

Council Policy on Lawyer Licensure (draft)

In the United States, the privilege of a license to practice law is granted or denied separately by each state, territory, and the District of Columbia. Presently, each of these jurisdictions has, by statute or court order, with only a few exceptions, authorized law graduates of ABA-approved law schools to be evaluated for their competence to practice law in the respective jurisdiction.

The Council urges these jurisdictions to:

1. work with other jurisdictions to, wherever possible, create assessments and frameworks that effectively protect the public, enable license portability, and increase access to justice and diversity in the profession;
2. seriously consider the effect on license portability for new law graduates before imposing requirements about law school study that impose restrictions that go beyond the Council's Standards;
3. create pathways to licensure that validly evaluate graduates across the range of skills and knowledge necessary for competent practice and that mitigate the disparate exclusion from the profession of racial and ethnic minorities and individuals of low socioeconomic status;
4. create diverse pathways to licensure that maximize the relationship between the assessment of competency and ability to successfully practice law and the full range of skills and knowledge required for the effective, ethical, and responsible practice of law;
5. evaluate their assessments of competency on a continuing and regular basis to maximize their connection to the practice of law in effect at the time of a candidate's licensure;
6. work with the Council, practitioners, and law schools in determining the appropriate contours and content of the assessment of competency; and
7. innovate in the development of pilot programs, and new competency assessment formats to enhance public access to justice advocates, maintain the protection of the public; increase the relationship between the assessments and the skills and knowledge necessary for the ethical, effective, and responsible practice of law; improve consistency and reliability; and lower costs for states and applicants to the bar.