

Chairman Klemin and Members of the House Judiciary Committee,

My name is Lindsey Pouliot, and I live in District 35 now. Today I am testifying against House Bill 1609 in its current form.

I am a lifelong North Dakotan, having grown up in Beulah, attending undergrad at NDSU in Fargo, and obtaining my law degree from UND in Grand Forks. Now, I live in Bismarck working for a statewide nonprofit. While I am proud of my work, which informs the opinions I will share with you today, I am testifying in my personal capacity as a North Dakota resident who has personal insight on the implications of this bill.

Next week, I will take the Oath and Pledge before a judge and finally obtain my law license for the state of North Dakota. The road to this outcome has not been simple, and years of planning and dedication were necessary.

I attended UND School of Law for the standard three years of law school. During that time, I learned from amazing professors, built connections with legal professionals in the state, and came to understand the ethical and professional standards of the legal profession.

*Bar exam prep  
✓ does not replace  
law degree*

I worked several externships: one at a private law firm in my hometown, one for a statewide organization, and one for the 2023 Legislative Assembly. Experiences like these are baked into the law school curriculum. Law students must complete a minimum of 90 credit hours, with a minimum of 76 credit hours consisting of coursework, and at least six credits of experiential learning.

The Legislative Session externship is the largest credit hour externship program in which the UND Law School consistently participates. While the legislative externship was instrumental in my understanding of the law, I could not have been as effective without the education I had prior to the externship. Further, the experience alone was not adequate to constitute an alternative to a law degree. The legislative externship contributed 10 credit hours to the 90 credits I needed to graduate the law program.

My coursework gave me the understanding of how the law works, how it is interpreted, how it changes over time, and how it protects individual liberties. It also taught me the history of this country through a legal lens. While the legislative session taught me a lot about the law, it did not teach the intricacies of criminal law, civil procedure, torts, property law, family law, constitutional law, or family law – topics which are not only tested on the bar exam but are a foundation for the entirety of my legal understanding.

Allowing individuals without a law degree to practice law would be disastrous for the liberties of North Dakotans. Furthermore, a change in license requirements this drastic is likely unworkable for the UND Law School, the State Bar Association, and the Supreme Court.

There are long-standing procedures in place for examining the character and fitness of law students and applicants to the State Bar Association. To even attend UND Law, I had to submit a record of every home address I had ever had, a reference from every job I have had, and records of every one of my speeding tickets from high school. The State Board of Bar Examiners knows more about me than most of my friends and family. These procedures need to be just as stringent for all applicants to the State Bar. Overall, I believe this bill is reckless and unworkable as it is. However, in my work I see directly how the attorney shortage impacts my clients. As such, I want to offer the committee a different option that I think would work with the current licensure process, rather than against it.

Instead of waiving the requirement for a juris doctorate degree, I believe that this committee should consider creating a path toward licensure for individuals who come close but fail to pass the bar exam. Applicants for this program should still need an undergraduate degree, a juris doctorate degree, character and fitness investigation, and to sit for the bar exam. If the applicant earns a score that falls within a few points of passing, that applicant should have a path to licensure through apprenticeship under a practicing attorney. Requiring the apprenticeship also does not disincentivize law school attendance or passing the bar exam – it is just a second option for those with test anxiety or other struggles with testing.

I do believe it is reckless to give the power to take the bar exam to individuals without a juris doctorate degree. Alternatively, giving someone with an almost-passing score a path towards licensure through apprenticeship would help those who are good students and employees but not such good test takers. The bar exam does not determine whether you are a good attorney. I passed the bar exam on my first try. That is not the truth for a lot of people. Some of my friends studied much harder and longer than I did, and they did not pass. They would be fantastic attorneys, and I hope they pass the February bar exam because they deserve to be able to contribute to our communities that so desperately need their services.

Thank you all for your time. I have attached the amendment, and I now stand for any questions.

Lindsey Pouliot, JD



**State bar apprenticeship program.**

1. The supreme court, in cooperation with the state board of law examiners, shall establish and implement an apprenticeship program as an alternative to a passing bar exam score for applicants for law licensure.
2. The apprenticeship program shall require the following:
  - a. An applicant for admission to the state bar association is qualified for law licensure if an applicant:
    - (1) Obtains a juris doctorate degree from a law school approved, or provisionally approved, for accreditation by the American bar association;
    - (2) Passes the character and fitness investigation conducted by the state board of bar examiners;
    - (3) Sits for the bar exam and obtains a bar exam score within five points of a passing score; and
    - (4) Has completed two thousand hours of engagement under the supervision of a licensed attorney or a licensed tribal advocate, over a period not to exceed five years.
  - b. A supervising attorney or a licensed tribal advocate must verify the engagement of an applicant by submitting an affidavit to the state bar board.
  - c. An applicant has met the engagement requirement under paragraph 2 of subdivision a of subsection 2 by submitting an affidavit from a supervising attorney or supervising tribal advocate verifying an applicant has completed two thousand hours of engagement.
  - d. The supreme court, after receiving and considering the state board of law examiners' report of the results of an examination of applicants for admission to the bar of this state, including applicants from the apprenticeship program, and the recommendations of the board, shall enter an order authorizing the issuance of certificates of admission to the bar to those applicants the court considers entitled to admission.