

**New York State Permanent Commission on Access to Justice
in partnership with Albany Law School**

**Law School Virtual Conference
June 8, 2022 | 9:00 am – 12:30 pm via Zoom**

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Introducing The Lawyers' Justice Corps

Eileen Kaufman, Professor Emerita, Touro Law Center

The creation of a *Lawyers' Justice Corps* can immediately address two crises in the legal profession:

- The lack of access to legal services for a widening segment of society
- The exclusion of people of color from the legal profession due to an outdated licensing system that fails not only to test adequately for needed competencies but imposes significant and unnecessary costs.

The Justice Corps addresses these needs by helping states develop an alternative to the traditional bar exam for licensing lawyers. This additional pathway rigorously tests attorney competence without relying on the flawed high-stakes written bar exams that produce racially disproportionate results. It allows new lawyers to serve disadvantaged clients more quickly, helping to close the justice gap.

The Justice Corps pathway to licensure operates in addition to other pathways as an alternative for candidates who choose and are eligible for it. Jurisdictions will continue to license most lawyers through the bar exam. For some others, however, the Lawyers' Justice Corps will provide a pathway that both protects and serves the public.

Here is how Justice Corps law licensing works:

- A jurisdiction's highest court will designate public service organizations serving underrepresented individuals and communities that qualify for the program.
- Qualifying organizations will hire law graduates for job openings, using their usual hiring practices and offering their customary compensation.
- The Justice Corps lawyers will begin working for their organizations shortly after law school graduation rather than deferring work to prepare for the bar exam. If interim licenses are available in the state, the new lawyers will practice with those licenses.
- The host organizations will supervise and provide regular feedback to the Corps lawyers.

- If a new lawyer completes 6 months of successful fulltime supervised practice, documented through the assessment rubrics, the organization will certify that lawyer for admission to the bar. This certification will take the place of successful completion of the bar exam.
- A certified lawyer will be required to continue to work for the organization for at least an additional six months.
- The new lawyer must satisfy all the jurisdiction's other requirements for admission, such as successful completion of the Multistate Professional Responsibility Exam (MPRE) and completion of a character and fitness review. Justice Corps certification takes the place of only passing the general bar exam.

The Justice Corps pathway will assure that only competent candidates are licensed:

- Candidates may pursue this path only if they have a J.D. degree and are hired by a qualifying public service organization.
- Supervisors will receive support on best practices for supervising and assessing candidates—including training on how to handle candidates who are not meeting expectations. They will use assessment/feedback rubrics based on a national study of new lawyer competence, *Building a Better Bar*, to assure that Corps members develop the competencies needed for entry-level practice -- competencies that extend beyond those tested by the traditional bar exam.
- Portfolios of candidates' redacted work products could be available for review by bar examiners.

At the same time, the Lawyers' Justice Corps will increase access to justice for the clients of qualifying organizations:

- Law graduates will be available to start work in late May, rather than August. Rather than devoting 400+ hours to bar preparation, these graduates will devote that time to under-served clients.
- The graduates will learn, practice, and receive feedback on the skills they need to serve clients, rather than memorizing the details of doctrinal rules, most of which they are unlikely ever to use.
- Lawyers in the Justice Corps will constitute a new network of lawyers who work with and support one another, strengthening public service organizations and the relationships among them.
- Support for the Lawyers' Justice Corps from government and private funders will provide additional financial support to legal service organizations.

The Lawyers' Justice Corps will advance core values of the legal profession. It will protect the public with bar licensure based on proven competence, facilitate career pathways for lawyers committed to fulltime social justice work, and demonstrate a jurisdiction's commitment to access to justice and thoughtful, nondiscriminatory licensing.

Contact Eileen Kaufman at ekaufman@tourolaw.edu for more information.

May 22, 2021
