

2023 HOUSE EDUCATION

HCR 3023

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HCR 3023
3/1/2023

A concurrent resolution directing the Legislative Management to consider studying admission to the bar of this state by diploma privilege, including an examination of the barriers to retaining University of North Dakota law graduates in the state; an evaluation of the functionality of Wisconsin's diploma privilege, including any problems caused by diploma privilege; a risk assessment of the potential for decreased quality in the practice of law and increased client complaints against attorneys; an evaluation of alternative models, including apprenticeships, that may be used to determine attorney competence; and an examination of the University of North Dakota internal models of assessment that may be used to demonstrate attorney competence.

2:01 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- UND law student retention
- Bar admission rules
- Diploma privilege
- Task force
- Other state rules
- Competency
- Debt
- Pay scales

Rep Zachary Ista, District 43, introduced HCR 3023, Testimony 21448

Additional written testimony:

Brian Pappas, Testimony 21548

2:20 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HCR 3023
3/7/2023

A concurrent resolution directing the Legislative Management to consider studying admission to the bar of this state by diploma privilege, including an examination of the barriers to retaining University of North Dakota law graduates in the state; an evaluation of the functionality of Wisconsin's diploma privilege, including any problems caused by diploma privilege; a risk assessment of the potential for decreased quality in the practice of law and increased client complaints against attorneys; an evaluation of alternative models, including apprenticeships, that may be used to determine attorney competence; and an examination of the University of North Dakota internal models of assessment that may be used to demonstrate attorney competence.

3:18 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, and Timmons. Absent: Rep Novak.

Discussion Topics:

- Committee action

Rep Marschall moved a Do Not Pass, seconded by Rep Timmons.

| Representatives | Vote |
|---------------------------------------|------|
| Representative Pat D. Heinert | N |
| Representative Cynthia Schreiber-Beck | N |
| Representative Liz Conmy | N |
| Representative Scott Dyk | Y |
| Representative LaurieBeth Hager | N |
| Representative Dori Hauck | N |
| Representative Matt Heilman | Y |
| Representative Jeff A. Hoverson | N |
| Representative Jim Jonas | N |
| Representative Donald W. Longmuir | N |
| Representative Andrew Marschall | Y |
| Representative Eric James Murphy | N |
| Representative Anna S. Novak | AB |
| Representative Kelby Timmons | Y |

4-9-1 Motion failed.

Rep Murphy moved a Do Pass and Place on the Consent Calendar HCR 3023, seconded by Rep Hager.

| Representatives | Vote |
|---------------------------------------|-------------|
| Representative Pat D. Heinert | Y |
| Representative Cynthia Schreiber-Beck | Y |
| Representative Liz Conmy | Y |
| Representative Scott Dyk | N |
| Representative LaurieBeth Hager | Y |
| Representative Dori Hauck | Y |
| Representative Matt Heilman | N |
| Representative Jeff A. Hoverson | Y |
| Representative Jim Jonas | Y |
| Representative Donald W. Longmuir | Y |
| Representative Andrew Marschall | N |
| Representative Eric James Murphy | Y |
| Representative Anna S. Novak | AB |
| Representative Kelby Timmons | N |

9-4-1 Motion carried. Rep Conmy will carry.

3:35 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3023: Education Committee (Rep. Heinert, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3023 was placed on the Tenth order on the calendar.

2023 SENATE WORKFORCE DEVELOPMENT

HCR 3023

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HCR 3023
3/23/2023

A concurrent resolution directing the Legislative Management to consider studying admission to the bar of this state by diploma privilege, including an examination of the barriers to retaining University of North Dakota law graduates in the state; an evaluation of the functionality of Wisconsin's diploma privilege, including any problems caused by diploma privilege; a risk assessment of the potential for decreased quality in the practice of law and increased client complaints against attorneys; an evaluation of alternative models, including apprenticeships, that may be used to determine attorney competence; and an examination of the University of North Dakota internal models of assessment that may be used to demonstrate attorney competence.

9:33 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** were present.

Discussion Topics:

- Resolution study
- Retention
- Attorney
- Diploma privilege
- Competency
- Assessment

9:33 AM **Representative Ista** introduced HCR 3023, testified in favor, and proposed an amendment LC 23.3054.03001 #26432

9:48 AM **Brian Pappas, Dean, University of North Dakota Law School**, verbally testified in favor.

9:59 AM **Tony Weiler, Executive Director, North Dakota State Bar Association**, verbally testified in favor.

10:01 AM **Petra Hulm, Secretary Treasurer, North Dakota Law Examiners**, verbally testified neutral.

10:06 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HCR 3023
3/23/2023

A concurrent resolution directing the Legislative Management to consider studying admission to the bar of this state by diploma privilege, including an examination of the barriers to retaining University of North Dakota law graduates in the state; an evaluation of the functionality of Wisconsin's diploma privilege, including any problems caused by diploma privilege; a risk assessment of the potential for decreased quality in the practice of law and increased client complaints against attorneys; an evaluation of alternative models, including apprenticeships, that may be used to determine attorney competence; and an examination of the University of North Dakota internal models of assessment that may be used to demonstrate attorney competence.

3:13 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- Shall consider
- Self-regulating

Chairman Wobbema calls for discussion.

3:18 PM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HCR 3023
3/30/2023

A concurrent resolution directing the Legislative Management to consider studying admission to the bar of this state by diploma privilege, including an examination of the barriers to retaining University of North Dakota law graduates in the state; an evaluation of the functionality of Wisconsin's diploma privilege, including any problems caused by diploma privilege; a risk assessment of the potential for decreased quality in the practice of law and increased client complaints against attorneys; an evaluation of alternative models, including apprenticeships, that may be used to determine attorney competence; and an examination of the University of North Dakota internal models of assessment that may be used to demonstrate attorney competence.

3:13 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** were present.

Discussion Topics:

- Task force
- Study
- Committee action

Chairman Wobbema called for discussion.

Senator Piepkorn moved to **adopt amendment** from Representative Ista.
LC 23.3054.03002 #27099, #27100

Senator Axtman seconded the motion.

Roll call vote.

| Senators | Vote |
|----------------------------|-------------|
| Senator Michael A. Wobbema | Y |
| Senator Michelle Axtman | Y |
| Senator Jay Elkin | Y |
| Senator Diane Larson | Y |
| Senator Merrill Piepkorn | Y |
| Senator Jonathan Sickler | Y |

Motion passed 6-0-0.

Senator Piepkorn moved **DO PASS AS AMENDED**.

Senator Sickler seconded the motion.

Roll call vote.

| Senators | Vote |
|----------------------------|-------------|
| Senator Michael A. Wobbema | Y |
| Senator Michelle Axtman | Y |
| Senator Jay Elkin | Y |
| Senator Diane Larson | Y |
| Senator Merrill Piepkorn | Y |
| Senator Jonathan Sickler | Y |

Motion passed 6-0-0.

Senator Sickler will carry HCR 3023.

3:23 PM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

March 23, 2023

AGC
3-20-23
(1-2)

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3023

Page 1, line 1, replace "directing" with "encouraging"

Page 1, line 1, replace "Legislative Management" with "judicial branch"

Page 1, line 1, remove "studying admission to"

Page 1, replace line 2 with "forming a task force to study the retention of"

Page 1, line 3, remove "; an evaluation of the functionality of"

Page 1, remove lines 4 and 5

Page 1, line 6, replace "complaints against attorneys;" with ", including"

Page 1, line 6, remove "models, including apprenticeships,"

Page 1, line 7, replace "that may be used to determine" with "pathways to bar admission that ensure"

Page 1, line 7, remove "; and an examination of the University of"

Page 1, remove line 8

Page 1, line 9, remove "competence"

Page 1, line 23, remove "and"

Page 2, remove lines 1 through 5

Page 2, line 8, replace "Legislative Management" with "judicial branch is encouraged to"

Page 2, line 8, remove "studying admission to the bar of this state by"

Page 2, line 9, replace "diploma privilege, including an examination of the barriers to retaining" with "forming a task force to study the retention of"

Page 2, line 10, remove "; an evaluation of the functionality of Wisconsin's diploma"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "attorneys;" with ", including"

Page 2, line 13, remove "models, including apprenticeships, that may be used to"

Page 2, line 14, replace "determine" with "pathways to bar admission that ensure"

Page 2, line 14, remove "; and an examination of the University of North Dakota internal"

Page 2, line 15, remove "models of assessment that may be used to demonstrate attorney competence"

Page 2, after line 15, insert:

"**BE IT FURTHER RESOLVED**, that the task force may include representatives from the:

1. Judicial branch;
2. State Board of Law Examiners;
3. Legislative branch;
4. University of North Dakota School of Law; and
5. State Bar Association of North Dakota; and"

AL
3-30-23
(2-2)

Page 2, line 16, replace "Legislative Management report its" with "judicial branch is encouraged to report any"

Page 2, line 18, after "Assembly" insert "; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Chief Justice of the North Dakota Supreme Court, the Clerk of Court for the North Dakota Supreme Court, the President of the State Board of Law Examiners, the Dean of the University of North Dakota School of Law, and the President of the State Bar Association of North Dakota"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3023: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Sixth order on the calendar. This resolution affects workforce development.

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Renumber accordingly

TESTIMONY

HCR 3023



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Zachary Ista

District 43
3850 15th Avenue South
Grand Forks, ND 58201-3727
C: 701-361-6671
zmista@ndlegis.gov

COMMITTEES:
Finance and Taxation
Energy and Natural Resources

March 1, 2023

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

For the record, I am Rep. Zac Ista, District 43. Today I come before you with HCR 3023, which is a resolution for an optional interim study focused on workforce retention of attorneys educated in North Dakota.

From prosecuting heinous crimes to protecting the constitutional rights of the accused, from drafting wills and contracts to representing corporations in complex transactions, and from seeking justice for injured parties to defending businesses from frivolous claims, attorneys play a vital role throughout North Dakota. But as with so many sectors of our economy, the state's legal profession continues to grapple with workforce shortages. This is particularly true in rural North Dakota, with several counties lacking even a single licensed attorney within them; a total of 40 counties have 10 or fewer attorneys. But finding and retaining qualified applicants has been a struggle in larger metro areas, too. At my own office, for example, we recently have seen a precipitous drop in the number of applications we receive for any given job opening—and we have the state's only law school right in our backyard.

Making sure we have enough North Dakota licensed attorneys to meet the legal needs of our citizens and businesses starts with making sure we retain as many graduates of the University of North Dakota School of Law as possible to practice here in our state. That's exactly the issue HCR 3023 proposes to study. In particular, the resolution seeks to study what barriers exist to retaining these UND law school graduates in North Dakota, including both students from our state and neighboring states in the region and those who come to study law in North Dakota from further away, like Texas and Arizona.

Among the potential barriers the study would address are the requirements for admission to the State Bar of North Dakota. Currently, the only path to admission for new graduates of the UND School of Law is to successfully pass the Uniform Bar Examination, which is offered twice yearly in February and July and which 36 states use to assess the competency of bar applicants. The UBE is coordinated by the National Conference of

Bar Examiners (NCBE) and includes an essay portion (six 30-minute questions), two performance tasks (90 minutes each), and a multiple-choice component (six hours, 200 questions). If a test taker receives a sufficient score (260) and successfully passes the character and fitness investigation, that person will be eligible for admission to the North Dakota bar.

To be sure, admission by bar examination is how the overwhelming number of attorneys in North Dakota and nationwide have become licensed practitioners. It is a tried and true (or at least well-established) method of assessing attorney competency. But every year, otherwise high-achieving law students find themselves as the recipients of bad news when bar results are released. Whatever the reason, these students who demonstrated their competency throughout three years of law school suddenly are left unable to practice law in North Dakota and forced to wait several months for their next opportunity to pass the bar. I have experienced this heartbreak in my own practice, where very qualified interns who demonstrated an unequivocal ability to do the job for which they were hired came up just short on the bar exam. Even though we had no doubt of their ability to be outstanding attorneys (as witnessed by their having done so for several months in an actual workplace), we had to look elsewhere for alternative applicants because of the results of one exam.

This reality—along with conversations with new UND law school dean Brian Pappas a—motivated me to explore whether any other jurisdictions offer alternative measures of assessing new attorney competency. That search quickly led me to Wisconsin, which offers admission to its state bar by “diploma privilege” for graduates of its two in-state law schools (Marquette and the University of Wisconsin). This is not a new concept for Wisconsin; rather, it dates all the way back to 1870. During the pandemic, at least five additional states adopted temporary diploma privilege eligibility options, with other states and national attorney groups still weighing permanent changes.

On its face, diploma privilege is a relatively straightforward concept: if you graduate from an in-state law school and meet certain requirements during your legal education, you are automatically admitted to the state bar without separately having to pass a written bar examination. In Wisconsin, for instance, those additional requirements include mandatory coursework (ranging from criminal law and contracts to ethics and evidence), a sufficient number of credits in elective courses, and attaining a minimum grade point average (in addition to passing the state’s character and fitness review).

Is this diploma privilege model a good one? Does it ensure high-quality, competent attorneys? Does it help retain law school graduates to practice in the state where they were educated? And would it be a good fit here in North Dakota? The honest answer to all these questions is “I don’t know.” That’s exactly why I am proposing this study: to figure out if diploma privilege or any other alternative methods of assessing attorney competency could work in North Dakota and have a meaningful positive impact on retaining UND-educated lawyers to practice here. Ultimately, the answer could be “no”; we could find out that our current admission rules already are well-calibrated

to meet our needs and assess our law graduates. Alternatively, we could find that an idea like diploma privilege would help retain graduates and not compromise attorney quality. Again, finding these answers (and perhaps uncovering more questions in need of answers) is exactly the goal of the proposed study.

But I want to make one thing abundantly clear: it is fundamental and non-negotiable that we ensure North Dakota-licensed attorneys are competent to practice law in this state. Under no circumstances would I accept changes to our admission rules that lower the bar for attorney competency. Our citizens and businesses deserve to know that all licensed attorneys in this state have achieved and demonstrated a baseline level of competency. That's why I am adamant that this study is not being proposed with a thumb on the scale in favor of any outcome. While I believe diploma privilege and other alternative methods of evaluating attorney competency certainly are well worth studying, maintaining a high-level of attorney competency must be the guiding principle above all else.

With that, Members of the Committee, I thank you for your consideration of HCR 3023 and your partnership on ideas that can help address our workforce crisis across all industries and professions. I believe this study could lead to solutions that do just that. That's why I urge a do pass recommendation, and I stand ready to answer any questions.

Office of the Dean
215 Centennial Drive
Stop 9003
Grand Forks, ND 58202
(701) 777-2104

March 1, 2023

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.

23.3054.03001
Title.

Prepared by the Legislative Council staff for
Representative Ista
March 23, 2023

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3023

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Page 1, line 1, replace "Legislative Management" with "judicial branch"

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"**BE IT FURTHER RESOLVED**, that the task force may include representatives from the:

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3. Legislative branch;
4. University of North Dakota School of Law; and
5. State Bar Association of North Dakota; and"

Page 2, line 16, replace "Legislative Management" with "judicial jbranch"

Renumber accordingly

Introduced by

Representatives Ista, Klemin, O'Brien, Roers Jones, Schneider

Senators Barta, Cleary, Dwyer, Meyer

1 A concurrent resolution directing ~~encouraging~~ the Legislative Management ~~judicial branch~~ to
2 consider studying admission to the bar of this state by diploma privilege, including an
3 examination of the barriers to retaining forming a task force to study the retention of University of
4 North Dakota law graduates in the state; ~~an evaluation of the functionality of Wisconsin's~~
5 ~~diploma privilege, including any problems caused by diploma privilege; a risk assessment of the~~
6 ~~potential for decreased quality in the practice of law and increased client complaints against~~
7 ~~attorneys; including an evaluation of alternative models, including apprenticeships, that may be~~
8 ~~used to determine~~ pathways to bar admission that ensure attorney competence; and an
9 examination of the University of North Dakota internal models of assessment that may be used
10 to demonstrate attorney competence.

11 **WHEREAS**, the state is experiencing a shortage of attorneys, particularly in rural areas,
12 and solutions are being explored to alleviate the attorney shortage; and

13 **WHEREAS**, the University of North Dakota School of Law is the only institution in the state
14 that grants the degree of juris doctor; and

15 **WHEREAS**, the majority of attorneys licensed to practice law in North Dakota are graduates
16 of the University of North Dakota School of Law; and

17 **WHEREAS**, any requirements for admission to the bar as a licensed attorney in the state of
18 North Dakota must ensure that all licensed attorneys are highly competent to practice law in this
19 state; and

20 **WHEREAS**, it is in the best interest of North Dakota to evaluate available alternative
21 methods for assessing the competency of applicants for licensure as attorneys in the state and
22 determine whether alternative assessments would provide an incentive for more University of
23 North Dakota School of Law graduates to practice in North Dakota while not compromising the
24 quality of attorneys in the state; and

1 **WHEREAS**, admission to the bar by diploma privilege would allow graduates of the
2 University of North Dakota School of Law to be admitted to the bar upon graduation as an
3 alternative to admission by bar examination or admission by motion; and

4 **WHEREAS**, the availability of admission by diploma privilege may provide an incentive for
5 students to live and work in the state following graduation;

6 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
7 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

8 That the ~~Legislative Management~~judicial branch is encouraged to consider studying-
9 admission to the bar of this state by diploma privilege, including an examination of the barriers-
10 ~~to retaining~~forming a task force to study the retention of University of North Dakota law
11 graduates in the state; ~~an evaluation of the functionality of Wisconsin's diploma privilege,~~
12 ~~including any problems caused by diploma privilege; a risk assessment of the potential for~~
13 ~~decreased quality in the practice of law and increased client complaints against attorneys;~~
14 including an evaluation of alternative models, including apprenticeships, that may be used to
15 determine pathways to bar admission that ensure attorney competence; and an examination of
16 ~~the University of North Dakota internal models of assessment that may be used to demonstrate~~
17 ~~attorney competence; and~~

18 **BE IT FURTHER RESOLVED**, that the task force may include representatives from the:

- 19 1. Judicial branch;
20 2. State Board of Law Examiners;
21 3. Legislative branch;
22 4. University of North Dakota School of Law; and
23 5. State Bar Association of North Dakota; and

24 **BE IT FURTHER RESOLVED**, that the ~~Legislative Management~~judicial branch report its
25 findings and recommendations, together with any legislation required to implement the
26 recommendations, to the Sixty-ninth Legislative Assembly.

23.3054.03002
Title.

Prepared by the Legislative Council staff for
Representative Ista
March 23, 2023

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"BE IT FURTHER RESOLVED, that the task force may include representatives from the:

1. Judicial branch;
2. State Board of Law Examiners;
3. Legislative branch;
4. University of North Dakota School of Law; and
5. State Bar Association of North Dakota; and"

Page 2, line 16, replace "Legislative Management report its" with "judicial branch is encouraged to report any"

Page 2, line 18, after "Assembly" insert "; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Chief Justice of the North Dakota Supreme Court, the Clerk of Court for the North Dakota Supreme Court, the President of the State Board of Law Examiners, the Dean of the University of North Dakota School of Law, and the President of the State Bar Association of North Dakota"

Renumber accordingly

23.3054.03002

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3023

Introduced by

Representatives Ista, Klemin, O'Brien, Roers Jones, Schneider

Senators Barta, Cleary, Dwyer, Meyer

1 A concurrent resolution ~~directing~~encouraging the ~~Legislative Management~~judicial branch to
2 consider ~~studying admission to the bar of this state by diploma privilege, including an~~
3 ~~examination of the barriers to retaining~~forming a task force to study the retention of University of
4 North Dakota law graduates in the state;~~an evaluation of the functionality of Wisconsin's~~
5 ~~diploma privilege, including any problems caused by diploma privilege; a risk assessment of the~~
6 ~~potential for decreased quality in the practice of law and increased client complaints against~~
7 ~~attorneys; ,~~including an evaluation of alternative ~~models, including apprenticeships, that may be~~
8 ~~used to determine~~pathways to bar admission that ensure attorney competence;~~and an~~
9 ~~examination of the University of North Dakota internal models of assessment that may be used~~
10 ~~to demonstrate attorney competence.~~

11 **WHEREAS**, the state is experiencing a shortage of attorneys, particularly in rural areas,
12 and solutions are being explored to alleviate the attorney shortage; and

13 **WHEREAS**, the University of North Dakota School of Law is the only institution in the state
14 that grants the degree of juris doctor; and

15 **WHEREAS**, the majority of attorneys licensed to practice law in North Dakota are graduates
16 of the University of North Dakota School of Law; and

17 **WHEREAS**, any requirements for admission to the bar as a licensed attorney in the state of
18 North Dakota must ensure that all licensed attorneys are highly competent to practice law in this
19 state; and

20 **WHEREAS**, it is in the best interest of North Dakota to evaluate available alternative
21 methods for assessing the competency of applicants for licensure as attorneys in the state and
22 determine whether alternative assessments would provide an incentive for more University of
23 North Dakota School of Law graduates to practice in North Dakota while not compromising the
24 quality of attorneys in the state; ~~and~~

1 ~~— **WHEREAS**, admission to the bar by diploma privilege would allow graduates of the~~
2 ~~University of North Dakota School of Law to be admitted to the bar upon graduation as an~~
3 ~~alternative to admission by bar examination or admission by motion; and~~

4 ~~— **WHEREAS**, the availability of admission by diploma privilege may provide an incentive for~~
5 ~~students to live and work in the state following graduation;~~

6 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
7 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

8 That the ~~Legislative Management~~judicial branch is encouraged to consider ~~studying~~
9 ~~admission to the bar of this state by diploma privilege, including an examination of the barriers~~
10 ~~to retaining~~forming a task force to study the retention of University of North Dakota law
11 graduates in the state; ~~an evaluation of the functionality of Wisconsin's diploma privilege,~~
12 ~~including any problems caused by diploma privilege; a risk assessment of the potential for~~
13 ~~decreased quality in the practice of law and increased client complaints against attorneys;_~~
14 including an evaluation of alternative models, ~~including apprenticeships, that may be used to~~
15 ~~determine~~pathways to bar admission that ensure attorney competence; ~~and an examination of~~
16 ~~the University of North Dakota internal models of assessment that may be used to demonstrate~~
17 ~~attorney competence; and~~

18 **BE IT FURTHER RESOLVED**, that the task force may include representatives from the:

- 19 1. Judicial branch;
20 2. State Board of Law Examiners;
21 3. Legislative branch;
22 4. University of North Dakota School of Law; and
23 5. State Bar Association of North Dakota; and

24 **BE IT FURTHER RESOLVED**, that the ~~Legislative Management report its~~judicial branch is
25 encouraged to report any findings and recommendations, together with any legislation required
26 to implement the recommendations, to the Sixty-ninth Legislative Assembly; and

27 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
28 to the Chief Justice of the North Dakota Supreme Court, the Clerk of Court for the North Dakota
29 Supreme Court, the President of the State Board of Law Examiners, the Dean of the University
30 of North Dakota School of Law, and the President of the State Bar Association of North Dakota.