

EARLY EXAMINATION FINAL REPORT

2016

*Pilot Project Final Report submitted by the Attorney Regulation Advisory
Committee*

EARLY EXAMINATION PROJECT

Executive Summary

Arizona's judicial system has been considered innovative by many other jurisdictions across the country. Through the use of well-planned and monitored pilot projects, many successful new court initiatives and programs have been approved after implementation and evaluation. Despite some initial concerns, the launch of the early examination pilot project has been no exception.

From the inception and the first administration of the early testing program with three law students, the program grew rapidly over the next successive administrations.

Input drawn from previous surveys, impressions from law school administrators and passage rates from the last six testing cycles are reviewed on the following pages and leads to the conclusion that the pilot project has proven to be a worthwhile endeavor for students and law schools.

This report, as directed by the Court on January 2015, is respectfully submitted on behalf of the Attorney Regulation Advisory Committee as its final supplemental report.

Hon. Lawrence F. Winthrop, Chair
Attorney Regulation Advisory Committee
June 2016

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Summary of Pilot Program

In 2012, the Arizona Supreme Court accepted a rule petition proposal submitted by the state's three law schools to begin the early examination pilot project. The goal and expectation for the project was to assess the feasibility of allowing law students, in their third year of school to sit for the bar examination prior to graduation from law school. This unique route to being admitted to practicing law, compared to the traditional path, involved the premise that students would be capable of testing while in school and upon successful examination would be eligible to enter the workforce much earlier, which in turn would make these students more competitive in the open labor market.

Initially, ARC filed a response in opposition to this project citing concerns for the perception that students will have difficulty in completing the admissions process while attending school, and that studying for the exam would result in poor performance. Additionally, there was concern that, because of limited resources, additional Character and Fitness investigations as a result of this project might delay the admissions process, and that even successful early testing would not guarantee early admission.

On December 10, 2012, the Supreme Court adopted specific amendments to Rule 34, on an experimental basis from January 1, 2013 through December 31, 2015, and required the law schools and ARC to file regular reports with the court in advance of the end of the pilot project. As a result, ARC was involved in surveying law students and received comments from the law schools regarding the early administration of the program. Some initial challenges were identified with the early testing program, primarily with the way the schools had structured their programs. Each Arizona law school identified unique methods to address the requirements set forth in the amended rules. For the subsequent survey, students offered strong support for the program and its benefits, which included the ability to seek employment sooner and reduce their financial burden.

The administrative demands associated with the pilot program have been minimal, and staff have worked with law schools regarding communication specific for early testers, and have not encountered significant problems. For the past two years, all three Arizona law schools have strongly endorsed the merits of the pilot project and have urged ARC to support a permanent rule change and this early testing option available for eligible law students.

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Statistics

The following chart shows that the early testers fared considerably better than the overall average of testers. Additionally, the vast majority of those early testers who submitted their character and fitness reports were ready to be admitted around the same time as graduation, expediting the admission process and eligible to enter the workforce immediately. ARC acknowledges the February testing cycle will generally yield the highest number of testers due to the law schools' schedule and requirements.

PASS RATES

	Jul-13	Feb-14	Jul-14	Feb-15	Jul-15	Feb-16
Early Testers	2 ¹	37	2	47	2	29
Pass Rate	100%	89%	50%	84%	50%	72%
Overall Total	76%	64%	68%	58%	57%	49%
Law School Breakdown						
Arizona Summit testers		1		1	2	-
Pass rate		100%		100%	50%	
Arizona State University testers	1	12	1	11	-	4
Pass rate	100%	100%	100%	82%		75%
University of Arizona testers		24		33	-	24
Pass rate		83%		85%		71%
Florida A&M University testers			1			
Pass rate			0%			
Michigan State University testers	1					
Pass rate	100%					
Rutgers University testers						1
Pass rate						100%

¹ Three students tested in July 2013; however, one student did not receive score results due to an inability to produce evidence of graduation.

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Law School Input

SANDRA DAY O'CONNOR
COLLEGE OF LAW

ARIZONA SUMMIT
LAW SCHOOL

JAMES C. ROGERS
SCHOOL OF LAW



STATEMENTS FROM LAW SCHOOLS/ADMINISTRATION/FACULTY

The following law schools accepted the invitation from ARC to present their perspectives on the status of the pilot program in anticipation of this supplemental report.

Representatives from each Arizona law school provided feedback at the September 2015 ARC meeting with respect to the participation/pass rates, impressions from students, impact to administration and overall recommendations. These summaries, offered from each law school, are presented below:

Arizona State University (ASU)

ASU reported that students benefited from participation in the program. Although ASU has a rigorous requirement of completing all but 7 credit hours by the fall of the third year, those students who have done so and successfully passed the bar exam, have enjoyed earlier employment opportunities and reduced financial stress. While studying for the bar during their final semester, they were able to subsist on existing loans taken out for the third year in lieu of additional loans needed during the typical post-graduate timeframe for study, testing and awaiting results, which can take at least six months or more until a passing score is achieved. ASU strongly supports making early testing a permanent option for its students.

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Arizona Summit

Arizona Summit has been a strong supporter of the early testing concept. Although the school has had a limited number of early testers, it has successfully partnered with bar preparation vendors to prepare students for the early exam. To expedite the admissions process, Summit requires participation in an advanced writing course and sitting for the Multistate Professional Responsibility Exam (MPRE), along with early submission of the mandatory character report. Summit supports the availability of early testing as an option for its third year students.

University of Arizona (U of A)

The University of Arizona has been a leading advocate for early testing and strongly encourages the court to make this a permanent option for law students. The number of U of A students that have taken advantage of this option has significantly increased, and their bar passage rate, through July of 2015, has averaged 85%. U of A also partners with a bar prep program, and offers evaluative testing early in the program. Additionally, faculty work closely with students to assess their readiness as early tester candidates. Students who have participated in the early testing program have been uniformly enthusiastic about the option and the advantage it affords them in being able to successfully compete in the legal labor market.

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ARC Final Recommendation

In light of the overwhelming support expressed by the law schools and law students, and after thoughtful consideration, ARC encourages the Court to support conversion of this pilot program into a permanent change to the admission process as governed by Rule 34, Rules of the Supreme Court.

Statistically, it appears that early testing results in better scores achieved versus the overall population. These results likely correlate with the efforts made by the law schools to adapt curricula, to implement program safeguards to identify and certify eligible students, and to assist in creating an effective workload balance for the students' last semester.

Our initial concerns about lack of readiness have proven unfounded and, without any other position expressed to the contrary, ARC recommends that the Supreme Court permanently imbed this option as a viable and advantageous route to admission to the practice of law in Arizona. On balance, this amendment to Rule 34 would be beneficial to young lawyers, the legal community and the public at large.

ARC appreciates the opportunity afforded by this Court to participate in this pilot project and respectfully submits this final report in support of codifying the temporary rule amendments as permanent changes to be incorporated as a testing and admissions option.