

## **Introducing The Lawyers Justice Corps**

The creation of a Lawyers Justice Corps can address two crises in the legal profession:

- The lack of access to legal services for a widening segment of society
- The reliance on an outdated licensing exam that fails to measure the competencies required for law practice, especially for lawyers entering public service

The Lawyers Justice Corps offers a rigorous way to test attorney competence, with a focus on the knowledge and skills that newly licensed lawyers actually use in the workplace. The Justice Corps also allows new lawyers to serve disadvantaged clients more quickly, helping to close the justice gap.

Jurisdictions adopting the Lawyers Justice Corps would continue to administer the traditional bar exam for candidates who prefer that route. The Justice Corps would offer an alternative for candidates who choose that pathway and satisfy the eligibility requirements.

### **Here is how Justice Corps law licensing would work:**

- A jurisdiction's highest court would designate public service organizations that qualify for the program. These organizations should serve underrepresented individuals and communities.
- Qualifying organizations would hire law graduates for job openings, using their usual hiring practices and offering their customary compensation.
- The Justice Corps candidates would begin working for their organizations shortly after law school graduation rather than deferring work to prepare for the bar exam. They would practice using provisional licenses that would allow them to perform many lawyering tasks under supervision.
- The host organizations would supervise and provide regular feedback to their candidates.
- The candidates would compile portfolios of written work product, as well as assessments of their performance in client interviews and negotiations. All work product would be redacted to protect client interests.
- Candidates would submit those portfolios anonymously to bar examiners, who would determine whether the candidate has demonstrated minimum competence.
- If a candidate completes six months of supervised practice, and if bar examiners deem the candidate's portfolio of work minimally competent, then the candidate would be eligible for bar admission without taking the traditional bar exam.
- The candidate would have to satisfy all the jurisdiction's other requirements for admission, such as graduating from an accredited law school, successful completion of the Multistate Professional Responsibility Exam (MPRE), and completion of a character and fitness review. Justice Corps work and portfolios would only take the place of passing the traditional bar exam.

**The Justice Corps pathway will license only competent candidates:**

- Candidates will demonstrate competencies like client interaction, negotiation, and case management that cannot be measured on a traditional bar exam.
- The written work created by candidates will reflect authentic communication with clients, colleagues, opposing counsel, courts, and other decisionmakers—rather than the hurried essays and answers to multiple-choice questions produced for the traditional bar exam.
- Bar examiners will assess candidates' portfolios using rubrics that represent the competencies needed for entry-level practice.
- Certification will rest on independent bar examiners' evaluation of the candidate's portfolio of work.
- Supervisors will receive support on best practices for supervising and giving feedback to candidates, including training on how to handle candidates who are not meeting expectations.
- Bar examiners will develop consensus guidelines for evaluating portfolios, receive training on that evaluation, and participate in regular calibration sessions to ensure reliable evaluation.

**The pathway will be fair to candidates:**

- The Justice Corps pathway follows the principles of universal design, giving candidates who live with disabilities an equitable opportunity to demonstrate their competence.
- The pathway avoids speeded testing, which bears no relationship to the competencies needed to serve clients effectively. Speeded tests, in fact, contradict the importance of careful, reasoned decision-making.
- The pathway also avoids traditional modes of standardized testing, which evoke stereotype threat in some candidates.
- Supervisors and bar examiners who participate in this pathway will receive training in implicit bias and other forms of unconscious prejudice that may affect their evaluations.

**The Lawyers Justice Corps will increase access to justice:**

- Candidates will be available to start work in late May, rather than August. Many public interest organizations need staffing over the summer.
- Rather than devoting two months to bar preparation, candidates will devote that time to helping under-served clients.
- Candidates will be able to continue serving those clients while other law graduates wait for their bar exams to be graded.
- Candidates will learn, practice, and receive feedback on the skills they need to serve clients, rather than memorizing the details of doctrinal rules tested on the bar exam--most of which they are unlikely ever to use.

- Candidates will not have to interrupt their client representation if they fail the traditional bar exam. The Justice Corps pathway is designed to help candidates succeed by providing regular feedback and licensing based on the competencies needed to serve clients.
- Candidates and lawyers in the Justice Corps will constitute a new network of lawyers who work with and support one another, strengthening public service organizations and the relationships among them.
- Support for the Lawyers Justice Corps from government and private funders could provide additional financial support to legal service organizations.

### **There Is a Real-World Model for the Pathway:**

- Oregon launched a Supervised Practice Portfolio Examination (SPPE) in May 2024. That licensing pathway resembles the Lawyers Justice Corps, although it is open to candidates pursuing any type of legal work.
- Oregon has implemented a portfolio review process for candidates in this pathway. The jurisdiction has developed detailed rules, scoring rubrics, training videos, and other materials that would support a Lawyers Justice Corps pathway.
- After just six months, more than 100 employers had registered for the SPPE pathway. The state has held two portfolio grading sessions, and successful candidates have been licensed.

### **There Is Empirical Support for the Pathway:**

California maintains a program, the Provisional Licensure Program, that allows some law graduates to practice with provisional licenses under a licensed lawyer's supervision. Candidates in one branch of the program can use that supervised practice to demonstrate their minimum competence. Although California's program differs from the Lawyers Justice Corps in some respects, it offers key insights into operation of a Justice Corps pathway. Deborah Jones Merritt, Andrea Curcio, and Eileen Kaufman studied data from California's program and discovered that:

- Candidates, including those from historically disadvantaged backgrounds, were able to find supervisors.
- The supervisors provided excellent supervision and training.
- The program was particularly attractive to women of color, men of color, and white women.
- Candidates from historically disadvantaged backgrounds succeeded in securing licenses through this pathway.

As the researchers' report reveals, numerous candidates commented on the program's importance to them, and many supervisors observed that the candidates in this program were more competent than some peers who had passed the bar exam. The research report is available [here](#).

The researchers are now examining a subset of the data limited to organizations that would qualify to participate in a Lawyers Justice Corps. That data shows:

- Those organizations were significantly more likely than other employers to have training and mentoring programs in place for new lawyers.
- Those organizations were more likely than other employers to hire first-generation college graduates, licensees who identified as LGBTQIA+, licensees who identified as people with disabilities, women, and people of color.
- The provisional licensees allowed public interest organizations to serve more clients. Fully 95% of supervisors working for those organizations reported this benefit.
- Supervisors at public interest organizations also praised the program for increasing the diversity of their practice teams. More than 93% of public interest supervisors cited this benefit.

**Conclusion:**

The Lawyers Justice Corps will advance core values of the legal profession. It will protect the public with bar licensure based on proven competence; facilitate career pathways for lawyers committed to fulltime social justice work; and demonstrate a jurisdiction's commitment to both access to justice and thoughtful, evidence-based licensing.

January 4, 2025