

HB1609 Testimony
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Chair Klemin and Members of the House Judiciary Committee:

My name is Brian Pappas and I serve as Dean of the University of North Dakota School of Law. I write in opposition to HB 1609. There are numerous reasons to oppose this bill.

First, in terms of training hours, there is a clear distinction between what is outlined in bill 1609 and the engagement and training standards established at the UND School of Law and law schools generally around the country. The 2,000 hour engagement requirement is far less than the training requirements for law students. The ABA requirement for a standard 3-credit course with an exam is 37.5 hours of classroom instruction and 90 hours of out-of-class time for a total of 127.5 hours. Multiplied by 30 for the 90 credits required to graduate from UND Law, and students will spend 3,825 hours of time preparing to be a lawyer. Further, this is directed instructional time in courses which each cover a subject matter or skill and are taught by an expert in the area.

In addition, there is no prescribed curriculum associated with the 2000-hour engagement requirement as proposed in bill 1609. Thus, there is no mechanism by which those engagement hours can reliably and consistently prepare individuals for a successful bar examination, and beyond that, no specific training in law disciplines that would reliably prepare individuals for successful practice in the field. Law students, however, complete during their course of study an established curriculum in vital areas of law practice during their 1L, 2L, and 3L years, which prepare them for a successful bar examination and give them the expertise needed to perform at a high level in practice for the benefit of the citizens of North Dakota and beyond.

Thus, under the terms of this bill, individuals will be left with significant gaps in the knowledge gained by the apprentice. Further, most lawyers are not generalists and so it would be a challenge for them to supervise the development of expertise in the numerous areas covered by the bar exam.

Second, it is problematic to allow a licensed tribal advocate to supervise an apprentice. Licensed tribal advocates are not attorneys and while they could supervise apprentices who may want to be tribal advocates or to pass licensing requirements in tribal courts, they should not be supervising apprentices in preparation for bar admission.

Third, restricting the North Dakota Board of Law Examiners from requiring any application or registration to start a supervised engagement will have negative consequences. Individuals may begin apprenticeships incorrectly believing their supervisor has the expertise and ability to help them prepare for the bar exam. The hourly requirement is listed as "hours of engagement," but it is not clear what constitutes engagement. Apprentices could spend a great deal of time on tasks that are helpful to the attorney but may not be adequate preparation for the bar exam.

Fourth, the State Board of Law Examiners also requires applicants to pass character and fitness screenings in addition to graduating from law school. The law school admissions process assists future students in determining whether admission is possible due to prior legal, financial and other issues. Without any process, individuals could spend years preparing and then discover they are now ineligible to practice.

Finally, service as a legislator requires considerable skill and expertise. Many of the skills needed to be a successful legislator overlap with the skills needed to be a successful lawyer. However, the two jobs are not identical, and the specialized skills needed to enter into the practice of law require equally specialized training and mentoring. The plan as articulated in this bill recognizes the great experience and skills of those who dedicate their lives to public service, but it does not replace or account for the specialized training needed to enter into the practice of law.

While I am in support of exploring innovative ways of increasing access to legal services, I believe this bill will do more harm than good.

Thank you for the opportunity to testify in opposition to HB1609.