

APPENDIX A

SUPREME COURT OF GEORGIA
OFFICE OF BAR ADMISSIONS

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BOARD TO DETERMINE FITNESS
OF BAR APPLICANTS

BOARD OF BAR EXAMINERS

HULETT H. ASKEW
DIRECTOR OF ADMISSIONS

MEMORANDUM

To: Chief Justice Benham
From: Hulett H. Askew *B.*
Date: October 23, 1995
Subject: "Early Bar" Rule

As we discussed, I have prepared the attached one page description of the Court's decision to change the "early bar" rule. Once you have edited and approved this document, I would propose that I meet with Tom Boller to provide this to him for his use and to seek advice from him about how else we should prepare for legislative interest in this issue.

I will wait to hear from you before doing anything further.

CHANGE IN "EARLY BAR" RULE

In 1994 the Supreme Court of Georgia acted upon a request from the Board of Bar Examiners and entered an order changing the "early bar" rule. This rule permitted all third year law students to take the bar examination in February of their third year of law school, prior to completion of their legal studies. The Court changed the rule to require graduation before taking the bar examination.

The reasons the Court changed the rule are as follows:

- Georgia was the only state in the U.S. that permitted all third year students to take the exam early (some allow for hardship waivers on a case-by-case basis);
- the third year of law school was severely disrupted by students studying for the bar exam rather than attending and participating in class;
- law schools were forced to adjust their course schedules and curriculum in response to the effects of this rule (i.e. more "core" courses in the first two years; scheduling spring break for February);
- the students were missing educational experiences, including clinical opportunities, which had been determined to be important professionally;
- after the exam, the students were exhausted both physically and psychologically and had difficulty adjusting back to the law school routine; and,
- the Board of Bar Examiners also believed that performance on the exam would improve if students take it in July after they have graduated and had full-time to prepare without the demands of classroom preparation.

Ultimately, the Supreme Court and the Board of Bar Examiners believe that the sacrifice to a student's legal education far outweighs any head start these students obtained by taking the bar exam early, a benefit which they could not obtain in any other state. Therefore, the Court changed the rule and as of July 1, 1995 the Rules Governing Admission to the Practice of Law in Georgia require law school graduation before sitting for the bar examination.

APPENDIX B

Petition to Amend Rule 34, Rules of the Arizona Supreme Court

Summary and Background

The Petition to Amend Rule 34, submitted by the three Arizona law schools, responds in part to the critiques of modern legal education, and in particular the third year of law school, as not sufficiently focused on preparing students for practice. The proposed rule change also responds to significant increases in the cost of legal education and the highly competitive state and national job market.

Summary of proposed changes

- The changes proposed to Rule 34 would allow third year law students, subject to policies developed by the school they attend, to take the Arizona bar exam in February of their third year.
- This would be an **option** for students. Any student wishing to pursue this option would have to comply with the policies of their law school in order to be certified to take the exam. Any student wishing to take more traditional courses and clinics could do so.
- All other requirements for taking the bar exam and being admitted to the bar would remain the same – only the timing of taking the bar exam would change.

Benefits of the proposed changes

- Allowing third year law students to take the February bar exam would allow the applicants to receive the results of the bar exam in May – about five months earlier than they would receive their results if they took the July bar exam.
- This would allow those who pass the exam to begin work earlier, effectively reducing the cost of their legal education.
- It would also allow students to compete at graduation for the many jobs in both the private and public sector which require bar admission, rather than having to wait until October for admission to the bar.
- Students who took the Arizona bar exam in February could also opt to take another state's bar exam in July, giving the student more employment options.

Changing the Third Year to Focus on Practice

- If the proposed changes are adopted, schools that allow their students to take the February bar would make curricular changes.
- The University of Arizona James E. Rogers College of Law and the Sandra Day O'Connor College of Law at Arizona State University will modify the third year second semester curriculum **for those students who opt to and are certified by the school to take the February Bar** as follows:
 - January and February would be set aside for bar study so that the students could enroll in a bar review preparation course, just as they do for the July bar. Generally students would be prohibited from taking classes and working during this time, although one course might be required, offered to complement bar preparation.
 - From March through the end of the academic year, a different array of classes would be offered that are more closely tied to the transition from theory to practice. In addition, field placements might be offered during March and April to help bolster this transition.
 - These short courses would address subjects such as emerging issues in different areas of practice; recurring discovery issues; collegiality, professionalism, and ethics; client development; malpractice; law office management; effective motions practice; appellate practice; Bar resources; evidence in the courtroom.
- Depending on the law school, third year students who do not opt for the February bar could take a traditional curriculum, or could take the "theory to practice" curriculum.