

July 14, 2014

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

Re: Bar Admission Process

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

Drake Law School supports the proposed diploma privilege now under consideration. While this endorsement may seem self-serving, it is supported for many important and compelling reasons. Also know that should it be adopted, we would vigorously institute the additional teaching responsibilities the diploma privilege envisions.

You recently received a letter from Matt Doré, a long time professor from Drake Law School, who clearly stated the case for adopting the privilege. I would like to support that letter without repeating it, and also with the experience of many years in private law practice before becoming dean of Drake's law school.

First, the multistate bar exam does not provide a good test of lawyering ability. The questions and "correct" answers are not based on Iowa law, nor are they necessarily aimed at the most likely issues to arise in real life situations. As we all know, practicing law is not a multiple choice exam, yet the MBE is all multiple choice. The essays on the MEE are not a particularly good test of ability either. Students have half an hour to read each question and write an answer.

If a student should fail to pass the bar examination, we review the reason. Invariably, the cause has little to do with legal ability, but instead is the result of outside issues such as health or family reasons. The diploma privilege will be based not on several hours of some standardized tests but instead on the student's abilities crafted through many exams, papers, simulations, practice experiences, internships, clinical hours of monitored client representation and practice oriented exercises over an intense three years of legal education. In addition to learning Iowa law in classes, which is already done at Drake, students will be required to take and pass a course on Iowa Practice and Procedure in their third year to reinforce their knowledge of Iowa law. The list of courses in the proposal that are required to qualify for the diploma privilege should

ensure that graduates are familiar with the concepts and rules necessary for practice in whatever field they choose.

Further, the delay in obtaining bar exam results creates a problem. Some firms will not hire a law graduate until after he/she is admitted to the bar. This delays the ability of the graduate to earn income and it may cause special problems for rural attorneys in areas in which there are not as many applicants. Given that nearly all graduates from Iowa's two law schools pass the bar, the likelihood that these graduates would not be admitted later is small.

Some people have expressed concern that the diploma privilege will permit unqualified people to practice law. Aside from Drake's traditionally high pass rates on the Iowa bar, Wisconsin has had that privilege for approximately 75 years and it does not have a less qualified bar than other states.

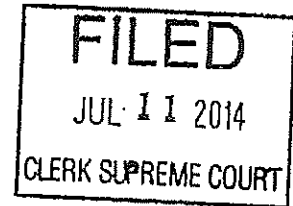
We commit that we will do our utmost to make certain that, if the privilege is passed, we will strengthen our efforts to make sure every graduate who qualifies for the privilege is, in fact, also qualified to practice in Iowa.

In my law practice which has occurred in many places throughout the nation, I have never seen nor felt that I was any less ready to do legal work than any other lawyer with whom I interacted, and in fact more often than not better equipped. I did not come to that conclusion or experience that ability due to a test taken (although I did have to pass the bar exam), but instead based upon my legal education from Drake Law School. The bar exam in Iowa is not the best way to bring highly qualified attorneys to communities, the courts and the boardrooms in Iowa.

Sincerely,



Benjamin B. Ullem, Dean



July 11, 14

The Chief Justice and Justices of the Iowa Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319
co: Ms. Donna Humpal, Clerk of the Supreme Court

Re: Bar Admissions Process

Dear Chief Justice Cady and Justices Wiggins, Hecht,
Appel, Waterman, Mansfield, and Zager,

Thank you for the opportunity to comment on the bar admissions proposal of the Iowa State Bar Association's Board of Governors, now under consideration by the Iowa Supreme Court. As a member of the bar committee that developed the proposal, and as a faculty member and former dean of the Drake University Law School, I enthusiastically support the proposal.

I start from the proposition that the purpose of a bar admissions procedure is two-fold: to provide assurances at an acceptable level of confidence of both the character and fitness and the minimum substantive knowledge of applicants. In adopting a bar admissions rule the Court balances the interests of a number of constituencies. Knowing that no bar admissions procedure is perfect, the Court is called to adopt a procedure that is the best balance of such considerations.

It is sometimes passed over in these discussions that the Board of Governors proposal would not make any changes the first part of the bar admissions procedure, the character and fitness evaluation. Applicants would still be required to pass the multi-state ethics exam and successfully complete the character and fitness screening process. The proposed change relates to the second object of the bar admissions procedure, the minimum substantive knowledge evaluation.

There seems to be widespread consensus that Iowa's present bar admissions procedure with respect to the substantive knowledge evaluation is flawed in several respects. The two most common observations are that we do not test on Iowa law and procedure and that the system is expensive and slow.

The bar committee considered a broad range of alternatives to the present bar admissions procedure. Upon careful examination, a number of popular options, some of

which have received support in the comments made in this proceeding, present insurmountable implementation challenges. For example, it has been suggested that we simply add on an Iowa-law component of our own creation to the existing bar exam. While this might address the criticism of the current admissions procedure that it does not include Iowa law, it would not address the delay problem. And, the committee heard, the creation of an Iowa component where the test questions were properly vetted and screened for efficacy would be beyond our expertise and resources. Other proposals, such as one suggestion that bar admissions be done through applicant interviews with judges, raise serious questions of substantive coverage and uniform treatment. Still other proposals, for example a modular approach where students take a bar admissions test on each substantive area in conjunction with their law school classes, would address the delay problem but not the Iowa material problem. And the implementation of such a model would require a national program that is simply beyond our control.

Of all the options considered by the bar committee, the Wisconsin-style diploma privilege presented the best combination of attributes. With the requirements that students pass a requisite number of credits from two listings of specified courses, and with the required Iowa practice and procedure course, the proposal meets both the Iowa content deficit and the delay problem of the current procedure.

I am well aware of the range of questions that have been raised as to the diploma privilege proposal. One suggestion is that preparation for the bar exam causes students to learn the material. In this regard, a commenter suggested that "people study because they will be tested." I agree, but he is mistaken in equating the preparation that students do for the tests in substantive classes with the preparation that students do for the bar exam. I am perfectly willing to stipulate that a student preparing for a three-hour test in evidence upon completion of a semester-long evidence course will use that opportunity to help master the substantive area of evidence. But the preparation for the bar exam – because of the number and breadth of the areas tested and the predictability of the questions within those areas – is much more oriented toward testing techniques than it is toward substantive knowledge. And, of course, most students study for the bar examination with the foundation of having taken exams in the substantive areas. I agree with the analysis on this point of University of Iowa College of Law Professor Angela Onwuachi-Willig in her letter to the Court.

A related point is the suggestion that merely testing on Iowa practice and procedure would assure that candidates are adequately trained in the law of this jurisdiction. Surely the best preparation in Iowa practice and procedure is that provided in the diploma privilege proposal: the combination of a required class in Iowa practice and procedure and a required number of credits in courses stipulated by the Court.

A number of commenters suggest that adoption of the proposal would diminish the reputation of Iowa lawyers. While they offer no support for this assertion, there is a great body of evidence to the contrary. On this point, as on others involving the proposal,

The Chief Justice and Justices of the Iowa Supreme Court

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we have a wealth of information in the experience of Wisconsin, a state much like Iowa which has had the diploma privilege for generations. We need not speculate on the Wisconsin experience. Many of us, myself included, have been members of the bar in Wisconsin and have seen first hand that there is no diminution of the reputation of their lawyers from the diploma privilege, and certainly no distinction among Wisconsin lawyers based on the protocol under which they were admitted.

I would point to the letter of Wisconsin Judge James Morrison before you, where he speaks authoritatively of the Wisconsin diploma privilege experience. And I would note that Judge Morrison's positive evaluation is wholly consistent with those of Wisconsin Supreme Court Chief Justice Shirley Abrahamson and the other Wisconsin commenters. It seems to me that in a discussion with many opinions and few facts, the experiences of our colleagues and friends in Wisconsin carry great weight.

As I have said throughout this process, the proposal approved unanimously by the Iowa State Bar Association Board of Governors before you today would not be appropriate for every state in the Union. It is, I think, appropriate at this place and at this time because of a confluence of circumstances. We have the history of a productive working relationship among our law schools and the Court, a record of our graduates passing the existing bar exam at a very high rate, and an existing bar admissions procedure that is widely thought unsatisfactory. We have the very positive experience of a similar sister state that has long had the policy here advocated. We have a Supreme Court that has demonstrated its willingness to be innovative and creative. In adopting this proposal, the Court can be a national leader in this important area.

Thank you for considering the proposal and these comments.

Best regards.

Sincerely,

Allan W. Vestal, Professor

FILED
JUL 14 2014
CLERK SUPREME COURT

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

My name is Melanie Thwing and I am writing on behalf of Drake University Law School Student Bar Association. On March 13, 2014, after great debate and information gathering, the Student Bar Association passed a resolution in favor of implementing the diploma privilege for the State of Iowa.

In coming to this decision, the governing body of Drake Law School looked at four decisive factors: (1) Drake Law School has a history and reputation for graduating students who are well prepared and well qualified for the practice of law; (2) the Drake University Law School Student Bar Association believes that citizens of Iowa seeking legal representation would be better served by attorneys with practical knowledge; (3) the elimination of the bar exam for University of Iowa College of Law and Drake University Law School would reduce the debt level of new attorneys; (4) elimination of the bar exam would both help University of Iowa and Drake University attract students, as well as persuade graduates to stay in the State of Iowa to practice law.

(1) The structure of the bar examination as currently implemented does not prove that an individual is prepared for the practice of law within the State of Iowa. While portions of the commentary note licensing and certification tests for other professions are required, it is important to note the practice of law requires specialization that is not comparable to other fields.

Due to the fact that individual state bar associations have varying requirements, it seems to have a logical basis that tailoring course requirements and enacting stricter testing at the law school level while eliminating the bar examination would provide Iowa citizens with competent attorneys. The bar examination, as currently implemented, tests on restatements and uniformed codes or proposed codes that often times have not only not been effectuated in Iowa but also run contrary to current Iowa law. The standing system of bar examinations does little else than attempt to “fit a square peg in a round hole.”

While we recognize that it is necessary for many specialties and professions to have universal testing guidelines, these professions recognize universal techniques for their craft. In the practice of law, while there are certain universal principles, the vast majority of legal study is conditioned upon the jurisdiction in which the lawyer is practicing. As such, a universal examination—while necessary for some professions—is not necessary for attorneys.

Wisconsin has successfully implemented a diploma privilege for three quarters of a century. Wisconsin is cited to this rationale of discontinuing the bar examination for students who graduate from their two state school:

The privilege was adopted by the legislature ‘as an incentive to encourage prospective lawyers to prepare for the profession by a regular course of academic

study at the University of Wisconsin law school rather than by apprenticeship or "reading the law" and then passing a bar examination.¹

The Drake University Law School Student Bar Association has been fortunate to have the faculty and staff include us in preparations for the steps which must be taken should the diploma privilege come into effect. When the ISBA issued the recommendation, the administration at Drake immediately began preparations for implementing a plan for current and future students. This plan focuses on teaching students Iowa law, which at this point is not possible due to the structure of the bar examination. It is the Drake University Student Bar Association's belief that members of the community would be better served by attorneys with specific training and knowledge in Iowa law rather than attorneys who now spend invaluable time being instructed on principles of law needed to pass a test, but which are not tailored for practice in the State of Iowa.

(2) Since its founding, the Drake University Law School Legal Clinic has been preparing students for the real world practice of law. Every semester, the Iowa Supreme Court trusts students with real clients, real situations, and real problems. Under the guidance of a supervising attorney from the community, second and third year students gain practical experience through the real world practice of law in Iowa courts.

Students practice in civil, criminal, taxation, transactional, probate, elder, child rights, and juvenile law with the approval of the Iowa Supreme Court. Unlike any other legal clinic in the country, students participate in hearings, plea negotiations, trials, and perhaps most importantly, client communications. This shows the community recognizes the need for practical, real world experience outside of class and exams for exemplary legal services.

Furthermore, this factually indicates students graduating from Drake University Law School possess the ability to adequately represent clients in the State of Iowa, without the need for a bar exam. Citizens of the State of Iowa would be better served if future attorneys were instructed in the practice of law through legal clinic experiences rather than the generalized instruction which accompanies a bar examination.

(3) In Iowa, the bar examination delays qualified attorneys from practicing while incurring large amounts of debt. Since the early 1970s, the cost of legal education has been rising.² In 2002, the median cost of law school was \$24,920 and 87% of students borrowed money for their legal education.

¹ Petition to Amend or Repeal Sup. Ct. R. 40-30 (Sept. 25, 2009) (Ch. 79, Laws of 1870).

² ABA Comm'n on Loan Repayment & Forgiveness, *Lifting the Burden: Law Student Debt as a Barrier to Public Service* (2003), available at <http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lrapfinalreport.aucthcheckdam.pdf>

As the cost of education rises, students are forced to forego two months of income to study for a bar examination which, again, is not applicable to Iowa law. Generally, students spend three hours in lectures five to six days a week.³ Outside of this, students spend an additional 7–8 hours a day on assignments and review.⁴

While many of us take for granted daily expenses, these students are faced with the decision on how to pay housing, rent and utilities, medical insurance, tuition costs of the preparatory program, books, and other miscellaneous costs. When a student has loans supplemented by work, this is manageable. When a student must take two months to study for an exam, it is not.

Wells Fargo is only one example of a company that offers bar loans. Students may borrow up to \$12,000 with a minimum APR of 7.23% and interest rates starting at 9.07%.⁵ In 2002, many law students had over \$80,000 borrowed.⁶ The Iowa bar examination puts not only educational pressure on students but also monetary pressure.

Even if the Court discounts these two months of preparation for the bar examination, students working after the test but waiting for results find themselves earning a clerk's salary. Historically, when students in Iowa took the bar examination, it was graded within days and graduates knew their fate. Students who took the bar examination on February 25 and 26, 2014 received their results April 18, 2014.⁷ This equates into roughly six weeks of salary lost, which prolongs the time to pay loans, requires students to rely on credit cards or relatives to make necessary payments, and plainly, causes students to go even farther into debt. Graduates have already paid three years of tuition while the bar examination spirals into thousands of dollars worth of hidden costs. Graduates being forced to take this examination go farther into debt while not learning practical knowledge of Iowa law.

(4) If Iowa were to abolish the bar examination for students graduating from University of Iowa and Drake University, new attorneys would be more likely to stay in Iowa. Graduates will be better prepared for practice and would have an incentive to practice in the state. The diploma privilege can also boost enrollment for University of Iowa and Drake University.

³ *Iowa Bar Review Course Information*, BARBRI, <http://www.barbri.com/courseInfo/barReviewCourse.html?selectedState=IA> (last visited June 13, 2014).

⁴ *Id.*

⁵ *Wells Fargo Bar Exam Loan*, WELLS FARGO, <https://www.wellsfargo.com/student/graduate-loans/bar-exam/> (last visited June 13, 2014).

⁶ *Iowa Bar Review Course Information*, BARBRI, <http://www.barbri.com/courseInfo/barReviewCourse.html?selectedState=IA> (last visited June 13, 2014).

⁷ *Bar Exam Announcements*, IOWA JUDICIAL BRANCH (April 18, 2014), http://www.iowacourts.gov/For_Attorneys/Bar_Information_Admissions/Bar_Exam_Announcements/

Elimination of the bar examination may serve as the deciding factor for students making the choice between an Iowa school and an out of state school. Certainly there are students who live in Council Bluffs who choose to attend a Nebraska law school because of cost. These students know they will have to take a bar examination to practice in either state, so attending one of these schools is a logical choice. However, with a diploma privilege in place, students will be drawn to Iowa schools, therefore helping to boost enrollment and qualified attorneys entering the legal market.

The current system of bar examinations allows students to test in any state. If students from Iowa schools can start practicing immediately, it will deter students from seeking jobs outside of Iowa. Graduates are less likely to spend thousands of dollars on a bar examination if they can start practicing directly after graduation.

Graduates will have the ability to start building their career and clientele immediately. This will also deter graduates from leaving the state. Due to lower costs, graduates may be more willing to expand their job search outside of the Des Moines or Iowa City metro to surrounding rural counties, thus bolstering a struggling legal community in certain areas.

In today's legal economy, graduates will make the decision to practice based on the most financially responsible option available. Graduates who are required to take a bar examination are just, if not more, likely to take a job in Texas as they are to take a job in Albia, Iowa. For these reasons the bar examination as implemented in Iowa does not offer any incentives for graduates to stay in the state.

Guy Cook, President of the Iowa State Bar Association has been quoted as saying the following: "It's nothing more than a final hazing that tests students on esoteric material they will probably never use . . . It doesn't test students on Iowa law, and leaves students who have already spent three years in law school in limbo." For the reasons laid out in this recommendation, the Student Bar Association of the Drake University Law School agrees with Mr. Cook and is in favor of eliminating the bar examination.

Thank you for your consideration,



Melanie Thwing
Student Bar Association President
Drake University Law School

Dear Justices of the Supreme Court:

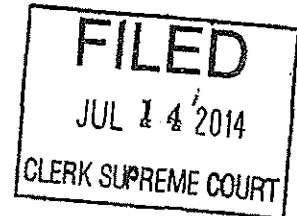
I am, an Ellis and Nelle Levitt Distinguished Professor of Law at Drake University Law School. I have been a law professor at Drake for 37 years. Prior to that, I was an attorney at a major New York City law firm. I write this letter in support of the diploma privilege.

I have examined the justifications offered for the continuation of the bar examination, and have found only one that has any degree of validity. That justification is that the bar exam forces students to review all the law they learned during their law school career in preparation for this exam. I recognize the value of that review, and I'm sure others have written to you about it. However, when put up against the costs of waiting to practice until the exam is graded and the students are admitted to the bar, not to mention the cost of the bar review course and the other costs associated with the bar exam, it appears to me that the costs of continuing the bar exam are far outweighed by the advantages of doing away with it. Studies have shown that the bar exam merely tests the same skills that are tested (and tested better) in law school. I have written questions for the bar exams of various states and I can testify that my law school examinations in Wills and Trusts are far more difficult and comprehensive than bar exam questions. And, with the exam now in a multiple choice format, the difference in ability tested between law school exams and the bar exam is even greater than it used to be.

I have spoken on the advantages of the diploma privilege to the Estate Planning, Probate and Trust Section of The Iowa State Bar Association, and I won't unnecessarily extend this letter by commenting on them further. Simply let me say that I agree with the Report of the Blue Ribbon Committee of the Bar Association, and I urge you to institute the diploma privilege in Iowa for graduates of the Drake University and the University of Iowa law schools.

Thank you for your consideration.

Martin D. Begleiter
Ellis and Nelle Levitt Distinguished Professor of Law
Drake University Law School
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July 11, 2014

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

Re: Diploma Privilege Proposal

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

I write in support of the new attorney licensure proposal from the Iowa State Bar Association's Blue Ribbon Committee on Legal Education and Licensure. While I am not formally authorized to speak on behalf of my Drake Law School colleagues, you should know that my wife, Drake Law Professor Laurie Doré, also supports the Blue Ribbon Committee's proposal. And as far as I am aware, so do all of my Drake Law Faculty colleagues.

Our endorsement of this proposal is not rooted in concerns about whether Drake Law graduates will pass the Iowa bar examination. As the Blue Ribbon Committee's report reflects, Drake Law graduates, and the University of Iowa College of Law graduates, pass the Iowa bar examination in overwhelming numbers. Rather, we support the proposal because we agree that the bar examination is an expensive waste of time for our graduates, that the exam is not a good measure of our graduates' fitness to practice law in Iowa, and that the Blue Ribbon Committee's proposal provides a superior approach to Iowa attorney licensure.

The background research for the Blue Ribbon Committee's proposal documents quite well the costs (and loans) that our students must incur in order to prepare for the current Iowa bar exam and await its results. As a former bar review lecturer, and as a teacher in areas covered by the MultiState Essay Bar Exam

including Agency & Partnership, Corporations, and Secured Transactions, I have carefully monitored Iowa bar examination questions on these and other topics since becoming a law professor. I have come to appreciate that most bar exam questions have an incredibly narrow focus—almost like lightning bolts—and thus are, at best, an uncertain measure of an applicant's understanding of the topics that are tested.

To prepare for these questions, the applicant, usually with the assistance of an expensive private review course, memorizes as much black letter law as possible, hoping that the questions ultimately selected will strike on topics that match his or her ability to recall and regurgitate. While law school examinations covering these and other MultiState Exam topics are far from perfect, our exams (typically 3 – 4 hours each) provide a much better measure of student competency in the areas that are tested. Recognizing this, the Blue Ribbon Committee's proposal will channel more Iowa law students into courses that are critical to attorney competency and thus better prepare those students for practice in Iowa.

As you are all well aware, while Iowa law is often based on model and uniform sources, there are many unique aspects of Iowa law and practice. Yet the current bar examination scheme requires graduates of Drake and the University of Iowa to "unlearn" much of the Iowa law they may have studied while attending law school. I and many other members of the Drake Law faculty devote considerable time and energy to scholarly analysis of a wide variety of Iowa legal topics, and to developing and drafting Iowa law reform proposals. If the Blue Ribbon Committee's proposal is adopted, we will be pleased to develop and teach the two-credit course in Iowa law and practice that will focus Drake and Iowa law students (and any students from out-of-state law schools who wish to participate) on these unique Iowa practice issues.

While the purpose of my letter is to advise you that I and my Drake colleagues support the Blue Ribbon Committee's proposal, I should also add that informed members of the bench and bar support the proposal as well. Over the past few months, I and other Drake colleagues have made presentations to various Iowa attorney groups concerning the proposal. For example, at the annual CLE event that Drake Law School hosts for the Iowa Chapter of the Association of Corporate Counsel (ACC), I made a presentation that explained the proposal to more than 100 attorneys from across the state. While some of these lawyers were initially skeptical, once

they learned more about the current Iowa bar exam and about the Blue Ribbon Committee's proposal details, they were broadly supportive of it.

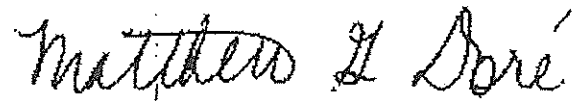
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Clerk of the Supreme Court

My ACC audience included attorneys that had been initially licensed in Wisconsin. Those lawyers were quick to remind others about Wisconsin's successful diploma privilege experience for graduates of the University of Wisconsin and Marquette Law Schools. The parallels between Wisconsin and Iowa—both relatively small states with one public and one private law school—are clear, and the Blue Ribbon Committee's proposal wisely draws from the Wisconsin model.

I certainly hope that you will approve the Blue Ribbon Committee's proposal. Should you have any concerns about the role that Drake Law School and its faculty will play in the proposal's implementation, please do not hesitate to contact me or one of my Drake colleagues.

Respectfully,

A handwritten signature in cursive script that reads "Matthew G. Doré".

Matthew G. Doré
Richard M. & Anita Calkins
Distinguished Professor of Law

cc: Drake Law School Faculty



July 14, 2014

Sent Via Email

Clerk of the Iowa Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319
Email: Rules.Comments@IowaCourts.gov

Re: Bar Admission Process

Dear Chief Justice Cady, Rules Committee, and the Iowa Supreme Court:

I have practiced law in the State of Iowa for over 35 years, having passed the Iowa Bar Exam in 1977. I unreservedly support the proposal to grant the "diploma privilege" to graduates of the University of Iowa School of Law and the Drake University Law School for a number of reasons.

First, the proposal is far better financially for recent law graduates. New law school graduates are faced with an incredible debt for their education and, under the current system, are unable to work as an attorney for 3 to 4 months after graduation. This situation creates more debt for new attorneys (both for the expensive bar review courses and for living expenses between graduation and licensure) and results in the beginning of student loan payments almost immediately upon employment. The current system means that new lawyers are immediately under severe financial strain. This financial strain can challenge the success of the new lawyer in many ways.

Second, the passage of a bar examination is a false (and therefore misleading) measure of a young lawyer's legal knowledge and abilities. The bar exam rewards graduates who are best at "cramming" for an exam. While this "cramming" occurs over several months, the truth is that the student's intense study for the bar exam does not reflect the years of detailed studies and reflection that has occurred throughout the law school process. Everyone who has every "crammed" for an exam can remember the process of "erasure"

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that occurs as soon as the test is completed. It is not surprising that graduates who pass the bar exam may or may not be able to successfully take the exam just months later. If that is the case, then the taking of the bar exam does nothing to accurately gauge the young lawyer's understanding and application of the law.

Finally, and, in my opinion, most importantly, the adoption of the proposal will allow recent law school graduates to be more prepared to practice law in Iowa. The current system, because it requires a bar exam that is not Iowa-specific, penalizes those students who are most knowledgeable of Iowa law. It is hard for many not familiar with the current bar exam to understand that, in some cases, the exam-taker who answers a question on the bar exam that is correct under Iowa law will miss the credit for that question in the bar exam. This causes two problems. First, the student who has a great deal of practical experience is forced to "unlearn" Iowa law before taking the bar exam. As Executive Director of the Drake Legal Clinic, I regularly see students who are very knowledgeable in Iowa law (either because of their clinical or internship experiences or because they have clerked for a private law firm) struggle with "un-learning" Iowa law in order to properly answer the questions on the bar exam. Second, law professors are hesitant to teach Iowa law in the substantive courses because to do so may lower the success rate for takers of the Iowa Bar Exam. The proposal does just the opposite of the current system: It requires graduates who want to take advantage of the "diploma privilege" to successfully complete a law school course on Iowa law in the various substantive law areas. This proposal would ensure that new admittees to the Iowa bar will have a much better understanding of Iowa law than under the current system.

I know that many lawyers feel that they took the bar exam and that it is only fair for new lawyers to do so as well. However, times have changed and the reasons for requiring the taking of the bar exam in the past are no longer applicable to today's law school graduates.

I hope that the members of the Iowa Supreme Court will take the progressive and valuable step of adopting the proposal for changes in Iowa's bar admission process.

Sincerely Yours,

Jerry R. Foxhoven

Jerry R. Foxhoven, Executive Director
Drake Legal Clinic

Clerk of the Supreme Court

Judicial Branch Building

1111 East Court Avenue

Des Moines, IA 50319

RE: Public Comment Regarding Proposed Amendments to Iowa's Bar Admission Process

Your Honors:

I respectfully write to express my support for the diploma privilege for graduates of Drake University Law School and the University of Iowa Law School.

I am entering my final year at Drake University Law School and intend to stay in Iowa to practice. It is unclear to me whether the diploma privilege, if approved, would apply to my graduating class. Regardless, I believe the diploma privilege would be greatly beneficial to law students in the state, and would strengthen – not damage – the Iowa legal community.

I feel an Iowa practice and procedure course and the proposed substantive requirements for admission absent examination would better prepare me for a legal career in the state than an examination that doesn't contain Iowa-specific law and includes many topics I doubt I will touch as an attorney.

I will have paid nearly \$60,000 in tuition to Drake University Law School when I graduate next year. I understand that many of my fellow students will have paid about twice that much. That total does not include my cost of living during that time: an education in the law is a full-time

endeavor, as you are aware, and working during that time is very difficult and not generally recommended. It is not uncommon to hear from fellow students that they will owe \$100,000, \$200,000, or even more before they take on their first client.

I am well aware that students choose to take on these costs when they embark on a high-quality education, and there is no question in my mind that the time and money I spend at Drake University Law School will pay for itself many times over in many different ways. However, requiring Drake University Law School and University of Iowa Law School graduates to prepare for and pass an examination that more than 90 percent of us pass on the first try only exacerbates the financial stresses students are under.

In closing, I believe the current system forces cash-strapped, well-prepared and eager women and men to invest many more months, thousands more dollars, and countless more hours of intense work into an examination process that seems to provide negligible benefits to graduates or the legal community. I believe allowing a diploma privilege for graduates of Drake University Law School and the University of Iowa Law School that intend to practice in Iowa would go a long way toward alleviating these issues, while better preparing students and strengthening the Iowa legal community.

Thank you for considering my comments.

Sincerely,

Andrew Duffelmeyer

Drake University Law School

J.D. Candidate, 2015

Andrew.Duffelmeyer@Drake.edu