



**Legal Professionalism Committee Meeting Minutes
December 1, 2015, 10:30 am, Raleigh, NC**

Commissioners attending: Catharine Arrowood, Chair
Richard Boyette
Jay Conison
Phylliss Craig-Taylor
Representative Leo Daughtry
Drew Erteschik
Judge Robby Hassell
Mark Merritt
Rick Minor
Justice Bob Orr
Raymond Pierce
Matt Sawchak
Lisa Sheppard
Senator Leslie Winner (ex officio commissioner)

Commission staff attending: Will Robinson
Jon Williams
Emily Portner

Issues discussed:

1. Approval of minutes

The committee approved draft minutes of its November 3 meeting.

2. Preparation for upcoming meetings

The committee is likely to discuss possible study topics at the January 29 meeting. Ms. Arrowood and Mr. Sawchak will circulate a list of suggested topics, with commentary, in preparation for the meeting.

Committee members briefly discussed additional possible topics, including these:

- What is it about the practice of law that is deterring today's lawyers from encouraging their children from going to law school?
- Should North Carolina create a mandatory mentoring program for newer lawyers?
- Should North Carolina administer a partial bar exam after the first year of law school, as California does with certain bar applicants?

The committee also briefly discussed the possible form of its final report. Although the committee did not reach a conclusion on the form of the report, one possibility would be a list of principles that framers of statutes, regulations, and court rules could take into account.

3. Presentation by Dean Andrew Perlman of Suffolk University School of Law

Dean Perlman is the Vice-Chair of the ABA Commission on the Future of Legal Services. His presentation to the committee focused on how technology and other factors are changing – and will continue to change – how legal services are provided. The Commission website shows the slides from the presentation.

The presentation touched on the following topics, among others:

- lawyers' ethical duty to stay conversant with technology
- the evolution of many legal services along the spectrum described by Richard Susskind
- the emergence and likely roles of non-lawyer providers of legal services
- the extent to which legal education has evolved – and might need to evolve further – in light of changes in how legal services are provided
- tools to provide law-related functions at low cost, such as online decision tools, expanded small-claims courts, and online dispute-resolution services
- ideas being discussed by the ABA Commission on the Future of Legal Services, including alternative business structures for law firms

4. Presentation by Jaye Meyer and Lee Vlahos of the North Carolina Board of Law Examiners

Ms. Meyer is the newly appointed chair of the Board of Law Examiners. Ms. Vlahos is the executive director of the board.

Ms. Vlahos gave a presentation on trends in bar applicants' character and fitness. She reported that although the total percentage of applicants who present character/fitness issues is steady, the severity of the issues presented has risen markedly over the last three years. Also increasing is the percentage of applicants who have not disclosed character/fitness issues in their original applications to law school.

Ms. Meyer gave a presentation on recent trends in pass rates on the North Carolina Bar Examination. She first explained how the bar examiners compose the North Carolina essay on the exam.

Ms. Meyer also explained how the bar examiners set the passing score on each administration of the exam. Through a multi-step process – one that extrapolates from exam takers' collective performance on unchanging "equator" questions on the multistate exam – the bar examiners vary the passing score for each exam. This process should ensure that the minimum passing score always means the same level of *relative performance in the context of the pool of exam takers on a given exam*.

Given the relative nature of the passing score, one would expect the rate of passage on the North Carolina bar exam to remain fairly constant from exam to exam. Over the last three years, however, North Carolina has seen significant drops in its passing rate. Ms. Meyer and Ms. Vlahos were not aware of any satisfactory explanation for these declines.

Committee members discussed possible explanations for these declines, including its possible relationship to the declining LSAT scores represented in the recent pool of law students (and, thus, bar exam takers).

Ms. Meyer also mentioned that the Board of Law Examiners is assessing the possible merit of administering the Uniform Bar Examination. Several states, including New York, are using this exam (often with state-specific additions).

5. Adjournment

The meeting was adjourned by consensus at about 2:30 pm.

Next meeting: Friday, January 29, 2016, after the adjournment of the full Commission's meeting, at the UNC School of Government in Chapel Hill

/s/ Matthew W. Sawchak
Reporter