneys in our organization to go to law school. The problem is the expense of going to law school, the time commitment, children to raise, not feeling like it would pay off considering the debt involved, etc. But more importantly, I was very surprised by how much information that was covered in her paralegal training compared to my law school experience. Obviously without attending I can't say whether the difficulty, depth of knowledge, or breadth of subject matter is similar, so I'm not advocating that you can just go to paralegal school and after a certain number of years of legal experience you are now a lawyer. But close? In my experience, for some paralegals, I think the answer is yes.

So, my whole long exposition here is to say that there should be a way to achieve either the same status as attorneys, or a similar title without having to go to law school and take on a ton of debt. I guess I'd liken it to a Nurse Practitioner or Physician's Assistant.

2. I feel like this sentence is quite vague " A supervised-practice pathway would require significant commitment from members of the legal community to be viable."

What does this mean? What would be required of existing attorneys in the community?

3. How uniform will these criteria be across state lines?

We often have a hard time recruiting for positions in greater MN. Many people, especially young people right out of law school, are not very interested in life in rural areas. We have a hard time recruiting and retaining employees. Perhaps this is covered somewhere already, but I would make barriers to entry for out of state law students/attorneys/paralegals to attain the ability to practice in MN relatively low.

Thank you for your time,

Jordan Olsen

MacKenzie Johnston

From: Patrick Lofton <patricklofton@gmail.com>
Sent: Monday, November 17, 2025 8:02 AM
To: BLE
Subject: [EXTERNAL] Opposing alternative pathways

I can totally understand why the MN Bar would contemplate alternative pathways. With some frequency, competent (and indeed exceptional) attorneys fail the bar exam once. This is unfortunate, but it doesn't mean there is something wrong with the test.

While surely an Imperfect metric, the bar exam must continue to exist because there are those that law students continually cannot pass it after repeated attempts. I work in an organization that retains law school graduates who cannot pass the bar, even after multiple failures. These attorneys are invariably incompetent. Every time, every one of them. I have observed this approximately 10 times in 13 years and heard of many others.

The bar exists for a reason. It tests our ability to learn law and apply it, something we do every day in 80% of our careers. It tests our ability to perform under stress. It tests our writing ability, and yes, even our memorization skills (sorry the real world requires it).

Are there some statistics suggesting otherwise competent attorneys/law students are not passing the bar that prompted this?

MacKenzie Johnston

From: Jones, Norman <NJones@winthrop.com>
Sent: Sunday, November 30, 2025 8:37 AM
To: BLE
Subject: [EXTERNAL] Invitation to Comment on Alternative Pathways to Licensure - Attn Tom Boyd

Dear MBLE staff,

If it's not too late for comments on this initiative, it took a little while to craft a suggestion.

I like the concept in general. As an improvement, I'd suggest a scaled-down supervised-practice pathway for those who meet some additional requirements.

Specifically targeting the group of foreign-educated attorneys, who get an ABA accredited LL.M., and who are already licensed in another U.S. jurisdiction.

The concept would be:

- Eligibility: First law degree from a non-U.S. (non-ABA) school + ABA LL.M. + already admitted and in good standing in at least one U.S. state by bar exam.
- Rationale: NY and CA already allow foreign-educated LL.M. grads to sit for the bar if they meet structured LL.M. requirements. Minnesota could potentially build on that, so that this group would not have to wait 5 years to be qualified to sit for a second bar exam.
- Requirement: Certain period of Minnesota-based supervised practice (e.g., 12–24 months) under a MN-licensed lawyer, tied to the Board's competency framework.
- Assessment: Applicant submits a portfolio of work which the Board evaluates for minimum competence, similar to the other alternative pathways.
- Outcome: On successful completion, the attorney could be admitted without needing to satisfy the multi-year practice requirement and without re-taking a full bar exam, while still going through character and fitness and all normal admission checks.

Please let me know of any questions and thank you very much for your work on this.

--Norm



Norman L. Jones
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MacKenzie Johnston

From: Randall A. Kins <randall@kinslawfirm.com>
Sent: Thursday, December 11, 2025 10:00 AM
To: Director; BLE
Subject: [EXTERNAL] RE: Invitation to Comment on Alternative Pathways to Licensure

Dear BLE,

I appreciate the request for public feedback. I am writing in opposition to the proposed diploma privilege modification. I graduated in 2013 and failed the bar the first time I took it. While preparing for the bar I had a full time job at a firm and poured my efforts in to that job instead of studying as much as I should have. I did not give the bar exam the respect it deserved and failed by a slim margin. I spent the next several months working and studying frantically so I could pass and happily, my efforts paid off and I passed with ease the second time.

Failing the bar caused me to delay significant life events while I studied and poured myself in to bar prep. While a terrible experience, it was not without silver linings. The humility and respect for the profession that came from my failure made me a better lawyer and I am now an awarded defense attorney, have argued at the Supreme Court, was elected by my peers to serve as President of the Minnesota State Bar Association First District, serve as MSBA alternate delegate and hold numerous other leadership positions within the legal community. Failing the bar taught me to prioritize things that are important.

In the post-covid world, those of us who spend our careers in courtrooms have already seen a startling decrease in courtroom respect and decorum exhibited by newly-minted attorneys appearing in front of judges. Attorneys are now very comfortable wearing Crocs to court, other clothes in the courtroom that just 10 years ago would have caused an attorney to be held in contempt by a judge, non-professional attitudes toward practice and the tribunal they are in front of, and general indifference and disrespect for the profession. Removing the formality of a bar exam will further erode the decorum and respect for the profession we are fortunate enough to be members of.

The last several years have also seen a sharp decrease in law school admission numbers. Since I applied in 2010, numbers have fallen from 52,404 to 39,665, a 25% reduction nationwide. <https://www.lawhub.org/trends/enrollment> Minnesota can no longer support 4 law schools. This downward trend is no doubt causing lawyer shortages and the move toward curriculum-based licensure is an obvious and transparent effort to get attorneys licensed at all costs to address this shortage...no matter whether they can pass the same test as lawyers of the past. I know several people who were unable to pass the bar after several tries and to be honest...there is a reason. They almost certainly would have been able to get licensed under the proposed curriculum-based licensure path, which would have been a terrible dis-service to their would-be future clients.

For many students, the bar exam is the first time they have been held to an objective standard. The bar exam is not swayed by how prominent your parents are, how much money your family donated to your school, how much your teachers like you, whether your aunt can get you a lucrative experience at their firm, etc...it is an objective measure. Frequently, it is the ONLY objective measure as many float from undergrad to law school to a law firm with their primary qualification being the privilege

aforded by their station in life. Admittedly, it is a very uncomfortable and unpleasant test. Removing it from the licensure process will undoubtedly make it easier to be a lawyer...but I hope ease is not the point.

I think we need the bar exam. It is a test not everybody can pass, and therefore is a rite of passage so engrained in the American legal system that doing away with it will change the way the public views lawyers. Indeed, we frequently look at unconstitutional holdings from the Wisconsin Supreme Court and joke "yeah well...that's what happens when nobody has to pass the bar exam before becoming a Justice." Please don't make Minnesota attorneys the butt of the same jokes by doing away with the bar exam. Everybody should have to pass one objective measure in their lifetime to become a lawyer.

We may not be able to keep Crocs away from courtroom counsel tables, and ultimately the bench, but we can at least make sure the person wearing them had to pass a test that proved they are as competent to practice law as the rest of us...notwithstanding questionable choices in professional footwear.

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Curricular Pathway and General Comments received
December 17, 2025 to January 30, 2026

MacKenzie Johnston

From: Jacobson, Kari <Kari.Jacobson@courts.state.mn.us>
Sent: Wednesday, January 7, 2026 11:42 AM
To: BLE
Subject: [EXTERNAL] New path to licensing

Hello,

This is a message for Tom Boyd. I wanted to reach out to you because I read the article in Bench & Bar concerning new pathways to licensing for the State of Minnesota. I would like to make the suggestion (if it has not already been discussed) to consider the graduates who are currently working in the legal system when developing this program. There are many law graduates such as law clerks like myself who are working full time in the legal industry. They are receiving quality experience with judges and lawyers in many different areas of law. As the development of this program unfolds, please consider a pathway for the people who have graduated and are active in the industry.

Best Regards,

Kari Jacobson

Rice County Law Clerk
Third Judicial District
218 Third Street NW, Faribault, MN 55021
Office Phone Number: 507.497.7134
Main email- kari.jacobson@courts.state.mn.us

MacKenzie Johnston

From: Brook Mallak <brookmallak@yahoo.com>
Sent: Thursday, January 8, 2026 10:42 AM
To: BLE
Subject: [EXTERNAL] Comments for the Alternative Pathways Implementation Committee

Good morning~

Thank you for your work with the Alternative Pathways Implementation Committee and your article in the December 2025 Bench & Bar about the Committee's work. With respect to the Curricular Pathway, student-certified attorney work isn't specifically mentioned. If this isn't included, I strongly encourage the Committee to consider including this as it's exactly the sort of practice experience that should be included. I was fortunate enough to have the opportunity to do this work during my last 2 years of law school and worked alongside other student-certified attorneys working for public defenders, other agencies and/or private firms. In fact, when I was hired as a full-time public defender, this work was counted as prior experience and I was hired at a higher union pay grade.

Thank you~

Brook Mallak

MacKenzie Johnston

From: info <info@corsonlaw.com>
Sent: Wednesday, January 14, 2026 10:00 AM
To: BLE
Subject: [EXTERNAL] Bar Exam

Dear Mr. Boyd,

I am overjoyed that the bar is finally looking at alternatives to the bar examination to qualify people to serve as attorneys. Ways other than the bar exam would seem to be reasonable, valid, and meaningful. The bar exam appears to me to have only continued due to tradition and people advocating for their own personal benefit. Good luck.

Sincerely,

Steven Corson
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MacKenzie Johnston

From: David Anderson <advokatdma@gmail.com>
Sent: Tuesday, January 27, 2026 3:00 PM
To: BLE
Subject: [EXTERNAL] Alternative pathways to admission

Hi Tom: good luck with this project. It's all already being referred to by attorneys as the flunkee bar admission.

Cannot underestimate the impact of this on the profession and the public perception that now even less qualified people will become attorneys. Just in time to replace affirmative action as another nail in the coffin for the legal reputation of the lawyers.

--

David Anderson
Ebizlaw.com

MacKenzie Johnston

From: Hans Z Larson <Hans.Larson@hennepin.us>
Sent: Tuesday, January 27, 2026 2:49 PM
To: BLE
Subject: [EXTERNAL] Alternative Pathways Implementation Committee

It appears based on NCBE data that the MN pass rate is 84% overall, with 88% of first timers passing. I am struggling to understand what problem is being solved by creating 'alternative pathways.' I do not speak for my office.

Hans Larson
Senior Assistant Hennepin County Attorney
Child Protection Division

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Curricular Pathway Comments received
June 8, 2026 to June 30, 2026

MEMORANDUM

TO: Alternative Curricular Pathways Committee

FROM: David Schultz, Hamline University Distinguished Professor of Political Science and Legal Studies, Saint Paul, Minnesota

DATE: June 8, 2026

RE: Combined Assessment of the Curricular Pathway Proposal and the Public Comments, and My Position on the Proposal

Purpose and Position

I have read through our final proposal for an alternative curricular pathway to licensure, and I have read through all of the public comments submitted in response to it. I have decided to combine my own concerns with the concerns expressed by the public, and to set out my position in one place for the committee.

My conclusion is that I remain highly skeptical about the feasibility of the proposal we have produced. I originally thought I would vote against it. On reflection, I am willing to support the proposal in principle, as an experiment, while remaining candid that my skepticism about its feasibility has not been resolved. I support the basic goals of competency outlined in the report. I have, all along, raised questions about its design, about implementation cost to the several persons affected, including law schools, students, and examiners, about equity and fairness, and about whether the model can be scaled up. I would like these comments passed along to the Minnesota Supreme Court.

Why an Alternative Pathway Is Worth Pursuing

In thinking about the reasons why we should pursue an alternative pathway at all, there are several.

1. There are legitimate concerns that a multiple choice and timed examination disadvantages candidates who are not strong test takers, without that disadvantage telling us anything reliable about their ability to practice law.
2. There are concerns that such a test does not legitimately capture the skill sets or the conditions under which law is actually practiced. No one should be considered competent to practice law on the strength of memory alone. Competence is demonstrated in the doing, in the handling of clients, facts, and judgment under real conditions, and a test taken largely from memory does not reach that.

3. I remain concerned about the biases inherent in standardized tests such as the bar examination, which have been shown to carry both racial and economic disparities.¹ The economic dimension is the better documented of the two: the examination rewards those who can afford to stop working and study full time for two to three months, purchase commercial preparation, and carry few family obligations during that period. Because those resources are unevenly distributed, the disparate impact is predictable. A notable finding is that a racial gap persists even after controlling for income, employment, preparation course, and prior test scores, which is difficult to explain as upstream inequality alone.

For all of these reasons, I believe there needs to be a serious effort at an alternative to a single high stakes examination. My skepticism is about this design and its feasibility, not about the underlying goal.

How My Concerns and the Public Comments Converge

The strongest result of reading the comments against our proposal is that my structural concerns are not mine alone. They surface repeatedly in the public record, frequently from people who support the concept. The table below maps each concern to its echo in the comments.

Concern I have raised	Echoed in public comments	Representative commenters
Unfunded cost to schools, students, and examiners	Recurring theme, including among supporters	<i>Bill Cottrell, Cameron Field, Tim Wong</i>
Equity paradox: the experiential load burdens working and caregiving students	Logged as a named theme, raised even by equity-minded commenters	<i>Alissa Mumy, Tamara Anderson, Kristina Perez</i>
Subjectivity and supervisor capacity in assessment	Among the loudest concerns	<i>Joel Sedgeman, Joshua Gutzmann, David Tomenes</i>

¹On the disparities and their interpretation, see Deborah Jones Merritt, Racial Disparities in Bar Exam Results, Causes and Remedies, U.S. Law Week (Bloomberg Law, July 20, 2021) (reporting first-time pass rates of 88 percent for White candidates, 66 percent for Black, 76 percent for Latinx, 78 percent for Native Hawaiian and Native American, and 80 percent for Asian candidates, and summarizing the AccessLex Institute analysis of more than 5,000 graduates finding that time available for full-time study, household income, family financial support, and commercial prep predicted passage, while working during bar study and lower income predicted failure, with a racial gap persisting even after controlling for income, employment, commercial prep, LSAT score, and law school selectivity); Linda F. Wightman, LSAC National Longitudinal Bar Passage Study (1998) (documenting comparable gaps decades earlier); Scott et al., Putting the Bar to the Test, An Examination of the Predictive Validity of Bar Exam Outcomes on Lawyering Effectiveness (2024) (reporting 2021 ABA first-time pass-rate gaps and questioning the exam's validity as a measure of minimum competence); Examining the Bar Exam, An Empirical Analysis of Racial Bias in the Uniform Bar Examination, Mich. J. L. Reform (2025) (associating higher proportions of Black and Hispanic students with lower school-level UBE passage and questioning reliance on the LSAT as an unbiased benchmark). For the contrary interpretation that score differences are not necessarily test bias because they track gaps already present on the LSAT and in law school grades, see Mark R. Raymond, April Southwick, and Mengyao Zhang, Ensuring Fairness in Assessment, The Bar Examiner (NCBE, Spring 2021).

Concern I have raised	Echoed in public comments	Representative commenters
Weak incentive and uncertain portability	Confirmed by recent admits	<i>Kristen Cray, Joshua Gutzmann</i>
Difficulty scaling beyond the pilot	Raised as a feasibility and burden concern	<i>David Tomenes, Liz Pierce</i>

The equity convergence troubles me most. We justify the pathway substantially on fairness grounds, yet fifteen experiential credits and a multi-part portfolio concentrated in the final two years demand sustained, daytime engagement inside the law school. That is precisely what a student who works or who carries family responsibilities cannot easily give. The examination defers its burden to a defined period after graduation; our pathway front loads an equal or greater burden across enrollment. There is a real risk that the pathway becomes most usable by the students who least need the accommodation and least usable by those it is meant to help. The public comments raised this same paradox, and they did so from inside the very constituency we invoke.

On the comment record as a whole, I would characterize it honestly. The bar is roughly evenly divided, with a slight edge toward support once conditional supporters are counted. Two cautions belong with that count. A good deal of the opposition misreads the proposal as eliminating the bar examination, which it does not, so genuine opposition to the actual plan is softer than the raw numbers suggest. And the support, while real, is concentrated among those for whom the design already works.

My Recommendation and a Closing Analogy

I am willing to support the alternative pathway in principle and to let the pilot proceed as an experiment. I do so with my skepticism on the record, and I ask that the pilot be framed not as a feasibility test at thirty students but as a test of whether the equity, cost, and scaling problems can be engineered out before any expansion. The pilot should report on completion equity for working and part-time students, the true per-student cost and the resulting fee, the examiner and clinical-seat capacity required at larger volumes, cross-state portability, and who actually chooses the pathway.

Throughout this process I have emphasized my concerns about design and implementation. I fault no one. The work was meaningful and everyone tried their best. It may simply turn out that an alternative curricular pathway, at least in this curricular form, is not feasible in the sense of meeting all of the concerns we set out to address.

The closest analogy I can offer is to a trial that ends in a mistrial. We all acted in good faith and followed a sound decision making process, but that process, in my opinion, did not produce a conclusive result. A mistrial is not a verdict against anyone. It is an honest acknowledgment that the matter is not yet resolved and may need to be tried again on a different footing. That is where I believe we stand, and it is in that spirit that I offer my support in principle together with my candid doubts about feasibility.

Respectfully submitted,

David Schultz

Distinguished Professor of Political Science and Legal Studies
Hamline University, Saint Paul, Minnesota

MacKenzie Johnston

From: Traci Sherman <tsherman@plutoboeslegal.com>
Sent: Tuesday, June 30, 2026 8:40 AM
To: BLE
Subject: [EXTERNAL] Curricular pathway comments

Hello,

I took the bar exam twice. Once in July of 2020 and the second time in February of 2021. Yes, both times were under COVID restrictions, and it was tough. I point that out because the arguments that I have heard regarding alternative pathways include the argument that the bar exam is biased against women, minorities, and people from lower income families.

My background is that I attended law school, prepared for the bar exam, and took the bar exam all while working a full-time job at 40 hours per week. I was a single mother making just over minimum wage. If an individual wants to take the bar exam, they will find a way to do so despite challenges. I personally do not view being a female or mother as being a hinderance to achieving what I want to achieve. Dificult life circumstances require more commitment and problem-solving skills that I feel are an important part of being a lawyer. Just because you pass the bar exam does not mean that life will get easier. I feel that using the curricular pathway is the equivalent of the easy way out.

I feel that this curricular pathway is a means to bypass the bar passage requirement that the ABA imposes for accreditation. If people are not taking the bar exam, then failures are not recorded against bar passage rates. Instead of creating a work around for the law schools, we should be looking at how to improve the law school curriculum to ensure that graduates are prepared to take and pass the bar exam. The law school I attended held bar preparation events during our time in school and applied part of our tuition toward a bar prep program. Unfortunately, the bar prep that the school provided was not equipped to handle the issues caused by COVID due to technological glitches that made viewing replays of the lectures impossible. The bar prep course that I paid for out of pocket for the 2nd time I took the test, was prepared for COVID issues and ofered better options to allow for remote access to materials and advisors. Law schools should be required to assist with bar prep courses, whether during the student's time with the school or after graduation. Law Schools should also be required to review the courses in real time to ensure that everything is working properly as their accreditation depends on students passing the exam.

The final comment that I hear is that the bar exam does not prepare an attorney for the practice of law because it only tests core competencies. If an individual has a working knowledge of the core competencies, then they are as prepared to practice law as any new attorney can be. Those core competencies are the foundation for learning specific areas of law. Using a curricular pathway is not going to prepare new attorneys for the practice of law, any better than the bar exam does. Unless the student has a guarantee of where they will practice and what type of law they will practice, and there is a curriculum based program for that particular area of law that is included under the pathway, the new attorney will still need to learn their particular area of law. I worked as a paralegal in a law firm for 6 years prior to entering law school and continued to work there through and after law school. I learned about the area of law that I was covering as a paralegal but that was a very small, specialized area of law. Those years in no way prepared me for the reality of being an attorney. I had many client interactions, both supervised and unsupervised; I drafted documents that were then reviewed by attorneys; I drafted memos and correspondence to clients and attorneys; I prepared appeals to administrative law judges; and I kept a detailed record of all of this. This sounds very similar to what you are proposing with the curricular pathway. It did nothing to prepare me for being a lawyer or to prove that I had what it took to be a lawyer.

Passing the bar exam gives new attorneys something to hold onto when they are facing self-doubt (imposter syndrome). It stands as proof that they have gone through and survived what countless other attorneys have done

before them. I know many people who passed law school but were unable to pass the bar exam. One of them was not even allowed to sit for the exam even though they volunteered for every clinic they could, were on mock trial, and even had an internship. They very likely would have taken the curricular path if it were an option, but because it was not, thankfully they are not practicing law because they were found to be unfit for the profession due to other factors that were discovered during the process of gaining permission to sit for the bar exam.

I think the best comparison is between lawyers and other professional degree fields. Doctors are required to take med school, internships, and residencies as part of their path to licensure. In addition to that, they also have to take a test that evaluates their core competencies. Why should we be evaluated any differently? Professional licensing exams are important for ensuring that future members of the profession measure up to their predecessors and that they will be a credit to the profession instead of a detriment. Why should becoming a lawyer be granted a short cut?



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