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Mr. Chairman, Madam Vice Chairwoman, and Members of the House Education Committee:

My name is Brian Pappas, and I am the Dean of the University of North Dakota School of Law. I come before you today to speak on HCR 3023, a resolution to study diploma privilege and alternative means of assessing lawyer competence in the State of North Dakota.

Lawyers are engines of economic activity. They provide important services in areas relating to contracts, estate planning, and tax law, to only name a few.

In my travels to all 53 North Dakota counties last fall, I learned there is no county in our state not impacted by a shortage of lawyers.

In the last four years, 44-47% of our incoming class hails from North Dakota. Typically, 40% of our graduates stay and practice in North Dakota, but only 6% of those graduates locate outside of Grand Forks, Minot, Bismarck, and Fargo.

Lawyers are an important part of our communities, and when they retire, we lose a piece of the community's fabric. Maintaining vibrant small towns means ensuring professionals like lawyers continue to open and run law practices.

With a diploma privilege, students who from the University of North Dakota School of Law will receive a license to practice law. I believe a diploma privilege will increase the number of students who stay in North Dakota from 40% to 60% or more. I also believe a diploma privilege will enable us to retain more qualified students in North Dakota who currently decide to attend law schools out of state.

A diploma privilege does not mean we would not need a bar exam- new graduates who want to practice in another state (or who attend a law school out of state) would still need to take and pass a bar exam.

Our bar pass rate for the February and July 2022 bar exams was 72%. Our "ultimate pass" rate, the required American Bar Association statistic and the number of our students that pass the bar exam after two years, is 98%.

The bar exam does not test the ability to practice law. It provides a license to practice law, but learning the skills required for practice largely happens after beginning practice. Immediately after graduating from law school, most law students take a \$3,000 to \$5,000 bar prep course, which if they pass, does not mean they have the skills to practice law. We need to fix that problem.

A diploma privilege does not mean we are not assessing our law students. We are exploring options for how we can better assess our students. We will be revisiting what skills competencies our law school graduates should be able to demonstrate, how we can best train law students to be competent, and then how we can best assess those competencies. A diploma privilege does not mean lowering our admission to practice standards. It should raise our graduates' standards by shifting the competency system from a post-law school exam to the program of legal education itself. Part of this study requires the law school to examine those opportunities.

We have not fully examined a diploma privilege, or other methods of evaluating attorney competency. HCR 3023 will enable us to explore various options and help our state to make informed decisions. I urge a do pass recommendation, and I am happy to answer any questions.

Brian A. Pappas, Ph.D., LL.M., J.D.