Public Comments on Basic Skills Course Requirement (due November 10, 2014)

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FILED
SEP 12 2014
CLERK SUPREME COURT

September 18, 2014

Supreme Court of Iowa

Re: Basic Skills Requirement

Dear Honorable Justices:

I was among the first class of lawyers that were required to take the basic skills class. Honestly, I dreaded this expensive requirement as I would have to get lodging and miss time away from work. However, after attending the CLE, I found it served as one of the most valuable resources in getting started as an attorney for several reasons.

First, the course covered actual law that young attorneys need to learn. The class not only included the basics of Iowa statutes and case law, but several presenters explained the process of a case. Young attorneys are looking for guidance on how to physically make the law work (where to file something, how to get a party served, etc.).

Second, the course provided an excellent resource manual. Every time I venture into something new, I open up the materials as it provides a great overview and provides directions in getting started.

Third, the course has been an ongoing resource. The CLE was offered this year during the annual bar meeting. I found in some of the CLE's that the information was difficult to understand. For example, in the probate section CLEs, the level of planning they were discussing was very detailed a beyond the basics. Since I wanted to learn more about probate basics, I slipped into the basic skills class for a refresher.

The only criticism I have about the current structure is that the time allotted for each subject is too short. Some of the presenters raced over much sought valuable information in order to fit in their time slot. I think this course needs to be longer to allow the presenters to be more thorough. Perhaps, the sessions should be recorded and each topic be allowed as much time as needed for attorneys to reference later during practice.

I hired a new graduate this last year, and she attended this summer's class. We share the input above.

Best,

Tamra J. Roberts

Basic Skills course requirement
Tom Stamets
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rules.comments
09/15/2014 09:28 AM
Hide Details
From: "Tom Stamets" <swpctom@qwestoffice.net>
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FILED
SEP 15 2014
CLERK SUPREME COURT

09152014

Good day,

Either together with or instead of the basic skills requirement, I recommend that the Court and Iowa Bar implement a minimum one year internship program for lawyers desiring to enter a general office practice. In my view this would occur after the bar exam is successfully passed and before a general license to practice is issued. A special license allowing practice under supervision of an experienced lawyer would be issued during the internship. The supervising lawyer would be responsible to supervise and then make recommendation to the Court for issuance of a general license at the appropriate time.

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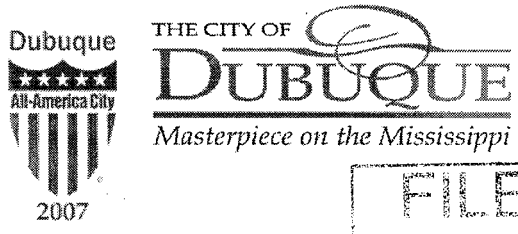

FILED
SEP 17 2014
CLERK SUPREME COURT

September 16, 2014

Chief Justice Mark S. Cady
Via email @ rules.comments@iowacourts.gov
Iowa Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

RE: Basic Skills Course

Dear Chief Justice Cady:

The following comments are based on my thirty-plus years of experience as the Iowa bar review Civil Procedure lecturer.

Prior to the recent change in the bar exam format, the Civil Procedure review was a three-hour plus lecture. Given the time limitation, I believe the lecture was a fairly thorough review of the subject. I was often told by bar review students after the lecture that they appreciated the review of a subject they had mostly forgotten since law school or for whatever reason never really understood while they were in law school.

The Basic Skills Course only allows one hour for the Civil Procedure lecture, so there is significantly less coverage than the three-hour session allowed. I have been limited to selecting a handful of topics which can only be covered in summary fashion.

The written outline for my lecture has remained the same throughout the bar review process in terms of coverage, at well over one hundred pages. I am confident it is a valuable resource for new lawyers.

My only suggestion is that a one-hour session is probably not adequate for Civil Procedure.

Very sincerely,

Barry A. Lindahl, Esq.
City Attorney

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FILED
OCT 22 2014
CLERK SUPREME COURT

October 22, 2014

Clerk of the Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Basic Skills Course

Dear Chief Justice Cady and Justices of the Iowa Supreme Court:

This is in response to the Court's Order filed September 11, 2014, reference the above matter.

Unscientific feedback from various recent graduates who took the Basic Skills Course during the last year indicates that the course is not particularly helpful, seems to be more like a bar prep course, and was of limited value.

While it was well intentioned, it apparently has not achieved the desired goals. Our suggestions (which I made at the Board of Governors meeting of the Iowa State Bar Association on September 15, 2014) include having it be more focused on necessary methods of getting things accomplished, e.g. in a real estate transaction the need to file the various forms and include them in the manual prepared for the course, financial disclosure statements in dissolution of marriage actions and how to use, and more of those types of things with appropriate explanation and tips on usage. The course might be used to familiarize graduates with our electronic filing system. It could also include an overview of the Iowa Constitution, with emphasis on recent cases interpreting our constitution.

We have given some thought about how to accomplish those goals within a day and a half and believe a good deal of information can be imparted within that time period which would be helpful, and Drake Law School would be willing to put on such a course. Details would need to be worked out regarding curriculum and so forth.

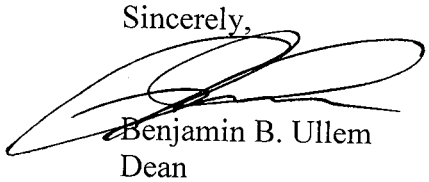
We also believe it important to have the course occur during the time period between the bar examination being taken and the bar examination results. Thus, it does not take time from a new lawyer in his or her employment, but also gives them a running start on practice needs and skills.

These are just a few thoughts of how it might best be handled, but there are other variances and

nuances and ways to get it accomplished. We would be glad to engage with the Court in figuring out best practices.

As always, we would be happy to respond to any questions the Court may have.

Sincerely,



Benjamin B. Ullem
Dean

Basic Skills Course
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10/29/2014 08:39 AM
Hide Details
From: Joe Strong <JStrong@youthlawcenter.org>
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FILED
OCT 29 2014
CLERK SUPREME COURT

I understand that the Supreme Court is currently seeking opinions on the value of the current Basic Skills Course requirement. By way of background, by the time I took the basic skills course I was practicing solely juvenile law. I had to explain to my relatively new employer why I needed 3 days off to go learn about business entities, property, contracts and various other areas of the law my practice never touched. If memory serves me correctly, there may have been one short portion on criminal law I found useful in my work in delinquency cases, but beyond that it was 3 days of information I never intend to use. Even if I do someday transition into a different field of practice, I cannot imagine the 3-4 hours spent on that topic would give me any real knowledge for which to practice in any of these areas.

I ask you to please consider this course from the context of a newly admitted member of the Bar. We have just finished 3 very difficult years of law school. We have just spent the better part of 4 months pouring over information for the Bar examination. It's was slightly insulting to say that after studying for and passing the Bar, we still needed a 3 day course to provide us with "basic knowledge" in varying areas of the law. I couldn't escape the thought while sitting through this course--what exactly was the last 4 months for? What exactly is the point of the bar, other than to prove you have basic knowledge in various areas of the law? Now we need to say we went to a 3 day seminar to prove we have basic proficiency in various areas of the law?

Simply put, my time would have been better served at an educational event relevant to the area of law I practice in. I could have attended a seminar on brain trauma in children. I could have attended a CLE on recent research on the "juvenile brain" and its effects on delinquency cases. Instead, I sat through a 3 day primer on area of the law I never touch, and areas of the law that were covered at length during bar preparation and the actual bar examination.

Thank you for your time, and I truly appreciate you accepting feedback regarding this course.

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FILED
OCT 29 2014
CLERK SUPREME COURT

October 29, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Basic Skills Course

To whom it may concern:

I was admitted to the Iowa bar after taking the July 2009 bar exam. As such, I was part of the first group of new attorneys to take the Iowa basic skills course in Iowa. I completed this requirement through a Basic Skills Course presented by the Iowa State Bar Association on January 13 and 14, 2011. I found this course to be helpful, but thought that it could have been more so.

My experience differs from most new Iowa attorneys in that I took the Illinois bar in July 2008 and was admitted to practice there before deciding to move to Iowa. As such, I had already taken a basic skills course and spent time practicing in Illinois before taking the Iowa course.

The basic skills course I took in January 2011 was helpful to me in learning some of the black letter law applicable to Iowa. For instance, I learned about how Iowa classified its criminal laws into A-D felonies and three classes of misdemeanors. Not having been educated at an Iowa law school, it was very helpful for me to learn some of these basic principles that were unique to Iowa. At the same time though, I think that information like that was probably repetitive for those new attorneys who had attended Iowa law schools. There was also repetition of many basic principles that law school and bar preparation had thoroughly covered for me. Discussions of what the elements of contract formation were, what the elements of certain crimes were, and others were things that I think that new attorneys would be familiar with or would know how to look up.

I think that newly admitted attorneys would be better served by discussion and instruction on the practical day-to-day aspects of law. A discussion of the basic procedures of a criminal law case would be more helpful. Things like, this is what happens at and what you do at an arraignment, these are the things to consider in advising a client whether to accept a plea offer, and these are the terms that are part of most plea agreements would be helpful for new attorneys so that they are more prepared to actually go and represent clients in court. For civil procedure, a discussion of the standard trial processing deadlines for expert witnesses, dispositive motions, and

the like would be good for new attorneys to know. In family law, a discussion of interaction with DHS and the processes that they follow would be very helpful.

I think new attorneys would gain more valuable knowledge from the Basic Skills Course if it focused primarily on the procedures of how to practice law that law school does not generally cover. New attorneys do benefit from instruction on black letter legal principles, but much of that discussion is repetition for attorneys who have studied those principles recently and extensively in law school and in bar preparation.

I hope this information is helpful to the Court.

Best regards,

PARRISH KRUIDENIER DUNN BOLES GRIBBLE
GENTRY BROWN & BERGMANN, L.L.P.

By: /s/ Luke DeSmet
Luke DeSmet

Basic Skills Course
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10/29/2014 09:26 AM
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FILED
OCT 29 2014
CLERK SUPREME COURT

2 Attachments

Basic Skills Course.docx

Attached are my comments on Rule 41.12.

Thank you,
Billi

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It's Nice To Be Home

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FILED
OCT 29 2014
CLERK SUPREME COURT

I took the bar exam in Iowa in 2010 and took a basic skills course in Des Moines in the fall of 2010. It seems that the goals of this course currently are to educate lawyers on Iowa basic legal concepts and give attorneys the opportunity to meet fellow young lawyers.

The basic skills course I took was not useful for me. Having joined an estate planning/tax practice in Minnesota, most of the day was spent on other areas of the law that I do not practice and never intend to practice. It could have been a more social opportunity to meet new lawyers; however, the format for lunch and snacks at our desks did not encourage networking among lawyers. This was not a cost that was useful for my education.

The most useful education I received in my first year involved state-specific, all-day courses in estate planning and elder law, which Minnesota offers annually as separate seminars. We have continuing education requirements to meet without the basic skills course, and many of us choose to focus on the areas of law that are most applicable to our new practice areas. We know that we need to learn the state-specific statutes and case law so we attend these types of seminars for that purpose. Also, new lawyers need to meet people in similar areas of law so that they have others to contact when they feel uncomfortable asking colleagues for advice on more basic matters. Seminars focused on our areas of practice provide a better opportunity to form these relationships. I do not think this course is a necessary component of a new Iowa lawyer's education. My suggestion would be that this basic skills requirement at least be waived for attorneys practicing out of state, if not for everyone, so that we or our employers can apply continuing education costs to seminars that are more productive.

Basic Skills Course
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FILED
OCT 29 2014
CLERK SUPREME COURT

Dear Ladies and Gentlemen,
I took the basic skills course approximately 5 years ago. At that time I had just passed the Iowa Bar, but had been working a a law clerk for the Second Judicial District for two year. The course was a helpful review but was not necessary to me given my work as a clerk. It would be nice if this requirement was waived for clerks.
Megan

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FILED
OCT 29 2014
CLERK SUPREME COURT

October 29, 2014

VIA Electronic Mail Only

Clerk of the Supreme Court
Judicial Branch Building
Rules.comments@iowacourts.gov

RE: Basic Skills Course

Dear Clerk of the Court:

I am writing you to comment on the need for a Basic Skills Course. Most of us would agree that the law school does not adequately prepare you for real world practice. In addition bar prep materials with a focus of generic law provide little either.

The Iowa Basic Skills course provided me with a readily accessible, Iowa specific, outline for most general practice areas. The course also provided many forms and practice pointers that typically are not provided anywhere else. Both form and outline provided a much needed resource for a newly licensed attorney.

I believe that more and more newly licensed attorneys are hanging up their own shingle. This is mostly due to the poor job market and lack of other opportunities. The Basic Skills Course provides an asset and resource that no BarBri or Caplan outline book can. Bar prep materials do nothing in the practice of Iowa family, estate or property law; typical areas for newly licensed attorneys.

I have practiced in Missouri for 2 years and Iowa one. Missouri provides a similar but less in depth equivalent to the Basic Skills Course. I still frequently refer to the Iowa outlines and will continue to do so because of the great amount of information provided in them.

I wholly endorse the requirement of the Basic Skills Course.

Very truly yours,

Justin Sullivan

FILED
OCT 29 2014
CLERK SUPREME COURT

October 29, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Public Comments on the Basic Skills Course

Dear Justices,

This letter responds to the Court's inquiry into whether the Basic Skills Course requirement should be retained for persons admitted to practice law in Iowa after 2014, and, if so, how the course might be improved.

I sat for the bar examination in July 2013, learned that I passed at the end of September 2013, and took the Basic Skills Course at the ISBA Annual Meeting in June 2014. I found the Basic Skills Course enjoyable and helpful, and would recommend that the requirement be retained. My opinion that the requirement be retained is not based, however, on the content of the Course.

I found the Course worthwhile for three main reasons. First, I had a chance to chat with my law school classmates about their experiences practicing law up to that point. It was enlightening to learn about the way other firms operate and the realities of my colleagues' day-to-day work lives. Second, the Course gave me a chance to see what happens at ISBA gatherings. If I had not been required to attend, I would not have gone to the annual meeting. And while my experience at the meeting did not inspire me to become heavily involved with the ISBA, being exposed to the meeting might have convinced some of my colleagues to get involved.

Third, the Course was helpful because many of the presenters ended their talks early and asked for questions. The question period was invaluable because it gave us a chance to ask experienced professionals for help with real world application. I was able to ask the Trusts and Estates presenter a question that statutes could not answer. The presenter had encountered the issue numerous times and was able to provide a concise solution. I was also able to ask the Torts presenters about implementing the changes to Iowa tort law dictated by a not-so-recent Supreme Court decision.

As mentioned above, the content of the Course was not what made the Course valuable. The presenters provided us with quite detailed outlines (somewhat helpful) and proceeded to try to respect their allotted time slots by racing through the outlines mentioning only the outline headings (not helpful). Without having the outlines explained properly, it was difficult to gain any context. In short, in attempting to accomplish too much, the Course accomplished very little. Further, several of the topics the Course covered were topics my classmates and I had belabored over the previous summer while studying for the bar. No one needed a refresher on the rule against perpetuities: we all still have it memorized. And my colleagues who don't practice any real estate law were perturbed at having to sit through yet another real estate lecture.

The Course could be improved in a couple of ways. Instead of making all newly admitted attorneys sit through all of the topics, attorneys might be given a choice of which four or five topics to attend. Those topics could then be discussed in longer sessions, with a designated question and answer period at the end of each session. This would ensure more focused participants and a more thorough explanation of each subject. I understand that the idea of the Course is to expose everyone to Iowa law on all of the subjects. Perhaps the Course was conceived to aid new general solo practitioners with no mentors to pester. In that respect the Course fails: it does not explain enough to make anyone a competent attorney in any area of law. The Course would accomplish more by giving presenters more time on each topic and by giving students a choice as to which presentations to attend.

Sincerely,

Carolyn Russell Wallace

Phelan, Tucker, Mullen,
Walker, Tucker, & Gelman, LLP
321 East Market Street
Iowa City, IA 52245

FILED
NOV 03 2014
CLERK SUPREME COURT

November 3, 2014

Hon. Mark S. Cady
Chief Justice
Iowa Supreme Court
Iowa Judicial Branch Building
111 East Court Ave
Des Moines, IA, 50319

RE: Basic Skills Course

Dear Justice Cady,

I believe that the Basic Skills course, in its current state, is a wasted opportunity for young lawyers. This is primarily because basic law, and not basic skills, is the current focus of the course. Remedying this problem should be relatively simple.

Given the recent hearing on the ISBA's proposal to abolish the Bar Exam in favor of a diploma privilege, you are well aware of the rigorous course of study undertaken by recent law school graduates as they prepare for the Bar Exam. Upon admission to the Bar, new lawyers are well versed in the fundamentals of what I will refer to as the "standard" areas of law: tort, contract, property, criminal, family, etc. The problem with the current basic skills course is that it amounts to a highly tedious and uninteresting review of these basic areas of law. As new lawyers have just spent hundreds of hours studying these topics, the review is pointless and unnecessary.

I propose that the Basic Skills course stop focusing on these rudimentary areas of law and instead focus on procedure and practice. I believe that the following topics are absolutely crucial to a successful Basic Skills Course:

1. **Intro to Court Administration – as taught by District Court Administrators.** Court Administration is not something students are exposed to during law school, and perhaps rightly so, as the tasks performed by Court Administration do not necessarily

require a "legal mind." However, introducing the new lawyer to the practice and procedure of the Court will be highly beneficial. For example, lawyers can be introduced to the individuals who will work with them to schedule their cases, and learn directly from them what will be expected of them when they call in for their first trial scheduling conference. Court assistants and court reporters can also help to explain their role in the trial process and how and when they may be utilized to ensure a smooth trial process.

2. **Intro to Filing: Ensuring Your Petition is Accepted – as taught by District Court Clerks.** While it is most likely true that new lawyers are tech savvy and can more or less navigate their way through the e-filing system, mistakes in the document itself can lead to problems for the new lawyer. District Court Clerks can inform young lawyers of the common mistakes they see and how to avoid them. The e-filing system can also be explained. District Court Clerks should also explain their role in the litigation process so new lawyers understand and respect the role of the clerk.
3. **Intro to Service: What Happens When You Can't Find a Party? – As taught by Experienced Lawyers.** Given the extremely strict 90 day service deadline in Iowa, it is crucial that new lawyers understand the importance of meeting that deadline, or moving for an extension of time in the alternative, provided good cause exists. A review of who is able to perform service in Iowa, and how it may be done. Additionally, there are numerous code provisions containing alternative methods of service for out of state defendants, defendants who cannot be found, or defendants who attempt to dodge service. Young lawyers should be aware of these code sections and the procedures for taking advantage of them.
4. **Common Oversights by Young Lawyers – as taught by Young Lawyers**. This section needs to be taught by young lawyers who can still remember the common mistakes they would make. The focus of this section is more than just a reminder to proofread ones writing. Are deadlines being calendared? Does the document contain a certificate of service? Why is a certificate of service important? Does the Court need to receive a copy of this document? Does the opposing lawyer?
5. **Courtroom decorum and Common Courtesy – as taught by the Bench**. A common complaint I have heard quite a bit recently is that new lawyers "don't know how to practice law." As a new lawyer myself, I consider myself competent and able to practice and, with all due respect, I have noticed that the ethics opinions issued by the Court rarely, if ever, deal with new or inexperienced lawyers. Therefore I am led to believe that when it is said that new lawyers don't know how to practice, the root of the complaint is that new lawyers don't know how to behave. Experienced lawyers and judges know from experience the right and wrong ways to conduct oneself in the Courtroom, with opposing counsel, and with clients. Young lawyers should understand that a virulent letter to opposing counsel may feel extremely good to write, but will not make the lawyer look good when opposing counsel attaches it as

an exhibit for the Court to review. If I understand the complaint correctly it is etiquette that the young lawyer lacks, not brains or ambition.

I am positive there are other areas that could be included in this list that I have not been exposed to in my own personal experience as a young lawyer. A small group of young lawyers should easily be able to fill a day or even two days with the newfound wisdom obtained through the steep learning curve that is the first few years of a legal career. If the focus of the basic skills course was altered to help new lawyers prepare and anticipate what they will encounter during that learning curve, I believe it would be very beneficial to the Iowa Bar.

Respectfully submitted,

/s/ Ben Arato

FILED
NOV 06 2014
CLERK SUPREME COURT

November 6, 2014

Comments re: Basic Skills Course

Thank you for this opportunity to provide comment on this important subject. I promise to be brief. I question the propriety of even having such a course post- law school leave alone modifying its contents. Teaching new lawyers basic skills? Isn't that what law schools are supposed to do? And don't our law schools here in Iowa, and I'm sure many others across the nation, teach such matters in their clinic programs?

I do not believe it fair to layer on new attorneys who already have the pressures associated with getting their new practices started with the further burden to learn matters which would have been better taught in a classroom setting.

So, my suggestion is to make the contents of the Basic Skills Course a requirement that our law schools should teach since that environment would be more appropriate for our new want-to- be lawyers. I am not so naïve in believing that the Iowa Supreme Court can dictate to all or any law schools across the nation to include such subject matters in their curriculum. But they can, at a minimum, influence the law schools here in Iowa. If it turns out that the contents of the course becomes a requirement and the candidate has attended a law school that did not teach the same, then and only then should that candidate be required to meet the requirement thru some other means. Though I have no proposal at this time as to how.

I promised to brief. I'm finished. Thank you again for your time.

D. J. STOVALL, JUDGE

FIFTH JUDICIAL DISTRICT of IOWA

FILED
NOV 07 2014
CLERK SUPREME COURT

Re: comment on Basic Skills Course

To whom it may concern,

I recently attended the Basic Skills Course at the ISBA Headquarters in Des Moines. I personally thought that the class itself was a waste of time. Most of the lectures consisted of the speaker reading directly from their outline or highlights of the outline that did little or nothing to enhance my knowledge of the subjects. In fact most of what was discussed by the speakers were things that I had picked up in the first few weeks of practicing law.

The only thing that I thought was actually useful from the course was the actual outlines. I would have rather received a book (or digital copy) of the outlines to be used as a reference. In fact I have printed out several of them and added them to my reference materials.

If the class is kept I feel that there are a few things that could be added to actually help new attorneys. For instance, one speaker provided examples of the forms his office used with some of the filings they do. This is always a huge help. The first few weeks of practice I was having to search online and look at old case files for examples of what the specific filing should look like. Also one subject that could be added would be secured transactions. I was fortunate enough to attend a law school that required the course to graduate. I feel this is an area that is lacking with most and having an outline to help walk you through the law I feel this would benefit many.

Sincerely,

Ben C.C. Meyer

Jay D. Grimes
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FILED
NOV 10 2014
CLERK SUPREME COURT

November 7, 2014

Hon. Mark S. Cady
Chief Justice
Iowa Supreme Court
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Basic Skills Course Public Comment

Dear Chief Justice Cady:

While I was extremely disappointed the Court declined to adopt diploma privilege at this time, I appreciate the Court's willingness to review the mandatory nature of the Basic Skills Course.

The Course, as set forth in Iowa Rule 41.12, was created to augment the bar admission process after all Iowa law was stripped from our bar exam. The Course now acts as an additional, unnecessary, barrier to entry after a young attorney has completed three years of law school *and* successfully passed a bar exam. There is no correlation between this after-the-fact Course and a young attorney's competence. It is completely illogical to think the Course serves any purpose in protecting the public or the profession.

Any abilities I have as an attorney were formed in law school by my classroom professors (many of which were kind enough to supplement the "general law" with actual Iowa law), my criminal clinic professor (who showed me how to apply Iowa law), the attorneys supervising my prosecutor internship (who showed me how to apply Iowa law), the attorneys supervising my private practice clerkship (who showed me how to apply Iowa law), and the attorneys I had the privilege of working with at Hansen, McClintock & Riley after graduation. Young Iowa attorneys grow and become competent through the application of Iowa law under the direction and tutelage of mentors; growth and competence does not come through a two-day course or a bar exam.

For the above reasons, it is my opinion the Basic Skills Course should not be mandatory.

Sincerely,

Jay D. Grimes
AT0010187

Brad Powers
1787 Johnson Iowa Road
Homestead, IA 52236

FILED
NOV 10 2014
CLERK SUPREME COURT

November 3, 2014

Hon. Mark S. Cady
Chief Justice
Iowa Supreme Court
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Basic Skills Course Public Comment

Dear Chief Justice Cady:

I am writing to encourage the Court to eliminate the Basic Skills Course requirement for newly admitted Iowa attorneys. I appreciate the Court's willingness to reevaluate the Iowa Bar Admissions Process and my experience having taken the Basic Skills Course is that it does very little to prepare new attorneys to practice in Iowa. Moreover, new attorneys are already provided with an opportunity, via the Bridge the Gap CLE program, to obtain any Iowa specific training that they would like.

I was a part of the first group of graduates required to take the Course. While the Course was well organized and delivered, it did not provide any meaningful assistance for myself and my classmates. As a Drake Law graduate, many of my professors had provided Iowa specific training above and beyond that provided in the Course. Many of my classmates had the same experience and found the training to be basic. Where gaps remain (typically with very fact specific issues which are simply not capable of being covered in a general purpose CLE) these have been filled by mentors and colleagues within the Iowa bar.

It is my experience that competence does not come through a two-day course or a bar exam, instead, the profession is better served through the time honored tradition of mentors and community within the bar. It is my opinion the Basic Skills Course should not be mandatory and I hope that the Court will come to the same conclusion.

Sincerely,

Bradley J. Powers
AT0010115

Adrienne E. Sula, Attorney at Law
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NOV 10 2014
CLERK SUPREME COURT

November 10, 2014

To Whom It May Concern:

The Iowa Basic Skills course is unnecessary, unwise and a further barrier to entry to the Bar. My experience, and that of my classmates, was that the course was of no benefit but rather was one more obstacle to admission to practice. Tweaking will not improve an otherwise unnecessary rule.

Thank you for your time and consideration in this matter.

Very truly yours,

Adrienne E. Sula

Basic Skills Course
Kami Holmes
to:
rules.comments@iowacourts.gov
11/10/2014 02:29 PM
Hide Details
From: Kami Holmes <kholmes@gmrc.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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1 Attachment

1-Basic Skills.docx

Attached please find my comments regarding the requirement that all attorneys newly admitted by examination in Iowa attend a Basic Skills Course on Iowa law.

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Kami L. Holmes
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"A Policy of Working Together"®

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NOV 10 2014
CLERK SUPREME COURT

November 10, 2014

Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Basic Skills Course

Dear Honorable Justices of the Iowa Supreme Court:

I am writing to you today to give you my opinion regarding the requirement that all attorneys newly admitted by examination attend a Basic Skills Course on Iowa law. It is my opinion, based on the feedback I have received from speaking with new lawyers that the Basic Skills Course requirement should either be modified greatly or should not be retained. My opinion does, however, vary depending on whether the court also modifies the Iowa bar examination.

It is my understanding that the current Basic Skills Course required contains basically the same topics as was covered in bar exam prep courses or closely mirrors the same. Thus, new lawyers are getting an extra dose of bar prep after they have taken and passed the bar. I have heard that this course is neither helpful nor warranted for that reason alone. Instead, new lawyers have expressed to me that they would rather have a course which assisted them in the "basics" that they do not learn in bar prep or in law school, such as basic substantive legal skills.

This past May, the Iowa Defense Counsel Association and the Iowa Association for Justice jointly held a "Trial Practice Academy" at Drake University Law School or the University of Iowa College of Law. The Trial Practice Academy was designed to fill in a void that new lawyers had mentioned they wanted to see filled in that they wanted information on basic, practical, real practice information they would not normally receive prior to entering the legal world. The Trial Practice Academy was a day long program which had presentations on things such as the "do's and don'ts in dealing with clients which covered basic "how tos" such as dealing with clients, client interview techniques, fee agreements, and ethical issues surrounding the same. It also contained a presentation entitled, "a view from the bench" which allowed judges from around the state to speak to the attendees directly on basic things like how to appear, present, and act in a courtroom, as well as give real advice and tips on what judges do and don't like to see in the courtroom and court operations,. Other topics included discovery, voir dire and a criminal law overview. The program also contained interactive sessions on taking depositions and two mini mock trials (small claims and a family law hearing) where the attendees could stop the hearing and ask questions as to why the attorney did this or that, and allow the judge to explain the process some. Most topics were presented from two viewpoints, the plaintiff's bar and the defense bar, to give broader viewpoints, as well as opposing viewpoints, to the attendees.

The Trial Practice Academy was well received by the attendees and the Iowa Defense Counsel Association is holding another session at both schools in February and March of next year.

Other, real life, practical programming such as teaching new lawyers the elements of successful writing, public speaking, business law and alternative dispute resolution would also be something that would benefit new lawyers more so than the current required Basic Skills Course. It appears that new lawyers are receiving fewer opportunities for the basic skills training that once was received from their employers and many are becoming sole practitioners, as such, it is important that our legal community provide the opportunity to learn these skills elsewhere. If the Basic Skills Course is going to remain a required component of practicing law in Iowa, the programming, whatever it may be, needs to meet the needs of new lawyers and also be affordable.

If the court adopts the Uniform Bar Examination (UBE), then there should certainly be a required course on Iowa law for one to be able to practice law in Iowa. I personally think it is very important for the Iowa bar exam to have testing on Iowa law as a one day course for the "Basic Skills of Iowa law" is simply not enough time for this topic for obvious reasons. The questions posed by the court regarding whether the Basic Skills Course should be retained and whether the court should adopt the UBE are intertwined. To practice in Iowa one must be competent in Iowa law. I think the court needs to determine what the Iowa bar exam is going to look like before it can determine whether a basic skills course in Iowa law is required and what that basic skills course should look like. Regardless, in my opinion, any required basic skills course should contain real, practical basic skills needed in order to actually practice law as outlined above.

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CLERK SUPREME COURT

Dear Chief Justice Cady and Members of the Court:

The reality is that most young lawyers leave law school with few or no practical skills. As law students, we both took every opportunity to focus our coursework on practice-oriented classes and completed multiple internships, externships, and clinics. Despite this, we both quickly realized that what we learned in law school bore little relation to the practice of law. We submit this public comment out of a sincere belief that changes to the basic skills course can help close this law-school—law-practice gap, and that newly admitted lawyers should begin their practice with a better grasp of Iowa lawyering.

We believe the basic skills course can be an important tool in ensuring newly admitted Iowa attorneys are "practice ready." The basic-skills-course requirement should foster a minimum level of competence for practicing Iowa attorneys, thereby protecting the public and safeguarding the interests of new lawyers' clients. Unfortunately, the current basic skills course falls far short of this goal.

We each attended a basic skills course in 2011 and 2012. We walked away knowing little more about the practical aspects of Iowa law practice than we did when we graduated law school. The course was just another CLE—with presenters of widely variable quality and subject matter that was not tailored to our practices or interests. The course focused largely on substantive law and the kind of broad conceptual information you might see in a first-year law school class on torts or contract law. There was no discussion of the practical aspects of Iowa practice.

If the Court decides to keep the basic skills course in some form, it should reform the course to actually provide practical knowledge and information that will benefit young lawyers. We believe the course should provide a practical foundation that can be drawn on when new attorneys first appear in Iowa's district or appellate courts. And we believe lawyers should be able to partially tailor the course to the topics and areas most relevant to their practice.

Under the current rules, the list of topics to be covered in the basic skills course essentially mirrors the topics graduates study for the multistate bar exam. *Compare* Iowa Ct. R. 41.12(2) (the basic skills course) *with* Iowa Ct. R. 31.3(1)(b) (the Multistate Essay Exam). We encourage the Court to look instead at focusing on practical topics, rather than broad areas of legal theory. By way of example, we would respectfully suggest some of the following topics:

- **Appellate practice.** Iowa's unique deflective routing system is a surprise to many newly admitted lawyers, as are the rules of error preservation and the jurisdictional nature of the notice of appeal. Covering the basics of appellate practice ensures new Iowa lawyers have the basic toolset needed to safeguard clients' appellate rights.

- **Filing in Iowa's courts.** Paper filing is in its death throes, and EDMS has a steep learning curve. Providing new lawyers training in how to e-file documents will reduce the burden on court personnel (who must frequently troubleshoot filing issues) and benefit the public, by allowing new lawyers to practice more efficiently. The utility provided by this practice-focused topic will ensure newly admitted lawyers can hit the ground running, whether at a large firm, government agency, or solo practice.
- **Iowa Rules of Civil and Criminal Procedure.** Law school teaches substantive rules of civil and criminal procedure. Law school does not provide young lawyers with the nuts and bolts on topics like the rules governing service of process and computing deadlines. These practical matters are well known to seasoned practitioners and they can be traps for the unwary young lawyer. For example, many young lawyers may be unaware of Iowa case law affecting the statute of limitation for personal-injury cases.
- **Iowa evidence.** All new lawyers should be familiar with the basics of Iowa's rules of evidence. Particularly given the federal rules' 2011 restyling, few law students are exposed to the content or the language of the Iowa rules of evidence, or the eccentricities of Iowa case law (such as disfavoring standing objections or not recognizing "invades the province of the jury" as an objection). Evidence is fundamental to nearly every vintage of law practice and has value for nearly every basic-skills attendee.

Reforms to the basic skills course should also allow new lawyers to choose among alternative "tracks" that align more closely with their practice or interests. One of us is an appellate prosecutor, while the other is a general-practice civil litigator. Our practice areas hardly overlap at all—and big chunks of the shotgun-approach basic skills courses we attended were irrelevant to both our careers. We would encourage the Court to explore whether there should perhaps be one "core" area of three or four topics that must be covered for all new lawyers (e.g., ethics, filing in Iowa courts, appellate practice), while the remainder of courses can be selected from tracks that emphasize practical issues. We envision the tracks might look something like this:

- **Civil Litigation:** covering Iowa tort practice, Iowa agricultural law, Iowa contract practice, civil-discovery practice, and personal injury claims.
- **Criminal Litigation:** covering Iowa juvenile-justice law, Iowa search-and-seizure law, Iowa postconviction practice, Iowa sentencing practice, criminal-discovery issues, etc.
- **Transactional:** Iowa tax law, Iowa business associations, estate planning, and real estate transactions.

The specifics of our examples matter less than the idea—the basic skills course should be relevant and useful to newly admitted lawyers, and giving lawyers agency over how they fulfill the requirement will improve both utility to a lawyer's practice and satisfaction with the experience.

We fully acknowledge that developing and implementing the type of basic skills course we envision would involve resources—staff time on the front end to develop a curriculum and framework, a body of volunteer practitioners to give high-quality presentations, and an increase in facilities to allow newly admitted lawyers to choose between alternative tracks. This investment is worth it. Among the public comments received while the Court considered abandoning the bar exam, a recurring theme was the necessity of Iowa-specific training for Iowa lawyers. The reforms we suggest accomplish that goal, while also addressing the widely recognized gap between law-school theory and law-practice skills. We urge the Court to consider reforms of the basic skills course, including those we've outlined here, to ensure newly admitted Iowa lawyers know the law of our state and have practice-ready skills.

Respectfully submitted,[1]

/s/ Tyler J. Buller
TYLER J. BULLER

/s/ John E. Lande

JOHN E. LANDE

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[1] This public comment is submitted in the authors' capacity as private citizens. This comment does not reflect an official comment by the State of Iowa, the Attorney General of Iowa, or the Dickinson, Mackmann, & Tyler law firm.

FILED
NOV 10 2014
CLERK SUPREME COURT

Dear Chief Justice Cady,

Thank you for the opportunity to comment further on Bar Admission in Iowa-a major issue as we work together with our Law Schools to make our process a model for the rest of the nation.

Our Blue Ribbon Committee on Legal Education and Licensure recommended the Diploma Privilege and alternatives to the Basic Skills Course Requirement. The Court has referred the Diploma Privilege Recommendation to the Board of Law Examiners for further study with comments due to that Board on or before December 8-comments will be forthcoming as requested and as demanded by current issues in Legal Education and Bar Admission.

Rule 41.12 entitled Basic Skills Course Requirement was adopted by the Court after the Court adopted Bar Admission Rule-31.3 entitled Required Examinations that no longer required any knowledge of any Iowa law.

The rule provides:
"Every Iowa lawyer admitted to practice by examination after December 31, 2008 must complete a Basic Skills Course. The course must be completed within one year of the newly admitted lawyer's date of admission to practice in Iowa. The course may be completed after the last day of the bar examination that resulted in admission……"

The Current Rule is another hurdle for entry to practice which has minimal value to the bench, bar and public for several reasons.

First, the requirement of taking CLE on Iowa Practice after an individual has been admitted to practice on exams which do not expose the applicant to any Iowa law after one year, while well intentioned, makes no logical sense. Either knowledge of Iowa law is a condition to admission on Day One or it is not.

Second, there is no reason to create a CLE rule different from all other practitioners as set forth in 42.2(1) "a minimum of 15 hours must be completed by each attorney for each calendar year".

Third, the current rule has the effect of subjecting "conditional" admittees to a bar review course after the fact to compensate for an admission standard that is not based on knowledge of Iowa law.

Fourth, by far the substantial majority of new admittees who have been exposed to the requirement have hugely negative opinions to the process-it has no value and trivializes legal education and bar admission. We have received comments from the attorneys taking the course and they would be available for your review upon request.

We believe the current rule serves no useful purpose and should be abolished. If it is retained in revised form then the ISBA Nuts and Bolts seminar or similar seminars at The University of Iowa Law School and Drake University Law School should be satisfactory equivalents. Otherwise the rule remains another barrier to entry to practice.

Of course we want all members of the bench, bar, law schools and the public to have the same baseline information.

We are proud to champion the first totally transparent and inclusive review of bar admission processes in Iowa's history. We are also interested in continuing the conversation concerning legal education and licensure and appreciate your interest in the matter as well. As leaders in the profession we have a responsibility to recognize the barriers to practice which end up limiting the services that we can provide as a profession to those most in need but unable to pay.

As Mr. Keating said in the movie Dead Poets Society, "Just when you think you know something, you have to look at it in another way."

Thanks for asking for our comments on this important issue.

Joe

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FILED
NOV 10 2014
IOWA SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court A venue
Des Moines, IA 50319

November 10, 2014
Delivered via e-mail to
rules.comments@iowacourts.gov

Re: Retention of the Iowa Basic Skills Course

Dear Iowa Supreme Court Justices:

I am writing to recommend that the Court discontinue the Basic Skills Course requirement for new bar admittees. While I am in favor of new Iowa lawyers knowing Iowa law, I do not believe that the Basic Skills Course actually achieves that goal.

As you know, I served on the Iowa State Bar Association committee that examined the Iowa legal licensing process. The new lawyers on the committee universally condemned the Basic Skills Course and called it "a waste of time." When our discussion turned to brainstorming ideas for improving the course, one new lawyer commented that such an endeavor would be like "putting lipstick on a pig."

To learn why new lawyers who actually took the Basic Skills Course felt this way, I reviewed three years' worth of attendee surveys. The following themes emerged:

The course contains too much information, presented in too little time. One course attendee noted in a survey that it was unlikely that much of the course substance was actually retained by the audience. Cramming is not a recipe for meaningful retention. Neither is lecture without the accountability of a test. For support for these

propositions, the Court can refer to the academic studies referenced by the law professors who weighed in on the diploma privilege proposal.

The course feels redundant. A curriculum of mandatory lectures over eight broad areas of the law in eight hours is - by necessity – superficial. Unfortunately, for most attendees, this broad and superficial Basic Skills Course comes on the heels of a recent bar exam review course (covering many of the same areas of the law) that can also be described as broad and superficial. It almost goes without saying that these two courses are preceded by three years of law school where the course attendees have already been lectured to and tested on most of the same areas of the law.

The course's timing negatively affects the attendees' motivation to learn. Unlike a law school exam or – for many – even the bar exam, the Basic Skills Course is often taken by new lawyers who already have jobs. Because they already have jobs, they are quickly dividing the course material into "applicable" and "inapplicable" areas. Attendees routinely complain about being forced to sit through lectures on areas of the law that they have no interest in. One can certainly quibble about whether a new lawyer is in a position to know what law they will eventually need to know. With that being said, we cannot ignore the fact that an attendee's lack of interest in a lecture can defeat the purpose of the Basic Skills Course's mandatory attendance policy.

I have no doubt that the Basic Skills Course was created with the best of intentions. Unfortunately, it is a failed experiment should be abandoned. You do not need to take my word for it; you should listen to the opinions of recent attendees – you probably have some in your building. They know when their time is being wasted.

Sincerely,

Tim Semelroth