

Minnesota Board of Law Examiners

Report and Recommendation:

Legal Education Standard for Admission to the Minnesota Bar

Introduction

On April 29, 2009, a Petition was filed by four lawyers licensed in other U.S. states who are not eligible to sit for the Minnesota bar because they did not graduate from a law school accredited by the American Bar Association (ABA). Petitioners asked the Court to amend Rule 4A(3) of the Rules for Admission to the Bar of the State of Minnesota (Rules) to permit graduates of non-ABA-accredited law schools who have been admitted to practice in another U.S. jurisdiction to sit for the Minnesota bar examination.

On August 10, 2009, the Minnesota Supreme Court (Court) ordered the Minnesota Board of Law Examiners (Board) to do the following:

1. Examine the issues raised by this petition;
2. Conduct a survey of the rules of other states, the Minnesota legal community, the legal education community, and the public and provide an opportunity for oral as well as written comments from any interested party;
3. If the Board determines that a degree from an ABA-accredited law school should not be the educational standard, the Board should consider what other means of legal study should be permitted and whether applicants may provide some other proof of adequate legal education;
4. Submit a report to the court on or before June 1, 2010, that includes findings, conclusions, and a recommendation concerning any proposed amendment to the current rules.

This report is filed in response to the Court's Order.

Process

In August 2009, Barbara Runchey, then President of the Board, appointed the following Board members to a special Legal Education Committee to carry out the Court's request: Hon. Raymond R. Krause, Chair; Hon. Ann Carrott; Barbara J. D'Aquila; Kathleen M. Mahoney; and Vivian Mason. The Committee's charge was continued by the current President of the Board, Hon. Rosanne Nathanson.

On October 19, 2009, the Committee issued a public notice stating that in response to the Order issued by the Court, the Board was studying the issue of whether the Rules should be amended to allow graduates of non-ABA-approved law schools licensed in other U.S. jurisdictions to sit for the Minnesota Bar; public hearings would be held as part of the review; written comments and requests to provide oral testimony could be submitted to the Board; and additional information would be available on the Board's website. The notice was circulated widely, including to local bar associations, the Petitioners, the Minnesota law schools, the *Minnesota Lawyer*, and the Board's website.

The Committee gathered extensive written materials: information and articles relevant to the ABA Standards and Rules of Procedure for Approval of Law Schools (Standards); information regarding the legal education prerequisites for admission in other states; the bar admission rules of other states; decisions from Minnesota and from other jurisdictions relative to ABA accreditation of law schools; and journal articles and other written materials relative to the topic. These materials and the written submissions and transcripts of oral testimony of the witnesses constitute the Record, and are transmitted to the Court in seven binders along with this Report and its appendices.

Between October 2009 and March 2010, the Committee held five public meetings and two public hearings (cumulatively “meetings”). Information about upcoming meetings was posted to the Board’s website in advance of the meetings. Public notice of the March 16, 2010 hearing in Duluth and the March 30, 2010 hearing in St. Paul was advertised in the *Minnesota Lawyer* newspaper and posted to the Board’s website. After each meeting, an audio recording or a transcript of the meeting was posted to the Board’s website. The written submissions to the Record were made available for public review at the Board’s office.

Over the course of its seven public meetings, the Committee heard testimony from 26 witnesses including each of the four Petitioners, the deans of each of the four Minnesota law schools, the deans of two domestic law schools that are not ABA accredited, the Chair of the Minnesota State Bar Association (MSBA) Rules of Professional Conduct Committee, bar examiners and bar admission administrators from three states which permit non-ABA graduates to sit for their respective bar examinations, and various experts in the field of legal education, including the Chief Justice of North Dakota, who is active in the ABA Section of the Legal Education and Admission to the Bar; the Accreditation Consultant to the Section of Legal Education and Admissions to the Bar; and the current Chair of the Section of Legal Education and Admission to the Bar, and the former Chair of the ABA Accreditation Committee. A total of 11 written comments were received by the Committee. The Record closed on April 15, 2010.

The Committee met on numerous occasions over eight months to study the oral and written submissions as well as to review the research conducted by Board staff. The Committee presented the results of its review and analysis to the Board, which adopted it unanimously and authorized the filing of this Report.

Petitioners’ Proposed Rule Amendment

Petitioners propose amending Rule 4A(3) which sets forth the legal education requirement for admission to the Minnesota bar. Rule 4A(3) permits only graduates of ABA-accredited law schools to sit for the Minnesota Bar Exam. Petitioners ask the Court to amend the Rule to allow graduates of non-ABA-accredited law schools who have been admitted to practice in another state to sit for the Minnesota Bar Exam. The language of Petitioners’ proposed amendment is as follows:

Rule 4(A):

(3) Graduation with a J.D. or LL.B. degree from a law school which is provisionally or fully approved by the American Bar Association or, for graduates of non-A.B.A. accredited law schools seeking admission by written examination, a valid license to practice law from another U.S. jurisdiction;¹

Issues Raised by the Petition

The Petition raised the following threshold issues:

1. Should a J.D. from an ABA-accredited² law school continue to be an essential prerequisite for admission to the Minnesota bar?
2. If not, what other means of legal study or what other proof of adequate legal education should be permitted?
3. Is passage of the bar examination in another U.S. jurisdiction, without practice or additional requirements, an appropriate substitute for having graduated with a J.D. degree from an ABA-accredited law school?

In addition, the Petition raised a number of subsidiary issues:

1. Has compliance by law schools with ABA accreditation standards unreasonably increased the cost of legal education?
2. Have the ABA Standards for accreditation of law schools failed to keep current with advances in technology applicable to modern legal education?
3. Does Minnesota's adherence to a standard requiring graduation with a J.D. from an ABA-accredited law school constitute an unreasonable barrier to entry into the Minnesota bar for foreign-educated lawyers?

Facts

Admission to the Bar in Minnesota

The Minnesota Supreme Court has the exclusive and inherent power to regulate the practice of law in the state of Minnesota.³ Under the supervision of the Court, the Board administers the Rules for Admission to the Bar for the State of Minnesota and is responsible for ensuring that lawyers who are admitted to the Bar in Minnesota have the competence as well as the character and fitness required to maintain the trust and confidence of clients, the public, the legal system, and the legal profession.⁴

¹ *In re* Amendment to the Rule Regulating Qualifications to Sit for the Minnesota Bar Examination, Petition of Four Licensed Attorneys, April 29, 2009, Exhibit B.

² The ABA uses the term "ABA approved" in referring to the status of accredited law schools. The terms "ABA-approved" and "ABA-accredited" are used interchangeably in this report.

³ Minn. Stat. §481.01 (2009).

⁴ Rule 1 of the State of Minnesota Rules for Admission to the Bar (2008).

Admission to the bar in Minnesota requires that an applicant demonstrate the competency necessary to safely practice law and adequately represent individuals. The Board ensures this competency by requiring that applicants to the Minnesota bar 1) have a J.D. or LL.B. from an ABA-approved law school, and 2) either pass the Minnesota bar examination or qualify for admission by motion on the basis of years of practice.⁵ The Court recognized this two-pronged approach to determining competency for admission to the bar in *In re Hansen*, 275 N.W. 2d 790, 798 (Minn. 1978). As will be discussed more fully in the section on ABA accreditation standards, graduation from an ABA-accredited law school provides the Board with evidence of the quality and duration of the legal education as well as the undergraduate education of an applicant.⁶

The bar examination in Minnesota is a two day exam designed to test minimal competence in core legal subjects.⁷ The Minnesota bar exam consists of six essay questions, one performance test, and the 200 point multiple-choice Multistate Bar Examination (MBE). The MBE is a standardized test that is administered as part of the bar exam in 48 states and the District of Columbia. The MBE score is scaled to adjust for differences in difficulty of questions from administration to administration, producing a score that can be transferred from one jurisdiction to another, and allowing for comparison of applicants from one bar examination to another.

The passing score in Minnesota is a total combined (MBE and essay) score of 260 (out of 400 points). Individual states' passing scores can be compared by expressing the total passing score on the 200 point MBE scale.⁸ Expressed on the MBE scale, Minnesota's passing score ("cut score") is 130 and places Minnesota among the lowest quartile of cut scores in the United States.⁹ As the Court stated in *Hansen*, in Minnesota "[w]e do not believe that passage of a bar examination is . . . an equivalent measure of the characteristics of legal education which are important in the accrediting decision."¹⁰ The bar exam is the lesser of the two prongs of qualification for admission. The primary qualification is the educational requirement.

⁵ In addition to the bar exam, Minnesota's rules permit admission on motion to eligible applicants. Rule 7A allows admission by lawyers who have actively practiced law as a principal occupation in another U.S. jurisdiction for 5 of the 7 years preceding the application; Rule 7B allows lawyers to apply on motion if applying within two years of scoring a 145 or higher on the MBE portion of the bar examination in another jurisdiction in which they are licensed; Rule 8 allows temporary licensure for lawyers working for a legal services program; and Rules 9 and 10 allow licensure as house counsel.

⁶ In addition, Rule 4A requires that the applicant not be suspended or disbarred from another jurisdiction, have the necessary good character and fitness, and be at least 18 years of age.

⁷ Essay questions may include any of the following subjects: business associations, civil procedure, constitutional law, contracts, criminal law and procedure, ethics and professional responsibility, evidence, family law, federal income taxation, real property, torts, UCC Articles 1 and 2, and wills, estates and trusts. The MBE tests constitutional law, contracts, criminal law and procedure, evidence, real property, and torts.

⁸ See *Comprehensive Guide to Bar Admission Requirements 2010*, Chart VII, pp. 22-23. Expressing the score on the MBE scale is a rough approximation of the score required to meet the minimum passing score in the jurisdiction, but it is not used to determine the actual pass/fail outcome.

⁹ *Id.* California and Delaware have the highest cut scores.

¹⁰ *In re Hansen*, 275 N.W. 2d 790, 798 (Minn. 1978).

Minnesota has a low cut score and a high percentage of passing candidates. Nationally, the average pass rate in 2009 was 68%.¹¹ The passage rates for examinees in Minnesota for the past three years are as follows:

	Overall			First-Timers		
	Sat	Passed	% Passing	Sat	Passed	% Passing
2007	1090	956	87.71%	979	910	93%
2008	1003	869	86.64%	909	828	91%
2009	1043	888	85.14%	931	834	90%

All applicants to the bar in Minnesota who seek full admission to practice must be graduates of an ABA-approved law school. The Rules do permit a lawyer licensed outside of the United States who has practiced law in the home country for at least five years to qualify for a license in Minnesota to act as a foreign legal consultant.¹² Practice under a Foreign Legal Consultant license is limited to rendering legal advice on the law of the home country. However, a foreign legal consultant who is employed in Minnesota as “house counsel solely for a single corporation . . . or governmental entity is *not* subject to the restrictions as to scope of practice” so long as the practice is performed exclusively for the employer.¹³ A foreign legal consultant in the general counsel’s office of a corporation located in Minnesota may practice law legally without limitation as to scope and may use the title “counsel” rather than “foreign legal consultant.”

American Bar Association (ABA)’s Accreditation Process

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (Council)¹⁴ is the only entity approved by the U.S. Department of Education as the “recognized national agency for the accreditation of programs leading to the first professional degree in law.”¹⁵ Every state or jurisdiction in

¹¹ The Bar Examiner, February 2010, p. 9.

¹² To qualify for admission as a foreign legal consultant under Rule 11, the applicant must:

1. Be admitted to practice law in a foreign country;
2. Have been engaged in the practice of law of that country as a principal occupation for at least five of seven years immediately preceding the application;
3. Be in good standing as a lawyer in that country, and remain in good standing for the period of his or her practice;
4. Possess the necessary good character and fitness required for admission to practice in Minnesota;
5. Have been awarded a post-secondary degree in law;
6. Intend to practice as a foreign legal consultant in this state; and
7. Maintain an office in this state for the purpose of practicing law as a foreign legal consultant.

¹³ Rule 11 of the State of Minnesota Rules for Admission to the Bar (emphasis added).

¹⁴ The Council of the Section is the entity authorized as the accrediting body. Although it is part of the ABA, the Council is “separate and independent” from the House of Delegates of the ABA. ABA Standards and Rules of Procedure for Approval of Law Schools (2009-2010), p. vi.

¹⁵ ABA Standards and Rules of Procedure for Approval of Law Schools (2009-10), p. iv.

the country permits graduates of ABA-approved¹⁶ law schools to sit for the bar examination and if successful, to be admitted to practice law in that state or jurisdiction.

Standards

The ABA's law school accreditation process requires compliance with a body of rules known as the "Standards and Rules of Procedure for Approval of Law Schools" (Standards). The 56 Standards set forth the requirements a law school must meet in order to obtain and maintain ABA approval.¹⁷ Donald Lewis, Dean of Hamline University School of Law, summarized the value of the accreditation Standards by saying that the Standards require law schools to "up our game as law schools" in order to produce graduates "who are better qualified to practice law."¹⁸

The ABA has long been involved with legal education in the United States. Increasing the competence of those entering the legal profession was one of the primary reasons for the ABA's creation in 1878. One of the first committees established was the Standing Committee on Legal Education and Admissions to the Bar which was created in 1879. In 1893, the Section of Legal Education and Admissions to the Bar was established as the ABA's first section. In 1921, the ABA published the first set of standards for legal education and then began publishing a list of schools that met those standards. In 1952, the Council of the Section of Legal Education and Admissions to the Bar (Council)¹⁹ was approved by the United States Department of Education as the recognized agency for accrediting programs in the United States for first professional degrees in law.²⁰

The number of law schools seeking ABA accreditation has grown at an increasing pace over the years. Hulett H. Askew, the Consultant on Legal Education to the Section of Legal Education and Admission to the Bar, appeared and testified before the Committee. Mr. Askew stated that it is the office of the Consultant that is responsible for the administration of the accreditation process. In his testimony, Mr. Askew described the growth of accredited law schools, noting that in 1999, 184 law schools were accredited by the ABA; as of 2010, there are 200 accredited law schools.²¹ Today, several more law schools, including one law school located in China, have been founded and are in various stages of preparation to meet the standards for ABA accreditation.²² With the additional accredited law schools, total enrollment in approved law schools has increased from 91,225 students in 1971 to 141,031 in the fall of 2006.

¹⁶ ABA approved is the term that is used in the Standards, but "approved" and "accredited" are synonymous and used interchangeably throughout this report.

¹⁷ Most of the 56 Standards have detailed numbered interpretations which are also reviewed and adopted by the Council. The interpretations give guidance on the implementation of the Standards. There are also Rules of Procedure, which govern the accreditation process and clarify the role of the Consultant.

¹⁸ Testimony of Donald Lewis, Dean, Hamline University School of Law, December 3, 2009, p. 7.

¹⁹ Although it is the Council that accredits the law schools, these law schools are referred to as ABA-approved.

²⁰ No other agency is recognized by the U.S. Dept. of Education for this purpose.

²¹ Seven of which are approved provisionally.

²² Testimony of Hulett H. Askew, January 15, 2010, p.69.

During the same time period, enrollment of women increased from 8,567 to 69,753, and minority enrollment increased from 5,568 to 30,557.²³

In order to become ABA-approved, an applicant law school must demonstrate that it is operating in substantial compliance with each of the Standards.²⁴ In an initial application, the law school must provide proof that the school has met the minimum requirements of the Standards within a specified period of time. After application is made for provisional approval, an initial site visit is undertaken by a team of legal education professionals. The chair of the site visit team is always an experienced site evaluator, and is usually a dean or former dean. The team includes one or two academic law school faculty members, a law librarian, a faculty member with expertise in professional skills instruction, one judge or practitioner, and one university administrator who is not a member of a law faculty.²⁵ A report is prepared and transmitted to the Council which makes a determination to grant or deny provisional accreditation.

If substantial compliance with the Standards is found, provisional accreditation is granted, and the law school must work towards full compliance with the Standards. If full approval is granted, the law school is then subject to a comprehensive process of review every seven years. A six-member team visits the law school for three days and then issues a fact finding report which goes first to the Accreditation Committee and ultimately to the Council for approval. If a school is out of compliance with one or more of the Standards, the institution may be given up to two years to address concerns and come into compliance, or it will be removed from the list of ABA-accredited law schools.

The Standards articulate the requirements of a modern legal education program and focus on matters that are essential to quality legal education. The Standards address the law school's organization and administration, including provisions requiring that adequate financial resources are available to provide a "sound program of legal education."²⁶ Schools must engage in a rigorous self study²⁷ and foster equality of opportunity in legal education, hiring and admission "without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability."²⁸ The Standards describe the minimum requirements for the components of legal education, including requirements for admission to law school, curriculum delivery, and school administration.

²³ <http://www.abanet.org/legaled/accreditation/abarole.html>.

²⁴ Standard 101 ABA Standards and Rules of Procedure for Approval of Law Schools (2009-10).

²⁵ The American Bar Association Law School Approval Process (August 2007) at <http://www.abanet.org/legaled/accreditation/abarole.html>.

²⁶ ABA Standards, Standard 201.

²⁷ *Id.* at Standard 202.

²⁸ *Id.* at Standard 211 states:

- (a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability.
- (b) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin gender, sexual orientation, age or disability.

Admission Standards

Accredited law schools must have “sound admission policies and practices”²⁹ and may not “admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.”³⁰ The published interpretations to these standards require law schools to track entering students’ admission test scores (usually LSAT), undergraduate GPA, and other indicators of success in law school.³¹ The school must report statistics to show the academic attrition rate, the bar passage rate of its graduates, and measures to gauge the effectiveness of its academic assistance program.³² The Standards provide that a law school may face a “conflict of interest” between having solid academic admission and retention standards and having the ability to maintain sufficient enrollment to keep the law school fiscally sound. The interpretations state that a “law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration.”³³

Accredited law schools may only admit students who have a bachelor’s degree (or at least three years of post secondary education).³⁴ To protect consumers of legal education, schools are required to publish “in a fair and accurate manner reflective of actual practice” basic consumer information such as admission data, tuition fees and living costs, financial aid, enrollment data and graduation rates, composition and number of faculty and administrators, an accurate list of curricular offerings, library resources, physical facilities and recent graduates’ placement rates and bar passage data.³⁵ The Standards also require that the law school have a full-time faculty³⁶ and a fixed facility.³⁷

The Standards are designed to protect students as consumers of legal education and to ensure that students are sufficiently prepared upon graduation to be licensed to practice law. Standard 303(c) states, “A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student’s

²⁹ *Id.* at Standard 501(a).

³⁰ *Id.* at Standard 501(b).

³¹ *Id.* at Interpretation 501-1.

³² *Id.* at Interpretation 501-3.

³³ *Id.* at Interpretation 501-4.

³⁴ *Id.* at Standard 502(a).

³⁵ *Id.* at Standard 509.

³⁶ Standard 402 and the interpretations that follow address the size of full-time faculty and guidance for computing the student/faculty ratio. Standard 405 provides for a policy of academic freedom and states that the law school “shall establish and maintain conditions adequate to attract and retain a competent faculty.”

³⁷ Standard 701 requires that the law school to be a fixed facility institution with physical facilities that are “adequate both for its current program of legal education and for growth anticipated in the immediate future.” This includes suitable classroom and seminar rooms, and suitable space for professional skills courses including trial skills programs. Standard 702 requires that the law library be of sufficient size and design to accommodate the research needs of the students as well as the faculty. There must be sufficient seating in the library and the law school must provide adequate study space. Standard 704 requires that the “technological capabilities...are adequate for both its current program of legal education and for program changes anticipated in the immediate future.”

continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.” Standard 501(b) states, “A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.”

Academic Standards

Accredited schools are required to have “sound academic standards” including clearly defined standards for good standing and graduation. Accredited law schools must “monitor students’ academic progress” and discontinue any student who is failing to meet the academic standards if the student’s continuation in the law school program would “constitute economic exploitation, or detrimentally affect the education of other students.”³⁸ The school must provide a curriculum covering substantive law, legal analysis, legal research, problem solving, and oral communication. The curriculum must include one rigorous writing experience in the first year, education in professional skills and education in the “history, goals, structure, values, rules and responsibilities of the legal profession and its members.”³⁹ In addition, students must be provided with “substantial opportunities” for supervised “real-life practice experiences,” pro bono activities and small group work.⁴⁰

Accredited schools require students to spend a minimum number of hours in the classroom and a minimum amount of time “in residence” at the law school, and complete the degree within no fewer than 24 nor more than 84 months.⁴¹ At present, accredited law schools may offer up to 12 credit hours for distance learning but only after the student has completed a minimum of 28 credit hours towards the J.D. degree.⁴² Standard 306 defines “distance education” and requires that there be “ample interaction with the instructor and “ample monitoring of student effort and accomplishment” during the course.

Educational Outcomes

Changes in the Standards and Interpretations in recent years have increased the focus on educational outcomes and bar passage rates. Accredited law schools must “maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession.” Standard 301 requires (with some qualification) that law schools show that at least 70% of their graduates are passing bar exams at a rate of 75% or more during specified periods of time.⁴³

³⁸ *Id.* at Standard 303.

³⁹ *Id.* at Standard 302(a).

⁴⁰ *Id.* at Standard 302(b).

⁴¹ *Id.* at Standard 304.

⁴² *Id.* at Standard 306(d) and (e).

⁴³ This complex standard is more fully described in the Standards at Interpretation 301-6, pp. 19-21; Commentary at Appendix 3, p. 155.

Is ABA Accreditation Driving the High Cost of Legal Education?

The question of the correlation between ABA Standards and the rising costs of legal education was explored in an October 2009 Government Accountability Office (GAO) report.⁴⁴ The GAO report stated the following:

- Median fees in 2007-2008 for law schools were as follows:⁴⁵
 - \$14,461 for public university (in-state tuition)
 - \$27,383 for public university (out-of-state tuition)
 - \$33,042 for private university
- All professional degree programs offered grants, scholarships, tuition remission, and loan repayment assistance. At public law schools in 2006-2007, the median resident tuition was offset by 24% and the median nonresident tuition by about 12%. Private law schools provided an average of \$7,542 per capital in institutional aid, which offset median tuition by about 24%.⁴⁶
- According to law school officials the main factors driving increased law school costs were “the move to a more hands-on, resource-intensive approach to legal education and competition for higher rankings” while “ABA accreditation requirements appear to play a minor role.”⁴⁷
- Increased emphasis on hands-on clinical experiences and smaller skills-based courses, increased diversity of course offerings, and increased student support have affected the costs of legal education.⁴⁸

In his testimony before the Committee, the Consultant to the Section of Legal Education, Hulett Askew, said that of the 200 law schools approved by the ABA, 55 had tuition under \$16,000 per year in 2009-2010 and some of the ABA-accredited law schools cost less per year than some of the non-ABA-accredited law schools.⁴⁹ As for the cost of public legal education, Dean Wippman, Dean of the University of Minnesota School of Law, testified that the primary driver has been declining State support for public law school education. Twenty years ago, 50% of the operating budget was provided by the State of Minnesota; ten years ago, the state contributed 25%; today, the contribution is “essentially zero.”⁵⁰

ABA Standards are Not Static

Since adoption in 1921, the Standards have been subject to an ongoing process of review and modification. Every five years, the Council undertakes a comprehensive

⁴⁴ United States Government Accountability Office, Higher Education: Issues Related to Law School Cost and Access, (2009).

⁴⁵ The costs for medicine, dentistry, and veterinary schools were higher. *Id.* at 16.

⁴⁶ *Id.* at 14.

⁴⁷ *Id.* at 11.

⁴⁸ *Id.* at 19.

⁴⁹ Testimony of Hulett H. Askew, p.71.

⁵⁰ Testimony of David Wippman, Dean, University of Minnesota Law School, December 3, 2009, p. 17.

review of the Standards which requires three years to complete.⁵¹ The Standards Review Committee is charged with reviewing the current Standards, and proposing changes to the Council.

The current Standards review process began in November of 2008 and is anticipated to end in 2011. The Council is reviewing, among other things, whether there are Standards that are outdated, whether the amount of permissible distance learning should be increased, and to what extent the Standards should rely on outcome measures such as bar passage.⁵² As part of this process, the ABA solicits comments from the legal community and the public, and makes the commentary available for public review.

Benefits of an ABA-Accredited Law School Experience

The ABA Standards help to ensure that the law school graduate receives a comprehensive legal education regardless of which of the ABA-accredited law schools the graduate attends. In 2007 the Carnegie Foundation for the Advancement of Teaching studied legal education in the U.S. and published a report entitled “Educating Lawyers: Preparation for the Profession of Law.” The Carnegie Report concluded that most schools “follow a fairly standard pattern” which includes a set of core courses: constitutional law, contracts, criminal law, property law, torts, civil procedure and legal writing.⁵³ The Report noted that Socratic case-dialogue instruction occurs during the first phase of legal education and provides “dramatic results” that “impart a distinctive habit of thinking that forms the basis for...development as legal professionals,” which is commonly referred to as the ability to “think like a lawyer.”⁵⁴ Legal education process is crucial to forming the student into a lawyer.

The Committee heard comments on legal education from two Minnesota lawyers who have been active in the bar work. John D. Kelly, a former President of the Minnesota Board of Law Examiners and practicing attorney for the past 36 years reminded the Committee that the public depends on the Board and the Court to ensure that licensed lawyers are competent to handle a client’s most important life issues - finances, child custody, or even personal freedom. In his testimony before the Committee, Mr. Kelly asked: “Why wouldn’t we impose the most careful credentialing requirements on people who want to become members of the legal profession?”⁵⁵

Another Minnesota lawyer, Eric Cooperstein, reminded the Committee that the Minnesota State Bar Association (MSBA) committee which he chairs, the Rules of Professional Conduct Committee had been asked to consider Petitioners’ proposal for amending the rules to permit admission of non-ABA graduates into the Minnesota bar

⁵¹ Testimony of Hulett H. Askew, at 66.

⁵² *Id.*

⁵³ The Carnegie Foundation for the Advancement of Teaching, *Educating Lawyers: Preparation for the Profession of Law* (2007), at 4.

⁵⁴ Carnegie Report, at 4-5.

⁵⁵ Testimony of John D. Kelly, former President of the Minnesota State Board of Law Examiners, March 16, 2010, at 75.

but declined to support the petition.⁵⁶ He said that the MSBA Professional Conduct Committee did not support a “blank waiver for graduates of unaccredited law schools simply because they had been admitted to the Bar in some other state,” but they considered whether a practice requirement could provide the Board with sufficient proof of competency.⁵⁷

An ABA-accredited degree demonstrates that a bar applicant has received a high quality legal education. There is no substitute for ABA accreditation. In the absence of a degree from an ABA-accredited law school, the Board would be required to conduct its own assessment of the quality of the legal education delivered by an unaccredited institution. Needless to say, it is not possible to easily and quickly determine the quality of legal education obtained at an unaccredited law school. Unless a detailed assessment of the educational institution is conducted, it cannot be determined whether graduates from an unaccredited law school possess the skills and values as well as the legal learning needed to practice law ethically and competently.

The quality of legal education is the principal measure used in Minnesota to determine the competence of a candidate to provide legal services to the citizens of this State. Were graduation from an ABA-approved school abandoned as the proof of quality legal education, the Board would need to establish alternate standards, devise an alternative process for the review of unaccredited law schools, and then adopt an alternative process to determine whether an unaccredited law school satisfied those standards.

Discussion of Minnesota Case Law

In *In re Hansen*, the Court recognized a two-pronged standard for admission to the Minnesota bar: 1) graduation from an ABA approved law school and 2) passage of a bar examination.⁵⁸ In *Hansen*, the Petitioner sought review of the decision by the Board of Law Examiners precluding Petitioner from sitting for the bar examination because he had not graduated from a law school accredited by the ABA.⁵⁹ He argued that Minnesota’s requirement of graduation from an ABA-accredited law school was unconstitutional.⁶⁰ He stated that he should be allowed to sit for the examination on the basis that he had passed the California bar examination and been admitted to practice law in the state of California.⁶¹

The Court held that “[t]he mere passage of a bar examination in another state . . . does not necessitate a waiver of the educational rule of the state in which petitioner now seeks to practice.”⁶² The Court continued:

⁵⁶ Testimony of Eric Cooperstein, Chair of the MSBA’s Professional Conduct Committee, at 51.

⁵⁷ *Id.* at 51-52.

⁵⁸ *In re Hansen*, 275 N.W. 2d 790, 798 (Minn. 1978).

⁵⁹ *In re Hansen*, 275 N.W. 2d 790, 798 (Minn. 1978).

⁶⁰ *Id.*

⁶¹ *Id.* at 797.

⁶² *Id.* at 798.

Unlike California, we rely primarily on the educational process, and we use the bar examination only to weed out the small number who are unfit to practice law despite their exposure to educational environments of high quality. Given the different functions served by the bar examinations in California and Minnesota, it would be irrational for us to defer to California's decision regarding the quality of the education offered at [Petitioner's institution.]⁶³

Clearly, it is reasonable for Minnesota to require proof that an applicant's legal education was of high quality as a general prerequisite for admission to the bar. Similarly, it is neither arbitrary nor capricious for us to measure the quality of legal education with the same standards as those utilized by the ABA.⁶⁴

The Committee's research supports the Court's "rational decision to follow the standards of educational excellence it has developed."⁶⁵

Although prior to 1988 the Board rules contained a provision permitting waivers of strict compliance for "hardship or other compelling circumstances," waivers of the ABA requirement were rare. The Court stated in 1992 in *In re Dolan* that "compelling circumstances may exist for which waiver of a strict application of educational requirements would be appropriate" but "[w]e almost never grant waiver of the educational requirements."⁶⁶ In *Dolan*, the Court stated:

Reliance upon the ABA accreditation standard is our only practical assurance that the legal education of a prospective attorney has sufficiently prepared the individual for legal service. For reasons set forth in *Hansen*, we do not undertake substantive evaluation of law schools and we choose instead to rely upon the expertise of the ABA and its accreditation process. We have neither the resources nor the expertise.⁶⁷

In *Dolan*, Petitioner "urge[d] the Court to adopt a blanket rule that applicants who have been admitted to legal practice in another state for five out the last six years should also be admitted to practice in Minnesota." The Court stated:

While such a rule would cut down on the administrative burden of individualized review, we decline to adopt it. The rationale behind our stringent requirements for admission to practice law in the state is to ensure that 'members of the bar are worthy of public trust with regard to their professional competence.' We will not delegate this responsibility to another state.⁶⁸

⁶³ *Id.*

⁶⁴ *Id.* at 796.

⁶⁵ *Id.*

⁶⁶ *In re Dolan*, 483 N.W.2d 64, 66 (Minn. 1992).

⁶⁷ *Id.*

⁶⁸ *Id.* (citing *In re Busch*, 313 N.W.2d 419, 421 (Minn. 1981)).

Since 1988, no graduates of non-ABA-accredited law schools have been admitted to the Minnesota bar, either by examination, on motion, or by waiver.⁶⁹

Distance Learning

Because three of the four Petitioners received their legal education from distance learning or correspondence law schools, the Committee reviewed distance learning as part of its study.⁷⁰ At the present time, the ABA Standards permit an accredited law school to allow students, other than first year students, to claim up to 12 credits through distance learning courses. Accordingly, no school that is primarily distance learning or correspondence learning qualifies for ABA accreditation.

California and three other jurisdictions permit graduates of correspondence law schools to sit for the bar examination. At present, California is home to five unaccredited distance learning law schools and seven unaccredited correspondence law schools.⁷¹ Students who attend these 12 law schools must pass the California first year law student examination in order to continue their study and sit for the California general bar examination upon graduation.⁷² The California bar admission process is discussed in a later section of the Report.

New Mexico permits correspondence law school graduates to sit for the bar but requires active practice of law in another jurisdiction for four of the six years preceding the application to sit for the New Mexico bar examination.⁷³ The District of Columbia also allows graduates of correspondence law schools to sit for the bar but the applicant must first complete 26 credits at an ABA-accredited law school.⁷⁴

The legal education obtained at a distance education or correspondence law school is not substantially equivalent to the education obtained at a fixed facility law school. Admission requirements are substantially more lenient. Interaction opportunities are minimal. Courses cannot utilize the Socratic method which is a formative part of the first year experience at accredited law schools.⁷⁵

⁶⁹ In 1999, Kent Schmidt, who is referenced in the April 29, 2009 Petition, filed a petition with the Minnesota Supreme Court seeking permission to sit for the bar even though he had not graduated from an ABA-accredited law school. On November 19, 1999, the Petition for review was dismissed by the Court. *In re Petition for Admission to the Minnesota State Bar by Kent. J. Schmidt*, C8-99-1653 (Minn. 1999).

⁷⁰ One of the Petitioners attended Concord Law School of Kaplan University, a law school that is classified by the state of California as a "distance learning law school." Two of the Petitioners received their legal education at Oak Brook College of Law and Government Policy, classified by the state of California as an "unaccredited law school." Petition at 8-10.

⁷¹ http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115&id=5128; California is currently the only state where distance learning or correspondence schools are located.

⁷² Rules of the State Bar of California, Title 4, Division 1, Rule 4.26(c).

⁷³ Rule 15-103(B)(2) of the New Mexico Rules Governing Admission to the Bar.

⁷⁴ Rule 46(b)(4) of the Rules of the District of Columbia Court of Appeals.

⁷⁵ Carnegie Report.

Dean Wippman, speaking about his experience with online distance education during his 16 years at Cornell Law School said that he was skeptical of claims about the “transformative power of distance learning.” Dean Wippman added that it is “much harder to deliver effective academic instruction online than people [think] and in many cases to do it effectively it [is] at least as expensive as doing it through more conventional classroom methods.”⁷⁶

The information gathered during the Committee’s study did not provide the Board with assurances that the quality of legal education obtained at distance learning or correspondence schools is equivalent to the quality of a comprehensive legal education provided by an ABA-accredited law school.

Foreign Legal Education and Foreign Lawyers in the United States⁷⁷

Globalization

Globalization of markets, including the market for legal services, has created increased pressure for the admission of foreign law graduates.⁷⁸ Globalization has impacted the corporate and legal landscape of Minnesota as it has elsewhere in the country. Nineteen Minnesota corporations are listed as Fortune 500, and 32 are listed as Fortune 1000 in 2009.⁷⁹ Minnesota’s largest law firms⁸⁰ have offices located outside of the United States.⁸¹ Between 1990 and 2000, the percentage of foreign-born Minnesota residents jumped from 2.6% to 5.3%.⁸²

Laurel Terry, Professor of Law at Penn State Dickinson School of Law, known for her study of international and inter-jurisdictional regulation of the practice of law, provided extensive data concerning international trade and its relevance to the legal community generally, as well as to the admission of foreign-educated lawyers. Professor Terry testified regarding the growing market for imports and exports of legal services, pointing

⁷⁶ Testimony of David Wippman, December 3, 2009, pp. 15-16.

⁷⁷ The Board reviewed foreign education as one of the Petitioners, Henry Onger, received his law degree from the University of Nairobi before coming to the United States and received an LL.M. from William Mitchell College of Law, and was admitted to the bar in New York in 2006. As of May 7, 2010, he is also licensed to practice law in Minnesota. His admission to the bar means that he has met all of the requirements for practice in Minnesota, including the requirement that he receive a JD from an ABA-accredited law school. <http://www.courts.state.mn.us/mars/AttorneyDetail.aspx?id=0390759>

⁷⁸ Richard Hunt, The Bar Examiner, Foreign-Trained Lawyers, American Graduate Legal Education and Bar Admissions, November 2000, at 35.

⁷⁹ Testimony of Laurel S. Terry, Professor of Law, Penn State Dickinson School of Law, Presentation Slides and Materials Presented to the Committee, December 3, 2009 (citing Fortune on CNNMoney.com).

⁸⁰ Law and Politics, The 50 Largest Law Firms in Minnesota in 2008, at <http://www.lawandpolitics.com/minnesota/The-50-Largest-Law-Firms-/a795a943-4344-42c8-8740-902407226476.html>.

⁸¹ *Id.* The top three largest law firms in Minnesota all have international offices (as do other law firms located in Minnesota). Dorsey & Whitney LLP lists offices in Hong Kong, London, Shanghai, Sydney, Toronto, and Vancouver; Faegre and Bensen has offices in London and Shanghai; Fredrikson & Byron, P.A. has offices in Mexico and Shanghai.

⁸² *Id.* (citing Census material); In 1990, Minnesota had a population of 4.4 million, including 113,039 foreign born. In 2000, the population in Minnesota was 4.9 million, including 260,463 (5.3%) foreign-born.

out that between 1993 and 2003, the exports of legal services grew by 134% while the imports of legal services grew by 174%.⁸³ She stressed the importance of international trade to the state, noting that Minnesota exported \$19.159 billion in goods and services in 2008.⁸⁴

Professor Terry referenced a recent survey by the American Association of Corporate Counsel which showed that only 5% of the in-house member attorneys who respondents defined their practice as “local to the US.”⁸⁵ Using statistics about the growing foreign-born population as well as the growing number and complexity of transnational deals, Professor Terry said there is a strong and growing need for lawyers with knowledge of the legal system in other jurisdictions.⁸⁶

Foreign Legal Consultants

Minnesota currently offers two avenues for foreign-educated lawyers to practice law in Minnesota as foreign legal consultants.⁸⁷ First, a foreign educated lawyer in private practice who has practiced at least five years can apply for a foreign legal consultant license, which allows that lawyer to give legal advice in Minnesota concerning the laws of the country in which the lawyer is admitted. Second, a foreign-educated lawyer working as an in-house lawyer can apply for a foreign legal consultant license which permits the foreign-educated lawyer to practice law for the corporate employer in Minnesota without limitations on the scope of practice. What is not addressed by the current foreign legal consultant rule is the desire of a foreign-educated lawyer in private practice to be fully admitted as a lawyer in Minnesota and thus able to give legal advice to private clients on the laws of Minnesota and of the United States.

Foreign-Educated Graduates and Lawyers

Admission of foreign-educated law graduates or foreign-educated lawyers raises a different set of issues compared with those involved by graduates of U.S.-based non-ABA-accredited law schools. Permitting foreign-educated lawyers would require a process by which Minnesota would need to evaluate the sufficiency of the foreign legal education. Evaluating foreign legal education can be complex because it raises the following types of questions:

1. Was the legal education based on common law, civil law, religious law, customary law, or a mixture of legal systems?

⁸³ Testimony of Laurel S. Terry; See also *Transnational Legal Practice*, Laurel S. Terry, Carole Silver, Ellyn Rosen, Carol A. Needham, Robert E. Lutz, and Peter D. Ehrenhaft, *The International Lawyer*, vol. 42, No. 2, Summer 2008, p. 834.

⁸⁴ *Id.*

⁸⁵ Testimony of Laurel S. Terry. Presentation Slides at 4.

⁸⁶ *Transnational Legal Practice* at 833.

⁸⁷ Rule 11 of the State of Minnesota Rules for Admission to the Bar (2008).

2. Are the laws of the country and the legal system in the country based on common law, civil law, religious law, or mixed law? (Attached as Exhibit A is a chart of countries and their legal systems.)
3. Is the legal education an advanced first professional degree? Or is it an undergraduate degree, as is the case with many other countries? What does the law school curriculum include?
4. Does the home country require a bar examination to practice law or is the law degree the only credential required?
5. Are there lawyer licensure or registration requirements in the foreign country?

A number of states impose an additional requirement on foreign-educated lawyers and requiring them to hold an LL.M. degree from an ABA-approved law school in the U.S. in order to sit for the bar exam. Foreign lawyers are enrolling in one-year LL.M programs in record numbers.⁸⁸

At present, only the J.D. degree program, not LL.M. degree programs, are accredited by the ABA.⁸⁹ There is no uniformity among ABA-approved law schools concerning what combination of courses are required to achieve an LL.M. degree. Many LL.M. degrees are focused on specific subject matters, such as federal taxation, and thus an LL.M. degree does not in and of itself demonstrate the holder has a broad understanding of U.S. law or U.S. legal institutions.

Although some states permit foreign-educated graduates to sit for the state bar examination after receiving additional education at an ABA-approved law school, there is currently no nationally recognized standard for an LL.M. or other educational program that would offer training on the basics of U.S. law or the U.S. legal system. Currently, no foreign law schools are ABA-accredited, although as referenced above, a law school in China has announced its desire to seek ABA-accreditation.⁹⁰

There is also no international accreditation agency or any other recognized standard that is comparable to the ABA-accreditation standard by which foreign legal education can be judged.

ABA Initiatives Concerning the Admission of Foreign Educated Lawyers or Foreign-Educated Law Graduates

There are several recent initiatives within the American Bar Association addressing the practice of foreign lawyers or the admission of foreign lawyers or foreign-educated law graduates. The first is the ABA Commission on Ethics 20/20.⁹¹ This Commission was appointed by ABA president Carolyn B. Lamm in 2009 to study how evolving technology and the globalization of legal practice may require policy recommendations and modifications to the ABA Model Rules of Professional Conduct. The 20/20 Commission

⁸⁸ The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession, Carole Silver, Fordham Internal Law Journal, vol. 25, p. 1039 (2002).

⁸⁹ ABA Standards, Standard 308; Council Statement No.1, page 143.

⁹⁰ Testimony of Hulett H. Askew.

⁹¹ Lawyers Man. Prof. Conduct 295 (5-12-10).

is addressing the many challenges involved as U.S. lawyers seek greater access to foreign legal markets, and as foreign lawyers seek increased access to U.S. legal services markets. The Commission plans a thorough review of the Model Rules and the U.S. system of lawyer regulation. The work is expected to take three years to complete. Some of the issues the Commission is currently studying include whether foreign lawyers should be included within the scope of the ABA's model rule for *pro vac vice* admission and consideration of adopting a policy on the registration of foreign lawyers practicing in-house in the U.S.⁹²

In 2006, the Chair of the Section of Legal Education and Admission to the Bar appointed the Special Committee on International Issues. The Special Committee issued a July 2009 report detailing its comprehensive review of the impact of international issues on legal education and admission to the bar.⁹³ The Special Committee made a series of recommendations addressing how the Section could assist state Supreme Courts and bar admission authorities in dealing with the admission of foreign law graduates and foreign lawyers. The Report included a discussion of expanding accreditation activities, including LL.M. programs which could be designed to educate foreign law graduates in American law in preparation for sitting for a U.S. bar exam.⁹⁴ The Report also discussed the advantages and disadvantages of developing model rule language as a tool for states contemplating the admission of foreign lawyers.⁹⁵

In 2009, as a result of the Special Committee recommendations, the International Legal Education Committee (ILE) of the Section was created and charged with studying international developments having implications for legal education and bar admission in the U.S. The membership of the ILE Committee includes representatives of the legal education community, state Supreme Court Justices, bar examiners, and liaisons from a number of other entities within the Section.⁹⁶

The ILE Committee is currently studying the factors that a state may wish to examine to determine whether a foreign educated lawyer should be permitted to sit for a state bar exam. Taking into consideration the differences in foreign legal education, the Committee is considering describing a course of study (perhaps an LL.M. degree) at an ABA-approved law school that would be designed to qualify foreign lawyers or foreign

⁹² Preliminary Issues Outline, ABA Commission on Ethics 20/20, Nov 19, 2009.

⁹³ Report of the Special Committee on International Issues, July 15, 2009.

⁹⁴ *Id.* at p.30.

⁹⁵ *Id.* at p. 31.

⁹⁶ The 2010 members of the ABA's Special Committee on International Issues are as follows: Dennis O. Lynch, Chair, Professor, Dean Emeritus, University of Miami School of Law; T. Alexander Aleinikoff, Dean, Georgetown University Law Center; Daniel Bernstine, President and Executive Director, Law School Admission Council; Barbara Bintliff, Professor, University of Colorado School of Law; Margaret Fuller Corneille, Director, Minnesota State Board of Law Examiners; Paula J. Frederick, General Counsel, State Bar of Georgia; Stephen Gillers, Professor, New York University School of Law; Hon. Elizabeth B. Lacy, Senior Justice, Supreme Court of Virginia; J. L. Pottenger, Jr., Professor, Yale Law School; Laurel S. Terry, Professor, Pennsylvania State University Dickenson School of Law; Hon. Gerald W. VandeWalle, Chief Justice, North Dakota Supreme Court; and Frederick Y. Yu, Sherman and Howard, LLC.

law graduates to sit for a U.S. bar examination. This effort is intended to assist states in qualifying foreign educated lawyers while ensuring that foreign attorneys seeking admission would have a legal educational experience comparable to that of ABA-approved law school educated applicants and sufficient to qualify for practice in the United States. The work of the ILE Committee is ongoing. Any recommendation from the ILE Committee will be forwarded to the Council of the Section of Legal Education and Admission to the Bar for its consideration.

Educational Eligibility Requirements in Other U.S. Jurisdictions

Attached as **Exhibit B** is a chart detailing admission requirements in each of the 50 states and the District of Columbia for graduates of non-ABA law schools located *within* the United States. Attached as **Exhibit C** is a chart detailing admission requirements in each of the 50 states and the District of Columbia with respect to graduates of law schools located *outside* of the United States. As the charts show, there are substantial variations among the different jurisdictions.⁹⁷

Minnesota and 16 other jurisdictions prohibit all but graduates of ABA-approved law schools to sit for the state bar examination or to be admitted to the Bar on motion without examination. A total of 31 jurisdictions permit graduates of non-ABA-approved law schools located in the United States to sit for the examination or to be admitted on motion under certain limited circumstances. There are 30 jurisdictions that permit graduates of foreign law schools to sit for the bar examination or to be admitted on motion under certain limited circumstances. Although requirements vary among jurisdictions, jurisdictions that permit graduates of foreign or domestic non-ABA approved law schools to sit for the bar examination also require that those graduates meet additional requirements before they are licensed to practice law in those jurisdictions. Those additional requirements are described in the following paragraphs, and detailed in the attached charts.

Only a few states permit an applicant from a non-ABA law school located in the US to sit for the bar examination if the applicant has not yet been licensed in another U.S. jurisdiction. Most states that do permit unlicensed non-ABA graduates limit examination and admission to applicants who attended a law school located within that state.⁹⁸ Massachusetts, for example, permits graduates from ABA-approved law schools as well as graduates of Southern New England School of Law and Massachusetts School of Law, institutions authorized by the Commonwealth of Massachusetts to sit for the Massachusetts bar.

⁹⁷ National Conference of Bar Examiners and ABA Section of Legal Education and Admissions of the Bar, *Comprehensive Guide to Bar Admission Requirements 2010*, Charts III, IV, VIII, and X, pp. 10-34.

⁹⁸ Alabama, California, Massachusetts, and Tennessee allow graduates of non-ABA-accredited law schools located in their states to sit for the bar examination. Connecticut and Michigan have provisions in their rules to approve in-state schools, but neither jurisdiction has yet approved any such school. Connecticut and New Hampshire allow graduates from the two non-accredited law schools approved by Massachusetts to sit for their bar. *Id.* at Chart III, pp. 10-13.

In 20 states, graduates of non-ABA-accredited law schools who have passed a bar examination in another state are eligible to sit for the bar examination without additional legal education.⁹⁹ A total of 29 states permit graduates of non-ABA-accredited law schools located in the U.S. to sit for the bar provided additional requirements have been met.¹⁰⁰ The most common additional requirement is that the applicant is licensed and has lawfully practiced law for a minimum period of time, most commonly five years.¹⁰¹ Only four states permit correspondence study, and those states require that the applicant meet additional requirements.¹⁰²

Thirty jurisdictions allow graduates of foreign law schools to become lawyers in their jurisdiction either by passing the bar exam or being admitted on motion. Of the 30 jurisdictions, seven require foreign lawyers to be licensed in another U.S. jurisdiction before applying for admission. Twenty-four jurisdictions require passage of the bar examination, and six allow admission on motion. All 30 states require more than just the degree from the foreign law school. The most common additional requirement for foreign graduates is a determination of educational equivalency.¹⁰³ Many states also require the applicants to have supplemented their foreign legal education with studies at an ABA-approved law school, either by having received an LL.M. degree or by taking a specified number of hours of law courses at an ABA-accredited law school. Fourteen states require that a foreign lawyer have practiced in the country in which the lawyer was awarded a law degree. Eleven states require that the foreign-educated applicants have obtained legal education in an English common law jurisdiction.¹⁰⁴

Wisconsin's rule is the broadest among the other jurisdictions, but is narrower than the rule proposed by the Petitioners. Wisconsin permits a graduate of a non-ABA-approved law school to sit for the bar examination only if the graduate is eligible to take the bar examination in the jurisdiction in which the law school is located, and the applicant has passed the bar examination of another state and has been admitted to practice in that state.¹⁰⁵

⁹⁹ *Id.* at Chart IV, p. 14.

¹⁰⁰ *Id.* at Chart III, pp. 10-13.

¹⁰¹ *Id.* The range of the practice requirement is from three years to ten years.

¹⁰² The ABA Comprehensive Guide to Bar Admissions Requirements 2010, Chart III, lists New Mexico, the District of Columbia, and California. New Mexico permits correspondence study if the applicant has actively practiced law in another jurisdiction for four of the preceding six years. (Rule 15-103 B.) The District of Columbia allows correspondence study if the applicant completes 26 semester hours in topics covered on the bar at an ABA-approved law school. (Rule 46(b)(4)) California requires the period of study to be four years in length and requires the applicant to pass the First Year Law Students' Exam to be eligible to continue beyond the first year. Title 4, Division 1, Rules 4.26 and 4.28. Wisconsin also permits correspondence study.

¹⁰³ An "educational equivalency" determination is made to determine whether a foreign applicant's law degree is substantially the same as an American law degree or a law degree from an ABA-accredited law school. Each jurisdiction performs the evaluation according to their own criteria, but most review transcripts to evaluate whether the legal education was equivalent in substance and duration.

¹⁰⁴ Comprehensive Guide to Bar Admission Requirements 2010, Chart X, pp. 30-31.

¹⁰⁵ SCR 40.04(b), Wisconsin Supreme Court Rules (2010).

By contrast, Petitioners' proposed rule would not require that the individual be eligible to sit for the bar examination in the jurisdiction in which the law school is located. Under the proposed rule, if the individual had passed a bar examination and been admitted in any jurisdiction, he or she would be permitted to sit for the Minnesota bar exam. Under such a rule, a law school could be founded in Minnesota or elsewhere, and so long as a graduate passed the bar and was admitted in one other state, that graduate would be eligible to sit for the Minnesota bar.

Other U.S. Jurisdictions:

The Committee studied in detail the eligibility requirements of the states of California, New York, Missouri, and Georgia – four states that have experience with the admission of graduates from non-ABA-accredited law schools. Each of these states' experiences is detailed below.

California Model:

California is unique among the states as a bar admission model. Unlike Minnesota, which has a high standard for legal education and a relatively low cut score for the bar examination, California relies heavily on the bar exam and only minimally on the legal education standard. California's reliance on the bar exam is bolstered by the fact that California has one of the highest cut scores in the country.¹⁰⁶ California's standards for legal education, on the other hand, include a range of educational alternatives – from graduation from an ABA-accredited law school (there are 20 located in California) to law office study.¹⁰⁷

California also permits graduates of the following types of law schools to sit for the California bar examination:

- graduates of 28 unaccredited but "registered" law schools in California, including distance learning and correspondence schools¹⁰⁸
- graduates of 18 law schools approved by the California Committee of Bar Examiners (CCBE)

A registered law school in California is one that is neither approved by the ABA nor the CCBE. Registered California law schools must operate lawfully, have a sound program of legal education, maintain scholastic and admissions standards, and have physical and financial resources.¹⁰⁹ The registered law schools in California include 16 fixed

¹⁰⁶ California's bar passing score is equivalent to 145 (or the median point on the MBE administered in every state). Comprehensive Guide to Bar Admission Requirements 2010, Chart VII, pp. 22-23. The mean MBE score in Minnesota over the past 10 years is 144.

¹⁰⁷ In July 2009, four law office study applicants who studied in a law office sat for the California General bar exam and none passed.

¹⁰⁸ Title 4, Division 3, Rule 4.204.

¹⁰⁹ Title 4, Division 3, Chapter 3, at Rule 4.240.

facility law schools,¹¹⁰ five distance learning law schools,¹¹¹ and seven unaccredited correspondence law schools.¹¹² Approximately two new schools seek registration each year.¹¹³

Graduates of registered law schools must successfully pass two exams before they can earn a license to practice law in California. After finishing their first year of law school, students at registered law schools must take and pass California's first year bar exam, commonly known as the "baby bar."¹¹⁴ Unless a student from an unaccredited registered school passes the first year bar exam within three administrations after becoming eligible to take the exam, the student does not receive credit for law school courses taken prior to the time of passage.¹¹⁵ The passage rate for the first year law student examination in June 2009 was 23.5% for first-time takers and 19.6% for repeaters.¹¹⁶ Unaccredited law schools often accept large first year classes and then use the first year examination as a means of determining who should continue legal studies. An applicant from a registered law school is eligible to take the general bar examination after graduation only if the applicant passed the first year last student examination.

The Concord Law School,¹¹⁷ is an unaccredited registered distance learning school in California. Barry Currier, the Dean of Concord Law School, appeared before the Committee and discussed the attrition rate for students at Concord. Using a hypothetical class of 100, Dean Currier stated: "If we start at 100, roughly 60 will be standing at the end of the first year and of that, roughly 30 will pass the baby bar and of that 30, 27 will graduate. So the baby bar is the cutoff point."¹¹⁸

According to the information published by the CCBE, in 2009, 433 Concord law students took the first year examination, and 100 students, or 23%, passed that exam.¹¹⁹ In 2009, 213 Concord graduates took the California general bar examination and 61 students, or 28.6%, passed.¹²⁰ Thus, it appears that on average, only 10% of an entering class at Concord will be admitted to the California bar.

¹¹⁰ A fixed-facility law school is one "that conducts its instruction principally in physical classroom facilities. A fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years." *Id.* at Rule 4.204 (J)(3).

¹¹¹ A distance-learning law school is one that "conducts instruction and provides interactive classes principally by technological means. A distance-learning law school must require at least 864 hours of preparation and study per year for four years." *Id.* at Rule 4.204 (J)(2).

¹¹² A correspondence law school is one that "conducts instruction principally by correspondence. A correspondence law school must require at least 864 hours of preparation and study per year for four years." *Id.* at Rule 4.204 (J)(1).

¹¹³ Testimony of Gayle Murphy, Senior Executive for Admissions, State Bar of California, February 4, 2010, p. 36.

¹¹⁴ Rules of the State Bar of California, Title 4, Division 1, Rule 4.26(c).

¹¹⁵ *Id.* at Rule 4.31.

¹¹⁶ The State of California at <http://www.calbar.ca.gov/calbar/pdfs/admissions/Statistics/JULY2009STATS.pdf>.

¹¹⁷ Petitioner Ian Maitland is a graduate of the Concord School of Law. Petition at 9.

¹¹⁸ Testimony of Barry Currier, Dean, Concord School of Law, January 15, 2010, p.46.

¹¹⁹ The State of California at <http://www.calbar.ca.gov/calbar/pdfs/admissions/FYX/FYX0910-Stats.pdf>.

¹²⁰ *Id.*

In addition to the ABA-approved law schools and CCBE registered law schools, California has state-accredited law schools and CCBE administers the accreditation program. Only registered, fixed facility law schools located in California may seek accreditation from the CCBE. The law school must conduct a self-study and be visited by a CCBE site evaluation team. If the CCBE site team determines the school meets the state accreditation requirements, the school will receive provisional approval and will be eligible for full accreditation after a two-year period.

At the end of the provisional period, the school is required to conduct another self-study, which is followed by a visit from a three-person team comprised of the director for educational standards of the CCBE, a member of the CCBE, and a representative from a California-accredited law school not in direct competition with the subject school. The law school must establish that it is in substantial compliance with the state standards to become accredited by the CCBE. California-accredited schools must file annual reports to show that their program continues to be in compliance.¹²¹ Graduates of California-accredited law schools, like those who attend ABA-approved schools, are not required to sit for California's first year bar examination, but must pass the California General Bar examination in order to be admitted to practice.

California also permits graduates of foreign law schools to sit for the California general bar examination if they are admitted in good standing in their home country and submit documentation from a foreign credential evaluation agency which has been approved by the CCBE.¹²² If the applicant is not admitted in the home country, but would otherwise have qualified to sit for the bar exam in the home country, the applicant can sit for the California bar examination after completing a year of law study at an ABA- or California-accredited law school. The U.S. law study must include specified subjects, including professional responsibility.

The chart below shows the passing percentages by law school type on the California General Bar Examination for the past three years.¹²³

	2007	2008	2009
ABA-accredited Schools in California	59.7%	66.9%	63.3%
ABA-accredited Schools (Out-of-state)	52.4%	59%	53.8%
CA Accredited Schools	16.6%	22.3%	17.9%
CA Unaccredited,	16.6%	18.5%	14.8%

¹²¹ Testimony of Gayle Murphy, Senior Executive for Admissions, State Bar of California, February 4, 2010, pp. 33-36.

¹²² *Id.* at 38-40. California requires an evaluated law degree equivalency report and a "Foreign Law Study Evaluation Summary." Both forms must be completed by a credential evaluation agency approved by the Committee of Bar Examiners. These evaluation agencies provide detailed reports showing how education received in a foreign country compares to a U.S. education. They offer course by course comparisons whereby they identify the U.S. equivalent of each foreign credential.

¹²³ General Statistics Reports of the California Bar Examination, February 2007 through July 2009.

Registered Schools			
Foreign Attorneys Taking the General Bar Examination	18.6%	19.1%	15.9%
Total for General Bar Examination	48.6%	54.1%	49.1%

For the last three years, the overall passing percentage for California ABA-accredited law schools was substantially higher than state-accredited law schools and unaccredited, registered law schools. The average passage rate for California accredited law schools has been roughly 20% annually, or one in five graduates. For registered unaccredited law schools, the bar exam passage rate has been even lower despite the requirement that only students who pass the California first year examination are eligible to take California's general bar examination.

New York Model

The state of New York has extensive experience with foreign-educated bar applicants. In 2009, New York tested a record 15,092 applicants, approximately 15 times the number that Minnesota typically tests in a given year. In 2009, foreign-educated applicants comprised 30% of the total number of applicants examined in New York. Unlike Minnesota, the New York Board of Bar Examiners is responsible only for administration of the bar exam and verification of educational credentials. Separate Character and Fitness Committees, established in each of the Judicial Departments in New York, are responsible for conducting the character and fitness investigation.

In addition to obtaining a J.D. from an ABA-accredited law school, there are four other means of qualifying to sit for the New York bar examination:

1. One year of successful study at an ABA-accredited law school, followed by three years of law office study, for which the applicant has received prior approval by the Board;¹²⁴
2. A law degree from a non-ABA-accredited law school in the United States and practice for five of the seven years immediately preceding the application;
3. Foreign law study with additional requirements described below;¹²⁵
4. Discretionary waiver by the New York Court of Appeals upon a showing that strict compliance would cause undue hardship.¹²⁶

Foreign law school graduates have three options for providing evidence of eligibility to sit for the New York bar examination:

¹²⁴ Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law (NY Rules) § 520.4.

¹²⁵ *Id.* at § 520.5.

¹²⁶ *Id.* at § 520.15.

1. Legal education in a common law country found by the New York Board to be substantially equivalent in both duration and substance to legal education obtained at an ABA-accredited law school;¹²⁷
2. Legal education in a non-common law country found by the New York Board to be durationally or substantively equivalent to legal education obtained at an ABA-accredited law school program, plus a 20-hour legal education program at an ABA-accredited law school including basic courses in American law.¹²⁸
3. Legal education in a common law country found by the New York Board to be durationally, but *not* substantively equivalent, plus a 20 semester hour program at an ABA-accredited law school in basic courses in American law.¹²⁹

In addition, New York requires that foreign applicants' legal education include a certain number of credit hours (excluding credit for correspondence courses)¹³⁰ and meet residency requirements.¹³¹ John McAlary, Executive Director for the New York State Board of Law Examiners, in his testimony before the Committee, described a process of qualifying foreign educated bar applicants that is complex, time consuming, and labor intensive.¹³² Applications to the New York bar from foreign-educated candidates must be reviewed to determine:

- 1) whether the degree qualifies the individual to practice law in the applicant's home country;
- 2) whether it is a degree in law;
- 3) whether the degree is from an accredited institution in its jurisdiction;
- 4) whether the degree, if from a common law country, is substantially equivalent in substance and duration to an ABA-approved degree;
- 5) whether the degree is durationally equivalent (three years of full-time study or four years of part-time study) to an ABA-approved degree; and
- 6) if found to be deficient, what the candidate needs to do to cure either the substantial or durational deficiency.

The staff makes individual determinations on applicants' eligibility based upon a review of transcripts and other educational records. Much of the review must be completed in a very brief window of time prior to the July bar exam.¹³³

In 1998, the New York rule addressing foreign-educated candidate qualification became more permissive allowing applicants to cure deficiencies of the durational requirement for legal education. This resulted in an increase in the number of foreign-educated

¹²⁷ *Id.* at § 520.6.

¹²⁸ *Id.* at § 520.6.

¹²⁹ *Id.* at §§ 520.6(b)(2)-520.7(a)(2).

¹³⁰ *Id.* at § 520.3(c)(3).

¹³¹ New York does not require that foreign educated graduates be licensed in their home jurisdiction.

¹³² Testimony of John McAlary, Executive Director, New York State Board of Law Examiners, March 16, 2010, at pp. 21-22.

¹³³ Testimony of Diane Bosse, Chair of the New York State Board of Bar Examiners, March 16, 2010, pp. 8-13. Presentation slides from Testimony of Diane F. Bosse and John J. McAlary of the New York State Board of Law Examiners, March 16, 2010.

lawyer applicants.¹³⁴ Between 1997 and 2009, the number of foreign educated applicants increased by 255%; during that same period, the number of ABA-accredited law school graduates increased by 10%.¹³⁵ Of the 41,375 foreign-educated applicants who sat for the New York bar examination between 1997 and 2009, only 15,868, or 38%, were successful on the examination.

The chart below shows the number sitting for and passing the New York bar exam over the past 13 years, including the number of foreign applicants.

				ABA-accredited Law School			Law School Outside the USA		
	total taking	total passing	% passing	total taking	total passing	% passing	total taking	total passing	% passing
1997	11205	7409	66%	9468	6698	71%	1701	706	42%
1998	11769	7589	64%	9692	6772	70%	2047	812	40%
1999	11,614	7,402	64%	9,312	6,421	69%	2,287	977	43%
2000	11,938	7,367	62%	9,266	6,265	68%	2,649	1,093	41%
2001	12,709	8,212	65%	9,476	6,785	72%	3,206	1,420	44%
2002	12,860	7,884	61%	9,674	6,684	69%	3,154	1,192	38%
2003	12,700	8,063	63%	9,522	6,747	71%	3,151	1,307	41%
2004	12,806	7,927	62%	9,540	6,693	70%	3,251	1,232	38%
2005	13,388	8,334	62%	10,033	7,213	72%	3,337	1,119	34%
2006	14,013	8,893	63%	10,362	7,655	74%	3,630	1,235	34%
2007	14,445	9,267	64%	10,367	7,877	76%	4,049	1,385	34%
2008	14,765	10,128	69%	10,355	8,267	80%	4,386	1,857	42%
2009	15,092	9,787	65%	10,544	8,250	78%	4,526	1,533	34%

The passage rates for foreign applicants are substantially less than the passage rates for graduates of ABA-accredited law schools. Diane Bosse, Chair of the New York Bar Examiners, in her testimony before the Committee, stated that it appears that many foreign-educated lawyers take the New York bar exam to obtain the credential, rather than to practice law in New York.¹³⁶ The largest percentage of New York lawyers who fail to keep up with their continuing legal education or registration requirements are people with addresses outside of the U.S.¹³⁷

¹³⁴ Howard A. Levine and Hope B. Engel, New York's Revised Attorney Admission Rules: Still Rigorous but More User Friendly, *The Bar Examiner*, August 1998, at 41-42.

¹³⁵ Testimony of Diane Bosse, March 16, 2010, pp. 14-16.

¹³⁶ *Id.* at 19.

¹³⁷ *Id.*

Missouri Model

The Committee studied Missouri's model because of the state's recent experience testing foreign-educated applicants. For many years, Missouri permitted graduates of non-ABA-accredited law schools to request permission to sit for the bar exam if they were admitted in another U.S. jurisdiction and had practiced for at least five years.¹³⁸ Occasionally, the court would consider individual requests from foreign law school graduates, with or without practice experience, who wished to sit for the Missouri bar examination.¹³⁹ Most of these requests were granted.¹⁴⁰

In 2004, the Missouri Supreme Court adopted a rule that did not require foreign-educated applicants to have practice experience, but required the Board of Law Examiners to make a determination of "educational equivalency" with respect to foreign-educated applicants' legal education.¹⁴¹ Kellie Early, Director of the Missouri Board of Law Examiners, testified that Missouri treated foreign-educated applicants differently from U.S. educated non-ABA applicants (who were required to have practiced for five years in another U.S. jurisdiction) because of the difficulty for foreign law schools in obtaining ABA accreditation.¹⁴² The educational equivalency evaluation involved reviewing the transcripts and descriptive materials from applicants' law schools.¹⁴³ Ms. Early testified about the difficulties in determining educational equivalency because of the limited amount of information available from transcripts. Based on the low percentage of passing examination scores achieved by foreign-educated applicants, Ms. Early said the Board determined that the process of educational equivalency was not very effective.¹⁴⁴

Following the adoption of the 2004 rule amendment, Missouri observed a substantial increase in the number of foreign-educated applicants, especially from Handong International Law School in South Korea. The Handong program of legal education is taught in English and designed to prepare its graduates for admission in the United States.¹⁴⁵ Ms. Early stated that because the Handong graduates had no ties to Missouri, and were coming specifically to take the bar examination and then returning to South Korea, both the bar examination application process and the character and fitness process created an administrative burden.¹⁴⁶ She stated that of the ten graduates from Handong who passed the Missouri bar exam, none ever practiced in Missouri, and all but two returned to South Korea.¹⁴⁷

¹³⁸ Testimony of Kellie Early, Director, Missouri Board of Law Examiners, March 30, 2010, p. 26.

¹³⁹ *Id.* at 27.

¹⁴⁰ *Id.*

¹⁴¹ *Id.* at 28.

¹⁴² *Id.*

¹⁴³ *Id.* at 29.

¹⁴⁴ *Id.* at 30.

¹⁴⁵ *Id.* at 31-32.

¹⁴⁶ *Id.* at 33.

¹⁴⁷ *Id.* at 45.

On January 1, 2008, the Missouri Supreme Court again amended its rule governing the admission of graduates of unaccredited law schools (domestic and foreign) to require that non-ABA graduates request permission to take the Missouri bar examination. The amended rule requires that the applicant provide satisfactory evidence that the applicant has been either 1) licensed and engaged in the full-time practice of law in another U.S. jurisdiction for three of the five years preceding the application; or 2) is licensed in another U.S. jurisdiction and has successfully completed 24 credits at an ABA-accredited law school within the three years immediately preceding the application.¹⁴⁸ Foreign-educated applicants may also request permission to sit for the Missouri bar examination if they are licensed in the foreign country where the law degree was conferred, and they have either three of five years of practice experience or 24 credits at an ABA-accredited law school.¹⁴⁹

Between 2004 and 2008, the number of foreign-educated applicants who sat for the Missouri bar averaged 12 per examination; their pass rate averaged 35%. For the February 2008 bar exam, which was the last exam for which foreign applicants were permitted to sit under the prior rule based on educational equivalency, 29 of the 313 examinees were foreign educated and a significant number of those were from Handong.¹⁵⁰ Since the 2008 amendment requiring practice or additional ABA-accredited law school education, rather than the educational equivalency determination, the number of foreign-educated applicants has averaged just over three per bar examination, with an average passage rate of 15%. No applicants from non-ABA-accredited U.S. law schools have taken the Missouri bar since the rule was amended.

Georgia Model

The Committee reviewed Georgia's model because Georgia's Rules Governing Admission to the Practice of Law of the Supreme Court of Georgia permit waiver of the requirement that an applicant must have a J.D. or LL.B. from a law school approved by the ABA.¹⁵¹ The Georgia Board of Bar Examiners requires applicants to provide eight categories of information when requesting a waiver of the educational requirements of Georgia's Rules. The Board may consider a waiver of the educational requirements in exceptional circumstances "for good cause shown by clear and convincing evidence."¹⁵² Between 2004 and 2008, Georgia granted 45% of the more than 40 waiver applications it received; 11 of the waivers granted were from foreign-educated applicants and seven were from applicants educated in the United States.¹⁵³ Effective September 3, 2008, Georgia's waiver policy was amended to require that the Board provide the applicant

¹⁴⁸ Rule 8.07 (d), Missouri Supreme Court Rules Governing the Missouri bar and Judiciary (2008).

¹⁴⁹ *Id.* at Rule 8.07 (e).

¹⁵⁰ Testimony of Kellie Early, p. 31.

¹⁵¹ Rule Part F, Section 5; Part B, Section 4, Supreme Court of Georgia, Rules Governing Admission to the Practice of Law (2010).

¹⁵² *Id.* at Part F, Section 5.

¹⁵³ Committee Report and Recommendations to the Board of Bar Examiners and the Supreme Court Regarding Any Possible Revisions to the Rules Governing Admission to the Practice of Law in Georgia Governing Educational Eligibility and Any Other Relevant Issue, p. 32.

with a written statement of the reasons for the denial. This change was made in order to provide more transparency in the process.¹⁵⁴

The most common requests for waivers in Georgia come from applicants who do not have an undergraduate degree, or who have a law degree from a non-ABA-approved domestic or foreign law school. The burden is on the applicant to establish “good cause” for the waiver and to do so by “clear and convincing evidence.”¹⁵⁵ Each request must be accompanied by documentation from the applicant and is individually reviewed by the Board. Georgia’s Waiver Policy states that “good cause in this context is not susceptible of rigid definition. It is a factual question which must be judged according to the circumstances of the case.”¹⁵⁶

The waiver criteria used by the Georgia Board of Law Examiners includes:

1. The educational background of the applicant;
2. The quality of the applicant’s educational achievements;
3. The applicant’s substantive employment history; and
4. The career goals of the applicant.

The applicant for waiver is asked to submit:

1. A statement as to why the applicant’s educational background does not meet the standard (i.e., why no undergraduate degree; why no qualifying J.D. degree; etc.);
2. A thorough description of the relevant educational history (schools attended, course of study and curriculum with transcripts of educational achievement from those schools, letters of reference, particularly from law faculty, etc.);
3. Documentation of any postgraduate legal education (LL.M. or S.J.D. degrees);
4. Documentation of membership of the bar of another state or another country, if applicable;
5. Description of employment history, particularly any law-related employment (if a member of the bar in another state or another country, a description of legal practice and any significant achievements in the practice of law);
6. A “Dean’s” letter, which is a statement from a Dean or the Dean’s designee on the faculty at an ABA-approved law school analyzing the legal education received and stating whether or not it is the equivalent of an ABA-approved legal education. The Guidelines for Dean’s Letter provides direction on the purpose and scope of the Dean’s Letter.
7. A statement as to career goals and whether or not the applicant has obtained law related employment in Georgia; and

¹⁵⁴ Georgia Waiver Process and Policy, adopted April 8, 2005; revised July 29, 2008; approved by Supreme Court of Georgia, September 3, 2008.

¹⁵⁵ Rule Part F, Section 5; Part B, Section 4.

¹⁵⁶ Georgia Waiver Process and Policy.

8. A narrative statement as to why the applicant believes that good cause by clear and convincing evidence has been established and any other documentation, material or information that the applicant feels is relevant to the establishment of good cause.

Georgia's waiver process is not a model that the Committee recommends for adoption in Minnesota. Waivers are by nature time consuming, imprecise, and subject to easy challenge. Hulett H. Askew, Accreditation Consultant to the Section of Legal Education and Admissions to the Bar, and the former Director of the Georgia Board of Bar Examiners who wrote the Georgia waiver rule, said in his testimony before the Board that applying a waiver rule consistently can be difficult because "there are no two schools and no two applicants who are exactly alike." As a result, the decisions rendered in a waiver process can appear outwardly to be arbitrary. People who appear to have the same credentials receive contrary results because of all the factors that are taken into consideration in the waiver process.¹⁵⁷ Waiver standards are difficult to articulate. Applicants to the bar require a clear statement of what would justify the waiver.

Erica Moeser, Director of the National Conference of Bar Examiners, and former director of the Board of Law Examiners in Wisconsin, cautioned the Board against a waiver policy. Based on her 15 years of experience in Wisconsin with a waiver Rule, Ms. Moeser predicted that the Board would be "up to your knees in the molasses of waivers and appeals of waivers and reviews of waivers by your Court."¹⁵⁸

Board Discussion:

After careful consideration and review of the Committee's findings, the Board is satisfied that Minnesota's traditional model of placing significant weight on the quality of the applicant's legal education, and utilizing the bar examination to select only those individuals who do not meet minimal competency requirements to practice law, should not be changed in any significant way. The Board's findings remain consistent with the Court's statement in *Dolan* that "[r]eliance upon the ABA accreditation standard is our only practical assurance that the legal education of a prospective attorney has sufficiently prepared the individual for legal service."¹⁵⁹

Before arriving at this conclusion, the Board carefully reviewed the 56 ABA Standards, along with their Interpretations, for the accreditation of law schools; heard testimony from experts in legal education including deans from both ABA-accredited and unaccredited law schools, legal practitioners, and the Petitioners themselves; and conducted a review of published literature on modern legal education. With limited exceptions, the Board concluded that an ABA-accredited education continues to be the appropriate prerequisite for sitting for the Minnesota bar. The ABA Standards are

¹⁵⁷ Testimony of Hulett H. Askew, Accreditation Consultant, ABA Legal Education and Admission to the Bar Section, January 15, 2010, pp. 76-77.

¹⁵⁸ Testimony of Erica Moeser, President, National Conference of Bar Examiners, October 29, 2009.

¹⁵⁹ *In re Dolan*, 483 N.W.2d 64, 66 (Minn. 1992).

continually evolving to reflect changes in accepted legal education methodologies. The requirement that an applicant obtain a degree from an ABA-accredited law school provides the Board with assurances that the applicant's legal education was thorough, both with respect to learning the law and being acculturated in the skills and values of the profession.

There is no other national system of accreditation of law schools that articulates standards for a comprehensive course of legal education and there is insufficient evidence that unaccredited law schools, especially distance learning or correspondence schools, are providing the type of comprehensive education in the law and in the values of the profession sufficient to demonstrate that graduates are adequately prepared for the practice of law. The ABA Standards require a comprehensive course of legal education that is designed to produce law graduates who are prepared to not only pass the bar, but more importantly, to represent the public in important legal matters in the Courts and in the practice of law.

The Board considered the issue of the cost of legal education at ABA-accredited law schools compared to non-ABA-accredited law schools, which was raised by Petitioners as a reason to allow graduates of non-ABA-accredited law schools to sit for the Minnesota bar. The Board notes that a recent GAO report found that it is not the Standards that drive the increased costs of legal education. This conclusion was echoed by the deans of the four Minnesota law schools. The fact that some non-ABA-accredited law schools charge less than some ABA-accredited law schools does not justify lowering the standards that protect the public from unsafe or incompetent practitioners.

The Board reviewed the models followed by a number of other jurisdictions and concluded that each alternative to the ABA-accredited degree failed to address significant legitimate concerns. New York State permits large numbers of foreign-educated applicants to sit for the bar exam. It does so at great administrative expense after making its best judgment as to the sufficiency and duration of the applicant's foreign legal education. The graduates of foreign law schools pass the NY bar in shockingly low percentages,¹⁶⁰ which alone calls into question the adequacy of the legal education to prepare foreign law school graduates to provide legal service in this country.

If we were to allow graduates of foreign law schools to sit for the Minnesota bar, not only would we be required to add staff to evaluate the adequacy of the foreign legal education, we would also be required to deploy significant additional resources to conduct the character and fitness review of those applicants. New York does not have the same type of comprehensive character and fitness process that Minnesota conducts. The Minnesota Board would face significant challenges in verifying the professional and educational credentials of applicants from other countries and completing the character and fitness investigation for qualified applicants.

¹⁶⁰ With the exception of Canada, which had a pass rate of 67.1% in 2009. Presentation slides from Testimony of Diane F. Bosse and John J. McAlary at 8.

The California model is premised on state-based law school accreditation standards. Unlike Minnesota which places greater weight on the legal education than on bar passage as evidence of an applicant's ability to practice law, California relies more upon bar passage, requiring a much higher passing score than does Minnesota, and relies less on educational standards. California allows applicants to sit for the bar if they have graduated from an ABA-accredited law school, from a law school accredited by the California Board of Law Examiners, or from an unaccredited registered law school, including distance learning and correspondence law schools. It also permits law office study. Students at unaccredited registered law schools are required to pass an exam at the end of their first year of law school as a prerequisite for claiming credit for the courses taken through that point of study and to qualify to take the general bar examination after graduation. In addition, California has a very high cut score on the general bar exam, which is a very different model from Minnesota. There are no unaccredited law schools in Minnesota, and we see no legitimate reason to establish a system to accredit out of state law schools when the ABA has a national system in place that is operating effectively. Minnesota would also have to consider an increase in the cut score if it were to adopt a model similar to California.

States such as Missouri have adopted rules permitting foreign applicants who have no connection to the state to sit for the bar examination. They have found themselves dealing with the unintended consequences of testing significant numbers of individuals who have no connection to the state and very few successful applicants ultimately practice in the state. Those applicants, in many cases, appear to have used the state merely as a means of obtaining an American credential. Missouri's experience has been that it devotes significant time and expense related to admission of foreign educated graduates and receives very little public benefit as few successful foreign applicants ever practice law in the state.

The Georgia model, which permits non-qualifying applicants to seek waiver of the ABA-accredited education requirement, also has faced challenges in attempting to render reasonably consistent and well reasoned decisions through the waiver process which, *a fortiori*, is based on exceptions rather than on rules. This model may also subject the Board to significant court challenges because there are no clear criteria.

The Board concludes that the current avenues for foreign educated applicants to qualify to practice in Minnesota adequately serve the public interest: 1) lawyers working as house counsel can be licensed under Rule 11 to perform legal services for the corporate client; 2) foreign educated lawyers can obtain a foreign legal consultant license to practice the law of their home country in Minnesota; and 3) a foreign educated lawyer may obtain a degree from an ABA-approved law school, as has one of the Petitioners.

The many issues included in licensing of foreign-educated lawyers is currently being studied by several entities within the ABA; guidance from the ABA may be of assistance in consideration of this issue. Indeed, foreign educated lawyers can generally transfer

one year of law school credit from their foreign law school thereby reducing the number of credits needed to graduate with a J.D. degree from an ABA-approved law school.

Distance learning is evolving, and the ABA is conducting a thorough and comprehensive study that may permit an expansion of the Standards, but will do so in a way that ensures public protection and safety.

Board Conclusions:

1. The purpose of the Bar admission requirements is to protect the public. The Board's current Rules for Admission to the Bar strike an appropriate balance by placing a high emphasis on meeting the high standards of legal education associated with an ABA-approved J.D. degree, while allowing the bar examination in Minnesota to eliminate those few who are unable to pass a test of minimal competency.
2. A degree from an ABA-approved law school is adequate proof that a bar applicant has received a high quality legal education.
3. The Board has found no adequate substitute for graduation from an ABA-approved law school. The Board found no appropriate alternative model in any other jurisdiction, nor has it found that any other type of legal education is substantially equivalent to the education provided at an ABA-approved law school. Having found no substantial equivalent to the ABA-approved degree, the ABA-approved degree is the standard that should remain in Minnesota.
4. The law school accreditation standards the ABA has developed and implemented constitute a valid process for accreditation of law schools and evaluation of quality of legal education. The Board has neither the resources nor expertise to replicate that system of accreditation.
5. Petitioners' proposed rule amendment, if adopted, would define Minnesota's standard for legal education to be whatever standard has been or will be adopted in any other state in the country. Requiring passage of two bar examinations (another state's exam and Minnesota's exam) is not an adequate substitute for having obtained a comprehensive legal education.
6. Neither state law school accreditation systems nor individual educational equivalency determinations are as comprehensive as that which is done by the ABA in accrediting law schools.
7. The states that have developed programs to accredit law schools for the most part limit accreditation to programs within the state. There are currently no unaccredited law schools in Minnesota.
8. A legal education that is obtained in large part through distance learning is not an adequate substitute for legal education obtained at an ABA-approved law school.

9. The practice of law is a profession, not merely a trade, and those who are licensed have special obligations to the client and to the courts. Lawyers must be thoroughly trained in the values of the profession as well as legal skills. ABA standards ensure that accredited law schools address all important aspects of providing a sound legal education so that graduates are fully prepared to carry out their obligations as counselors at law as well as officers of the Court.
10. If the Court determines to rebalance the weight given to legal education versus bar exam passage when determining an applicant's qualification to practice law, it should consider whether raising the minimum score required to pass the bar would be necessary to ensure that successful applicants are adequately prepared to serve the public, similar to the balance struck in California.
11. The Board recommends against adopting a waiver policy, because it would not provide applicants with a clear understanding of the requirements to sit for the Minnesota bar, and would invite challenges to waiver decisions made by the Board or the Court.
12. The Board recommends that the Court consider whether the combination of years of licensed practice with graduation from a non-ABA-approved law school can together provide sufficient substitute for a sound legal education. If so, a modest expansion of the current rules could be contemplated for a very narrowly defined group of licensed practitioners who have successfully practiced law in the United States for a significant period of time and who could be permitted to sit for the bar examination in Minnesota, notwithstanding the fact the practitioners did not graduate from an ABA-accredited law school.

Recommendation:

For the reasons set forth above, the Board recommends against adopting a rule that would permit graduates of non-ABA-accredited law schools to seek admission by written examination by providing evidence of a valid license to practice law from another U.S. jurisdiction.

The Board recommends consideration of a rule amendment which would permit a licensed lawyer, who has successfully practiced law in another U.S. jurisdiction for a substantial number of years, to be admitted in Minnesota, notwithstanding the fact that the lawyer has not graduated from an ABA-approved law school.

If requested by the Court, the Board will develop rule language and propose an appropriate rule amendment.

Dated: *July 2, 2005*

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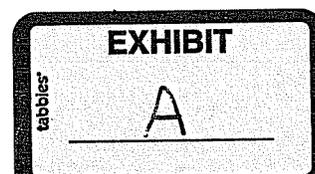
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INDIA	Mixed	Common law/Muslim/Customary
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IRAN	Mixed	Muslim/Civil law
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ITALY	Civil law	
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JAPAN	Mixed	Civil law/Customary
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JORDAN	Mixed	Civil law/Muslim/Customary
KAZAKHSTAN	Civil law	
KENYA	Mixed	Common law/Customary /Muslim
KIRIBATI	Common law	
KOREA NORTH	Mixed	Civil law/Customary
KOREA SOUTH	Mixed	Civil law/Customary
KUWAIT	Mixed	Muslim/Civil law/Customary
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LAOS	Civil law	
LATVIA	Civil law	
LEBANON	Mixed	Civil law/Muslim
LESOTHO	Mixed	Common law/Civil law/Customary
LIBERIA	Mixed	Common law/Customary
LIBYA	Mixed	Muslim/Civil law
LIECHTENSTEIN	Civil law	

LITHUANIA	Civil law	
LOUISIANA (USA)	Mixed	Civil law/Common law
LUXEMBOURG	Civil law	
MACAU (CN)	Civil law	
MACEDONIA (FYROM)	Civil law	
MADAGASCAR	Mixed	Civil law/Customary
MADEIRA (PG)	Civil law	
MALAWI	Mixed	Common law/Customary
MALAYSIA	Mixed	Muslim/Common law/Customary
MALDIVES ISLANDS	Muslim	
MALI	Mixed	Civil law/Customary
MALOUINES/FALKLAND ISLES (UK)	Common law	
MALTA	Mixed	Civil law/Common law
MAN ISLE OF (UK)	Common law	
MARIANA (USA)	Common law	
MARSHALL ISLANDS	Common law	
MARTINIQUE (FR)	Civil law	
MAURITANIA	Mixed	Muslim/Civil law
MAURITIUS	Mixed	Civil law/Common law
MAYOTTE ISLAND (FR)	Civil law	
MEXICO	Civil law	
MICRONESIA	Mixed	Common law/Customary
MOLDOVA	Civil law	
MONACO	Civil law	
MONGOLIA	Mixed	Customary/Civil law
MONTSERRAT (UK)	Common law	
MONTENEGRO	Civil law	
MOROCCO	Mixed	Muslim/Civil law
MOZAMBIQUE	Mixed	Customary/Civil law
MYANMAR	Mixed	Common law/Customary
NAMIBIA	Mixed	Common law/Civil law
NAURU	Common law	
NEPAL	Mixed	Common law/Customary
NETHERLANDS (<i>NL</i>)	Civil law	

NETHERLANDS ANTILLES (NL)	Civil law	
NEW CALEDONIA (FR)	Civil law	
NEW ZEALAND (NZ)	Common law	
NICARAGUA	Civil law	
NIGER	Mixed	Civil law/Customary
NIGERIA	Mixed	Common law/Muslim/Customary
NIUE ISLAND (NZ)	Common law	
NORFOLK ISLAND (AU)	Common law	
NORTHERN IRELAND (UK)	Common law	
NORWAY	Civil law	
OMAN	Mixed	Muslim/Customary/Civil law
PAKISTAN	Mixed	Muslim/Common law
PALAU	Common law	
PALESTINE	Mixed	Civil law/Muslim
PANAMA	Civil law	
PAPUA NEW GUINEA	Mixed	Customary/Common law
PARAGUAY	Civil law	
PERU	Civil law	
PHILIPPINES	Mixed	Common law/Civil law
PITCAIRN (UK)	Common law	
POLAND	Civil law	
PORTO RICO (ASS. USA)	Mixed	Civil law/Common law
PORTUGAL (PG)	Civil law	
QATAR	Mixed	Muslim/Civil law/Common law/Customary
QUEBEC (CD)	Mixed	Civil law/Common law
REUNION ISLAND (FR)	Civil law	
ROMANIA	Civil law	
RUSSIA	Civil law	
RWANDA	Mixed	Civil law/Customary
SAINT-BARTHELEMY (FR)	Civil law	
SAINT HELENA (UK)	Common law	
SAINT KITTS AND NEVIS	Common law	
SAINT LUCIA	Mixed	Civil law/Common law

SAINT MARTIN (FR)	Civil law	
SAINT PIERRE AND MIQUELON (FR)	Civil law	
SAINT VINCENT AND THE GRANADINES	Common law	
SAMOA	Mixed	Common law/Customary
SAMOA, AMERICAN (USA)	Common law	
SAN MARINO	Civil law	
SAO TOMÉ AND PRINCIPE	Mixed	Civil law/Customary
SAUDI ARABIA	Muslim	
SCOTLAND (UK)	Mixed	Civil law/Common law
SENEGAL	Mixed	Civil law/Customary
SERBIA	Civil law	
SEYCHELLES	Mixed	Common law/Civil law
SIERRA LEONE	Mixed	Common law/Customary
SINGAPORE	Mixed	Common law/Muslim
SLOVAKIA	Civil law	
SLOVENIA	Civil law	
SOLOMON ISLANDS	Mixed	Common law/Customary
SOMALIA	Mixed	Muslim/Civil law/Common law/Customary
SOUTH AFRICA	Mixed	Civil law/Common law
SOUTH GEORGIA AND SANDWICH ISLANDS (UK)	Common law	
SPAIN (<i>SP</i>)	Civil law	
SRI LANKA	Mixed	Civil law/Common law/Customary
SUDAN	Mixed	Muslim/Common law
SURINAME	Civil law	
SWAZILAND	Mixed	Civil law/Customary
SWEDEN	Civil law	
SWITZERLAND	Civil law	
SYRIA	Mixed	Civil law/Muslim
TAIWAN	Mixed	Civil law/Customary
TAJKISTAN	Civil law	
TANZANIA	Mixed	Common law/Customary
THAILAND	Civil law	

TOGO	Mixed	Civil law/Customary
TOKELAU (NZ)	Common law	
TONGA	Common law	
TRINIDAD AND TOBAGO	Common law	
TUNISIA	Mixed	Civil law/Muslim
TURKEY	Civil law	
TURKMENISTAN	Civil law	
TURKS AND CAICOS (UK)	Common law	
TUVALU	Common law	
UGANDA	Mixed	Common law/Customary
UKRAINE	Civil law	
UNITED ARAB EMIRATES	Mixed	Muslim/Customary
UNITED KINGDOM (<i>UK</i>) (minus SCOTLAND, GUERNSEY AND JERSEY)	Common law	
UNITED STATES OF AMERICA (<i>USA</i>) (minus LOUISIANA)	Common law	
URUGUAY	Civil law	
UZBEKISTAN	Civil law	
VANUATU	Mixed	Civil law/Customary/Common law
VATICAN/HOLY SEE	Civil law	
VENEZUELA	Civil law	
VIETNAM	Civil law	
VIRGIN ISLANDS (USA)	Common law	
VIRGIN ISLANDS (UK)	Common law	
WALLIS AND FUTUNA (FR)	Civil law	
YEMEN	Mixed	Muslim/Civil law/Common law/Customary
ZAMBIA	Mixed	Common law/Customary
ZIMBABWE	Mixed	Civil law/Common law/Customary

**Admission Requirements in each of the 50 States and District of Columbia for
Graduates of Non-ABA Law Schools Located in the United States**

Juris.	Applicants by Bar Examination								Motion Applicants
	J.D. or LL.B. from an ABA-approved law school required for graduates of US law schools?	Non-ABA-approved in-state school approved by state authority	Non-ABA-approved out-of-state school approved by state authority	Unapproved law school (not state or ABA) wherever located	Grad. from unapproved law school plus specified # of years of practice	Grad. from unapproved law school plus specified # of hours at ABA-approved Law school	Law office study	Correspondence study	Must an applicant for admission on motion be a graduate of an ABA-approved law school?
AL	No	3 law schools in AL permitted ¹	4 yrs of law school + 5 yrs practice + reciprocal agmt ²	4 yrs of law school + 5 yrs practice + reciprocal agmt ²	4 yrs of law school + 5 yrs practice + reciprocal agmt ²				Yes
AK ³	No				5 yrs practice				Yes
AZ	No				5 of 7 yrs practice				Yes
AR	Yes								Yes
CA	No	law schools accredited by or registered w/Committee ⁴					by application + must pass baby bar ⁵	study for 4 yrs + must pass baby bar ⁶	NA
CO	No		law school must be accredited in state located + applicant must meet practice requirement ⁷		5 of 7 yrs				Yes
CT	No	committee approved law schools ⁸	state appr law schools ⁹						No ¹⁰
DE	Yes								Na
DC	No		plus ABA hours	plus ABA hours		26 sem hrs in exam topics ¹¹		plus 26 ABA hours	No ¹²
FL	No					10 yrs + evaluation by Board of work history ¹³			Na
GA	Yes ¹⁴								Yes
HI	No				5 of last 6 yrs active practice ¹⁵				Yes
ID	Yes								Yes
IL	Yes								Yes
IN	Yes								No ¹⁶
IA	Yes								No ¹⁷
KS	Yes								Yes
KY	No				3 of last 5 yrs plus educ eval ¹⁸				Yes
LA	Yes								Na
ME	No				3 yrs AND schi accred in home state ¹⁹		1 yr law study + 2/3 law deg in ABA school ²⁰		No ²¹
MD ²²	No								Na
MA	No	appr by state ²³							No ²⁴
MI	No	by waiver ²⁵	by waiver						Yes

B

EXHIBIT

Admission Requirements in each of the 50 States and District of Columbia for Graduates of Non-ABA Law Schools Located in the United States

Motion Applicants		Applicants by Bar Examination									
Must an applicant for admission on motion be a graduate of an ABA-approved law school?	Correspondence study	Law office study	Grad. from school plus specified # of hours at ABA-approved law school	Grad. from unapproved law school plus specified # of years of practice	Unapproved law school (not state or ABA) wherever located	Non-ABA-approved out-of-state school approved by state authority	Non-ABA-approved in-state school approved by state authority	J.D. or LL.B. from an ABA-approved law school required	J.D. or LL.B. from graduates of US law schools?	Juris. law schools?	
Yes								Yes	Yes	MN	
Yes								Yes	Yes	MS	
Yes			24 sem hrs in last 3 yrs	3 of last 5 yrs				No		MO ²⁶	
Na								Yes		MT	
Yes								Yes		NE	
No ²⁸				10 of last 12 yrs	by petition	2 non-ABA MA schls appr		No		NH	
Yes ²⁹								Yes		NJ	
Na	Yes ³⁰			4 of last 6 yrs				No		NM	
Yes		1 yr at appr schl + law office study; combination must = 4yrs ³²		5 of last 7 yrs ³¹				No		NY	
Yes								Yes		NC	
Yes								Yes		ND	
Yes								Yes		OH	
Yes								Yes		OK	
Yes				3 of last 5 yrs + schls equiv ³³				No		OR	
Yes				5 of last 7 in reciprocal jurts ³⁴				No		PA	
Na								Yes		RI	
Yes								Yes		SC	
Yes								Yes		SD	
Yes								No	in state ³⁵	TN	
Yes				3 of 5 yrs + study subs equiv to appr schls ³⁶				No		TX	
Yes								Yes		UT	
No ³⁸		4 yr program						No		VT	
Yes		4 yr program ³⁹						No		VA	
No ⁴²		4 yr program ⁴¹		3 of 5 years ⁴⁰				No		WA	
No ⁴³								No		WV	
No ⁴⁵								No		WI	

**Admission Requirements in each of the 50 States and District of Columbia for
Graduates of Non-ABA Law Schools Located in the United States**

Applicants by Bar Examination									Motion Applicants
Juris.	J.D. or LL.B. from an ABA-approved law school required for graduates of US law schools?	Non-ABA-approved in-state school approved by state authority	Non-ABA-approved out-of-state school approved by state authority	Unapproved law school (not state or ABA) wherever located	Grad. from unapproved law school plus specified # of years of practice	Grad. from unapproved law school plus specified # of hours at ABA-approved Law school	Law office study	Correspondence study	Must an applicant for admission on motion be a graduate of an ABA-approved law school?
WY	No						structured course = 2yrs at ABA ⁴⁶		Yes

Endnotes for Admission Requirements in each of the 50 States and the District of Columbia
for Graduates of non-ABA law schools located in the United States

1. Alabama allows graduates of Birmingham School of Law, Jones School of Law of Faulkner University, and Miles College of Law who attended school for at least 4 years for at least 30 weeks each year, or 3 years of full-time study, to sit for the bar examination. Rule IV(B)(2)(b) of the Rules Governing Admission to the Alabama State Bar (Alabama Rules).
2. Alabama allows graduates of non-ABA accredited law schools from other states to sit for the bar if the applicant has four years of legal education, has been in active practice for five years in the state that the law school is located AND the state has a reciprocal agreement with Alabama, allowing graduates of Alabama's approved law schools. Rule IV(B)(2)(c) of the Alabama Rules. No states currently have a reciprocal agreement with Alabama.
3. Alaska permits graduates of non-ABA accredited law schools who have been licensed in another jurisdiction and actively practice law for 5 of the last 7 years preceding application to sit for the bar. Rule 2, Section 3(a) of the Alaska Bar Rules. Alaska also permits applicants who have attended 1 year at an ABA-approved law school and completed a clerkship program to sit for the bar. Rule 2 section 3(b) of the Alaska Bar Rules.
4. California's Committee of Bar Examiners (CCBE) accredits and registers in-state schools that are not approved by the ABA. Applicants who attend registered law schools must take the First Year Law Students' Examination (the Baby Bar). Title 4, Division 1, Chapter 3, Rule 4.26(C) of the Rules of the State Bar of California.
5. California permits study in a law office provided the applicant applies for approval before commencing study and meets the time requirements set out in the rules. Title 4, Division 1, Chapter 3, Rule 4.29. The applicant must also pass the Baby Bar. Title 4, Division 1, Chapter 3, Rule 4.26(B)(1).
6. CCBE permits correspondence law schools to register in California if they meet the requirements outlined in the Unaccredited Law School Rules. A correspondence law school is one that "conducts instruction principally by correspondence. A correspondence law school must require at least 864 hours of preparation and study per year for four years." Title 4, Division 3, Chapter 1, Rule 4.204(J)(1). Students at correspondence law schools must pass the Baby Bar. Title 4, Division 1, Chapter 3, Rule 4.26(B)(2) and (C).
7. Colorado permits graduates of non-ABA accredited law schools who have attended a state accredited law school to sit for the bar examination, provided they are admitted to the bar of another U.S. jurisdiction and have actively and substantially engaged in the practice of law for 5 of the 7 years preceding the application for admission. Rule 201.5(2) of the Rules Governing Admission to the Bar of the State of Colorado.

8. However, there are no Committee approved law schools in Connecticut.
9. Connecticut permits graduates of law schools approved by the Connecticut Bar Examining Committee to sit for the bar examination. Article II(1)(B) of the Regulations of the Connecticut Bar Examining Committee. The Committee has approved the Massachusetts School of Law and the Southern New England School of Law, both located in Massachusetts. <http://www.jud.ct.gov/cbec/faq3.htm#G1a>
10. Connecticut admits applicants on motion if they have practiced for 5 of the 7 years preceding the application, if they would have qualified to sit for the bar in Connecticut at the time in which they sat for the bar examination in another jurisdiction, and if at least 1 of the jurisdictions in which they are licensed permits reciprocity with Connecticut. Rule 2-13 of the Rules of the Superior Court Regulating Admission to the Bar of Connecticut.
11. DC permits graduates of non-ABA accredited law schools to sit for the bar examination after successful completion of 26 semester hours in subjects tested on the bar examination at an ABA-accredited law school. Rule 46(b)(4) of the Rules of the District of Columbia Court of Appeals.
12. D.C. permits graduates of non-ABA accredited law schools to be admitted on motion provided they have been active in another US jurisdiction in good standing for 5 years immediately preceding application. Rule 46(c)(3).
13. Florida permits applicants to sit for the bar who have practiced for 10 years and are in good standing in their jurisdiction. Rule 4-13.4(a)(1) of the Rules of the Supreme Court Relating to Admissions to the Bar. The applicant must provide a "representative compilation of work product" in the field of law "showing the scope and character of applicant's previous experience" to the Board for evaluation. Rule 4-13.4(a)(1). The Board has broad discretion in the evaluation. Rule 4-13.4(d).
14. Georgia does have a waiver provision that allows the Board to waive the educational requirement. Part F, Section 4 of the Rules Governing Admission to the Practice of Law in Georgia. See also Board of Bar Examiners Board to Determine Fitness of Bar Applicants, Waiver Process & Policy.
15. Hawaii permits graduates of non-ABA accredited law schools who have been in active practice in another state for 5 of the last 6 years. Rule 1.3(b)(2) of the Rules of the Supreme Court of the State of Hawai'i.
16. Chart VIII of the Comprehensive Guide to Bar Admission Requirements 2010, page 25.
17. Iowa admits applicants on motion who have practiced for 5 of 7 years in another U.S. jurisdiction. Rule 31.12 of the Iowa Rules for Admission to the Bar.
18. Kentucky permits graduates of non-ABA accredited law schools to sit for the exam if the institution the applicant attended is approved by the state in which it is located and is not a correspondence school, and the applicant has been actively and substantially engaged in the lawful practice of law for 3 of the last 5 years preceding the

- application. The applicant bears the cost of evaluation of the legal education. Rule 2.014(2) of the Kentucky Bar Association Rules of the Supreme Court of Kentucky.
19. Maine permits graduates of non-ABA accredited law schools to sit for the bar exam if they attended a law school that was accredited in the state in which it is located and they have been in active practice for at least 3 years. Rule 10(c)(3) of the Maine Bar Admission Rules.
 20. If an applicant has completed 2/3 of the graduation requirements in an ABA-accredited law school and then completes a year long, full time law office study with an attorney active in Maine within 12 months of successful completion of the education, he/she may sit for the bar, provided the attorney obtains approval for the proposed course of study in advance and certifies that the course was completed as approved. Rule 10(c)(5) of the Maine Bar Admission Rules.
 21. Maine allows applicants from New Hampshire and Vermont, both of which have reciprocal agreements with Maine, on motion if the applicant has been in active practice in New Hampshire or Vermont for 3 years immediately preceding application, and the applicant meets the educational requirements stated in the Rules. Study in any law school that conducts courses by correspondence or does not require attendance does not qualify. Rule 11A of the Maine Bar Admission Rules.
 22. Maryland may grant a waiver of the education requirement for an applicant who has passed the bar in another jurisdiction, is in good standing, and who "in the Board's opinion is qualified by reason of education, experience or both to take the bar examination." Rule 4(2)(b) of the Rules Governing Admission to the Bar of Maryland.
 23. In addition to applicants who graduated from an ABA-accredited law school, Massachusetts allows applicants who graduated from law schools approved by the Commonwealth. Rule 3.3 of the Rules of the Massachusetts Supreme Judicial Court.
 24. Massachusetts permits graduates on motion who have practiced for 5 of the preceding years in another U.S. jurisdiction or a foreign jurisdiction. Rule 3:01 Sections 6.1 and 6.2.
 25. Michigan permits schools to "ask the Board to approve the school as reputable and qualified." If the school no longer exists, the applicant may request approval for the school. The Board may also in its discretion allow an applicant who does not possess an ABA-approved degree to sit for the examination based upon "factors including, but not limited to, relevant legal education, such as an LLM degree from a reputable and qualified law school, and experience that otherwise qualifies the applicant to take the examination." Rule 2(B) of the Rules for the Michigan Board of Law Examiners.
 26. Applicants in Missouri who did not graduate from an ABA-accredited law school may take the bar if they hold an active license in another state and have been in active practice for 3 of the last 5 years OR if they hold an active

- license in another state and they have completed 24 semester hours at an ABA approved law school within the last 3 years. Rule 8.07(d) of the Missouri Supreme Court Rules.
27. Applicants in Nevada must petition to have their legal education evaluated if they graduated from an institution not accredited by the ABA. The application is considered by committee. The applicant must have been in active practice for 10 of the preceding 12 years and the petitioner's legal education "as augmented by such subsequent legal work experience" must be "functionally equivalent" to the education provided at a law school accredited by the ABA. Rule 51.5 of the Supreme Court Rules adopted by the Supreme Court of Nevada.
 28. Admission on motion in Nevada is generally unavailable, but may be permitted on a limited basis. Chart VIII of the Comprehensive Guide to Bar Admission Requirements 2010.
 29. Rule 42.10(a)(ii) of the Rules of the Supreme Court of the State of New Hampshire.
 30. New Mexico permits graduates of non-ABA accredited law schools to sit for the exam if they have been in active practice in another state or states for 4 of the 6 years immediately preceding their application. Rule 15-103 (B)(2) of the New Mexico Rules Governing Admission to the Bar.
 31. In New York, applicants who have graduated from a non-ABA accredited law school, other than a law school which grants credit for correspondence courses, may qualify to take the bar examination if they provide evidence that the legal education complies with the rules, and the applicant has actively practiced for at least 5 of the 7 years preceding the application. Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law § 520.5.
 32. New York allows applicants to sit for the bar if they have successfully completed 1 year at an ABA-accredited law school and then completed a law office study, approved by the Board, under the supervision of 1 or more New York attorneys. The combination of law office study with school study must equal 4 years. Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law § 520.4.
 33. Oregon allows graduates of non-ABA accredited law schools to sit for the bar examination if they are admitted in a jurisdiction where rules for admission are "substantially equivalent" to Oregon, and the applicant has "actively, substantially, and continuously" engaged in the practice of law for at least 3 of the 5 years preceding the examination. Rule 3.05(2) of the Supreme Court of the State of Oregon, Rules for Admission of Attorneys.
 34. Pennsylvania permits graduates from non-ABA accredited law schools if they graduated from a school in a reciprocal state and have been in active practice, in good standing, for 5 of the last 7 years immediately preceding their application. Rule 203(A)(2) of the Rules of the Pennsylvania Board of Law Examiners.
 35. The Board may approve any law school in Tennessee not accredited by the ABA for the purpose of allowing its graduates to be eligible to take the bar examination, where the Board finds that the standards enumerated by

the Board are met and the school is effectively achieving its mission and objectives. Rule 2.03 of the Tennessee Supreme Court Rules.

36. Texas permits applicants to sit for the bar examination if they hold a J.D. degree (or the equivalent of a J.D.), not based on correspondence study, from an unapproved law school accredited in the jurisdiction in which it exists, who have a valid, active law license issued by another state and have engaged in the active practice of law as a principle occupation for 3 of the preceding 5 years. Rule XIII(a)(2) of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas.
37. Vermont permits graduates of unaccredited U.S. law schools to sit for the bar examination if the applicant establishes that the law school is in the process of seeking accreditation from the ABA or AALS. Rule 6(h)(3)(C) of the Rules for Admission to the Bar of the Vermont Supreme Court.
38. Vermont admits applicants on motion who are admitted in another U.S. jurisdiction and have been in active practice for 5 of the preceding 10 years or for 3 years in New Hampshire or Maine. Rule §7 of the Rules for Admission to the Bar of the Vermont Supreme Court.
39. Virginia has a law office study program titled Law Reader Program. The program is highly regulated and must be under the supervision of an attorney. The program is 4 years long and the attorney oversees prescribed course work using course materials from ABA-accredited Virginia law schools. See Law Reader Rules & Regulations. <http://www.vbbe.state.va.us/reader/readerrules.html> Between February 2000 and July 2009, the passage rate for persons reading law was 23% compared to 67%. Law Reader Memorandum <http://www.vbbe.state.va.us/reader/readermemo.html>
40. Washington State offers a law clerk program which is highly regulated and must be 4 years in length. See Rule 6 of the Admission to Practice Rules of the Washington State Court Rules.
41. Washington permits applicants from non-ABA-accredited law schools to sit for the bar if they have been admitted in another jurisdiction and they are in good standing AND they have active legal experience for 3 of the last 5 years. Rule 3(b) of the Admission to Practice Rules of the Washington State Court Rules.
42. Applicants may be admitted on motion in Washington provided they come from states that permit Washington applicants to sit for the bar under substantially similar conditions as Washington. Rule 18 of the Washington State Court Rules: Admission to Practice Rules.
43. West Virginia admits applicants on motion if they have actively practiced law for 5 of the 7 years preceding the application, and the admission rules are substantially equivalent to West Virginia's. Rule 4.0(b) of the Rules for Admission to the Practice of Law in West Virginia.

44. Wisconsin permits applicants who attended a law school whose graduates are eligible to take the bar examination where the school is located if the applicant has passed the bar and been admitted in another U.S. jurisdiction. WI SCR 40.04(1)(b).
45. Wisconsin admits applicants on motion who are admitted in another U.S. jurisdiction and have been active practice for 3 of the last 5 years. Rule 40.05 <http://www.wicourts.gov/sc/rules/chap40.pdf>
46. The law office study must be in the office of a judge or member of the bar in Wyoming. Applicants must provide evidence of the period of study, the topics covered, exams taken and anything else requested by the Board. Rule 202 of the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

Admission Requirements in Each of the 50 States and the District of Columbia with Respect to Graduates of Law Schools Located Outside of the United States.

Juris	Foreign Graduates allowed to sit?	If graduates of foreign law schools are eligible to take the bar examination under the rules in your jurisdiction, are any of the following required?					If graduates of foreign law schools are eligible for admission without examination under the rules in your jurisdiction, which of the following are also required?			Does your jurisdiction recognize with regularity the sufficiency of a legal education received at any particular foreign law school?	If a foreign law school graduate obtains an L.L.M. or other graduate law degree from an ABA-approved school, is the graduate then eligible to take the bar exam?	
		Legal education in English common law	Additional education at an ABA-approved law school	Have practiced law in home jurisdiction	A determination of educational equivalency	Admission in another U.S. Jurisdiction	Admission in another U.S. jurisdiction	A determination of educational equivalency	Legally educated in English common law			
AL ¹	Yes	AND adm in frgn juris OR	24 sem hrs AND adm in frgn juris	adm in frgn juris plus addl rqmts	Char and Fitness Comm evaluates credentials ²	3 yrs practice AND adm in frgn juris					case by case basis ³	Comp guide states yes, but it is not stated in rules
AK ⁴	Yes	plus addl rqmt	1 yr plus com law AND ABA standards met		meets ABA stds plus addl rqmt	in good standing plus addl rqmt					No	No
AZ	No											
AR	No											
CA	Yes		20 semester hours at ABA or CA accr sch ⁵	adm in another juris	provide eval by cred eval service	adm in another juris					No	if 1st dgr in law is acceptable to Committee
CO ⁶	Yes	in Eng Speaking nation + yrs of practice		5 of 7 yrs							No	No
DE	No											
DC	Yes		26 sem hrs ⁷				5 yrs				No	No
FL	No											
GA												
HI ⁸	Yes	AND Eng spoken in courts and schl		5 of 6 yrs preceding							No	No
ID	No											
IL	Yes			5 of 7 AND eval by board	examined by board plus yrs practice ⁹						No	No
IN	No											
IA	No											
KS	No											
KY	Yes			3 of 5 yrs AND educ eval	educ eval AND yrs practice ¹⁰						No	No
LA	Yes				educ eval + hrs at Amer schi ¹¹						No	No

EXHIBIT

Admission Requirements in Each of the 50 States and the District of Columbia with Respect to Graduates of Law Schools Located Outside of the United States.

		If graduates of foreign law schools are eligible to take the bar examination under the rules in your jurisdiction, are any of the following required?					If graduates of foreign law schools are eligible for admission without examination under the rules in your jurisdiction, which of the following are also required?			Does your jurisdiction recognize with regularity the sufficiency of a legal education received at any particular foreign law school?	If a foreign law school graduate obtains an LL.M. or other graduate law degree from an ABA-approved school, is the graduate then eligible to take the bar exam?
Juris	Foreign Graduates allowed to sit?	Legal education in English common law	Additional education at an ABA-approved law school	Have practiced law in home jurisdiction	A determination of educational equivalency	Admission in another U.S. Jurisdiction	Admission in another U.S. jurisdiction	A determination of educational equivalency	Legally educated in English common law		
ME	Yes			3 yrs in home juris or US AND educ eval	educ eval by board AND yrs in home juris ¹²					No	No
MD	Yes					by waiver ¹³				No	No
MA	Yes	common law faculties	Board MAY require		educ equiv to ABA ¹⁴		5 of 7 yrs active practice ¹⁵	educ equiv to ABA	Canadian schls acpt	list of Canadian schls ¹⁶	No
MI	No										
MN	No										
MS	No										
MO ¹⁷	Yes		24 sem hrs + admittance in other state	3 of 5 yrs		plus yrs rqmt or ABA hrs rqmt				No	No
MT	No										
NE	No										
NV	Yes	And Eng spoken in courts and sch		10 of 12 yrs and eval	committee eval ¹⁸					No	
NH ¹⁹	Yes	Eng speaking country	masters or other rqmts met	adm in good standing in juris AND	educ equiv to ABA schl		5 of 7 yrs	educ equiv to ABA	plus Eng speaking nation	No	AND in good stading in home juris
NJ	No										
NM	Yes					4 of 6 preceding yrs ²⁰				No	No
NY ²¹	Yes		2 yrs frgn educ + 20 sem hrs if educ rec'd before 2005 ²³		sub equiv to US schl					case by case basis ²²	plus frgn educ rqmts if educ rec'd before 2005
NC	Yes									No	
ND	No										
OH	Yes				educ equiv ²⁴		5 of 10 yrs full-time ²⁵	meets rqmts for bar		No	No
OK	No										
OR ²⁶	Yes	plus addl rqmt			educ eval					No	

Admission Requirements in Each of the 50 States and the District of Columbia with Respect to Graduates of Law Schools Located Outside of the United States.

		If graduates of foreign law schools are eligible to take the bar examination under the rules in your jurisdiction, are any of the following required?					If graduates of foreign law schools are eligible for admission without examination under the rules in your jurisdiction, which of the following are also required?			Does your jurisdiction recognize with regularity the sufficiency of a legal education received at any particular foreign law school?	If a foreign law school graduate obtains an LL.M. or other graduate law degree from an ABA-approved school, is the graduate then eligible to take the bar exam?
Juris	Foreign Graduates allowed to sit?	Legal education in English common law	Additional education at an ABA-approved law school	Have practiced law in home jurisdiction	A determination of educational equivalency	Admission in another U.S. Jurisdiction	Admission in another U.S. jurisdiction	A determination of educational equivalency	Legally educated in English common law		
PA	Yes		30 cred hrs AND yrs of practice	5 of 8 yrs AND 30 cred hrs ²⁷						No	No
RI	Yes		may require		appr by dean of ABA					No	No
SC	No										
SD	No										
TN	Yes		27 cred hrs AND educ eval ²⁸		sub equiv to ABA or TN schl AND ABA hrs					No	No
TX	Yes		may require LLM + addl rqmt	5 of 7 or 3 of 5yrs ²⁹	equiv of JD					No	No
UT ³⁰	Yes	common law juris AND	24 sem hrs AND	AND 2 yrs						No	No
VT	Yes	common law juris		in good standing	equiv to accrd law schl		5 of 10 yrs	submit a form to court		No	No
VA ³¹	Yes		dgr from ABA schl		comb ABA degr w/ frgn educ					No	w/ cert from dean of ABA that educ is equiv
WA	Yes	common law juris AND yrs practice		3 of 5 yrs legal exp.			3 of 5 yrs ³²			No	No
WV ³³	Yes	common law juris AND	30 cred hrs AND		sub same as WV					No	No
WI	Yes						3 of 5 yrs ³⁴			No	No

Endnotes for Admission Requirements in each of the 50 States and the District of Columbia
for Graduates of non-ABA law schools located outside of the United States

1. Alabama permits graduates of foreign law schools to sit for the bar if they have satisfactorily completed a law-degree program outside of the United States that was approved in the foreign jurisdiction, or the applicant has been admitted in the jurisdiction where the university is located; and 1) the law-degree program included a substantial component of the study of English common law; 2) the applicant has completed at least 24 hours of legal studies in bar subjects at an ABA-approved law school OR 3) the applicant has been admitted in another U.S. jurisdiction and has been continuously engaged in the active practice of law for 3 years. Rule IV(B)(2)(d) of the Rules Governing Admission to the Alabama State Bar.
2. The Comprehensive Guide to Bar Admission Requirements 2010 indicates that a determination of educational equivalency is performed. The Rules Governing Admission to the Alabama State Bar do not address the educational equivalency determination. According to the staff at the Alabama State Bar, under Rule V, the Committee on Character and Fitness, is “charged with the power, duty, and responsibility of determining the age, the character and fitness and the educational qualifications of each applicant for admission to the Bar of Alabama” and the Committee does the evaluation.
3. The staff at the Alabama State Bar stated that every applicant is reviewed on a case-by-case basis.
4. Alaska allows graduates of foreign law schools to sit for the bar if they attended a school where the principles of English common-law are taught and they submit proof that 1) the foreign law school meets ABA standards, 2) the applicant has either a) successfully completed one year at an ABA-accredited law school, including evidence of successful completion of not less than 1 course in Constitutional Law and 1 course in Civil Procedure OR b) is a member in good standing in another state and was admitted to that state after taking the bar examination; and 3) meets the other requirements of the Rules. Rule 2, section 3(c) of the 2009-2010 Alaska Bar Rules.
5. A graduate with a first degree in law from a foreign school may qualify to take the general examination after successful completion of 1 year of legal study at an ABA approved or California accredited school in areas of law prescribed by the committee. Title 4, Division 1, Chapter 3, Rule 4.30 of the California Rules of the State Bar.
6. Colorado permits applicants who received a first professional law degree from a law school in a common law, English-speaking nation other than the United States, who is a member of the bar where the degree was received, and who has engaged in the active practice for law for 5 of the preceding 7 years. Rule 201.5 (2)(a) of the State of Colorado Supreme Court Board of Law Examiners Rules Governing Admission to the Bar of the State of Colorado.

7. All applicants who graduated from a law school not approved by the ABA, including foreign applicants, shall be permitted to sit for the bar examination only after successfully completing 26 semester hours of course work in subjects covered on the bar at an ABA-accredited law school. D.C. App. Rule 46.
8. An applicant who has not attended an accredited law school, but who has been licensed for 5 of the preceding 6 years in any U.S. jurisdiction is eligible. A foreign educated applicant is also eligible if the applicant is admitted in a foreign country where English common law is the basis of jurisprudence and the applicant has actively practiced in that country for 5 of the preceding 6 years. Rules of the Supreme Court of the State of Hawai'i (RSCH) Rule 1.3(b).
9. Applicants may sit for the bar in Illinois if the Board determines that the quality of the preliminary, college and legal education is acceptable for admission to the bar in Illinois, the applicant is licensed in the foreign country the law degree was conferred or in another U.S. jurisdiction, and the applicant has actively and continuously practiced law for five of the seven years immediately prior to making the application. Rule 715, of Article VII. Illinois Rules on Admission and Discipline of Attorneys, Part A. Admission to the Bar.
10. Applicants who attended law school in a foreign country may provide evidence that the legal education was substantially equivalent to the legal education provided by an approved law school located in Kentucky. The applicant bears the cost of the evaluation, and the application is not processed until the legal education is approved by the Board of Bar Examiners. SCR 2.014 (3) of the Kentucky Bar Association Rules of the Supreme Court of Kentucky.
11. An applicant who has graduated from a law school that is located outside of the United States must submit an application for educational equivalency determination to the Louisiana Bar Examination Committee by December 1 for the July bar exam, and by August 1, for the February bar exam. Rule XVII, Section 6(A) of the Louisiana Supreme Court Committee on Bar Admissions. The applicant has the burden to show that the legal education is equivalent to that obtained at an ABA accredited law school. Louisiana requires applicants who graduated from foreign law schools to pay for an education evaluation by the Board. Rule XVII, Section 6(B). Effective January 1, 2009, applicants must complete a minimum of 14 semester hours of credit in subjects in American law in categories defined by the Louisiana Rules. Rule XVII, Section 6.
12. In Maine, a graduate from a foreign law school must have a legal education that is equivalent to that provided by law schools accredited by the ABA AND the applicant must have been admitted to practice in that country or by examination in a U.S. jurisdiction and been in active practice in a jurisdiction where licensed for at least 3 years. Rule 10(c)(4) of the Maine Bar Admission Rules.
13. The Board in Maryland may waive the requirement that an applicant attend an ABA-accredited law school if the applicant has passed the bar and is in good standing in another state AND it is the Board's opinion that the applicant is

“qualified by reason of experience, education or both to take the bar examination.” Rule 4.2(b) Rules Governing Admission to the Bar of Maryland.

14. Foreign educated graduates from other countries may be permitted to sit for the bar examination or apply on motion upon prior determination of educational equivalency. The Board may also require additional coursework or a JD be obtained at an ABA-accredited law school. <http://www.mass.gov/bbe/foreigneducated.pdf>; Rule 3.4 of the Rules of the Supreme Judicial Court 3:01 Attorney and Rules of the Massachusetts Board of Law Examiners.
15. Attorneys admitted in a foreign country may apply to be admitted without examination if Massachusetts in the applicant’s principal residence, the applicant is admitted in the foreign country for at least 5 years prior to admission, and has engaged in the active practice of law or teaching of law for at least 5 of the last 7 years. Rule 6.2 of the Rules of the Supreme Judicial Court 3:01 Attorney and Rules of the Massachusetts Board of Law Examiners.
16. Graduates of common-law faculties in Canadian law schools which are eligible to be members of LSAC are permitted to sit for the general bar exam on the same basis as graduates of ABA-accredited law schools. <http://www.mass.gov/bbe/foreigneducated.pdf>
17. Missouri permits graduates of unaccredited law schools (domestic and foreign) to request permission to take the Missouri bar examination if the applicant provides satisfactory evidence that the applicant has been 1) licensed and engaged in the full-time practice of law in another U.S. jurisdiction for 3 of the 5 years preceding the application; or 2) is licensed in another U.S. jurisdiction and has successfully completed 24 credits at an ABA accredited law school within the 3 years immediately preceding the application. Rule 8.07(d) of the Rules Governing Admission to the Bar in Missouri. Foreign educated applicants may also request permission if they are licensed in the foreign country where the law degree was conferred, and they have either 3 of 5 years of practice experience or 24 credits at an ABA-accredited law school. Rule 8.07(e) of the Rules Governing Admission to the Bar in Missouri.
18. Applicants in Nevada must petition to have their legal education evaluated if they graduated from an institution not accredited by the ABA. The application is considered by committee. The applicant must have been in active practice for 10 of the preceding 12 years and the petitioner’s legal education “as augmented by such subsequent legal work experience” must be “functionally equivalent” to the education provided at a law school approved by the ABA. Rule 51.5 of the Supreme Court Rules adopted by the Supreme Court of Nevada.
19. New Hampshire permits foreign applicants to sit for the bar if they come from an English speaking, common-law country, have had an education substantially equivalent to an ABA school and are a member in good standing in their jurisdiction AND 1) holds a masters degree from a law school approved by the ABA OR 2) is a member in good standing in another state and was admitted by examination. Rule 42 (4)(c) of the Rules of the Supreme Court of the State of New Hampshire. Foreign applicants may apply by motion if the legal education is determined to be

- substantially equivalent and the applicant has practiced law for 5 out of the 7 years in another U.S. jurisdiction. Rule 42(10)(a) of the Rules of the Supreme Court of the State of New Hampshire.
20. New Mexico permits graduates from any law school to sit for the bar provided they have been engaged in the practice of law in another state for at least 4 of the 6 years immediately preceding their application. N.M. R. Gov. Admiss. Bar Rule 15-103(B)(2).
 21. New York permits foreign educated applicants to sit for the bar if their legal studies were done at a school accredited by an agency in that country and their studies were substantially equivalent in duration and substance to those in a US school. The education is evaluated and if it does meet durational or substantive requirements, then the applicant must take 20 semester hours of credit in an approved US law school. Rule 520.6 of the Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law.
 22. Rule 520.6 of the Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law requires that the applicant provide satisfactory proof of sufficiency of legal education.
 23. The Rules Governing Admission to Practice Law in the State of North Carolina state that every applicant must have graduated from a law school approved by the Council of the North Carolina State Bar.” Staff stated that the Council defines approved law schools as those accredited by the ABA. Staff also stated that foreign applicants who received an LL.M. from an ABA-accredited law school prior to August 1, 2005 may sit for the bar examination. Rule .0701 of the Rules Governing the Admission to Practice Law in the State of North Carolina.
 24. If the applicant’s undergraduate or legal education was not received in the United States, the applicant must submit a fee of \$150 for evaluation of the applicant’s education. The application is not processed until the legal education is approved by the Court. Rule I, Section 2(C) of Supreme Court Rules for the Government of the Bar of Ohio.
 25. Foreign educated applicants whose education is evaluated by the Board and approved may qualify for admission by motion. The applicant must be a U.S. citizen or resident alien, not have failed the Ohio bar, been in active, full-time practice in another U.S. jurisdiction for 5 years out of the last 10 years prior. Rule I, Section 9 of Supreme Court Rules for the Government of the Bar of Ohio.
 26. In Oregon, graduates of law schools in foreign jurisdictions may sit for the bar if the requirements for admission to practice are substantially the same as in Oregon, the applicant is admitted to practice in a foreign country where English common-law is the basis for jurisprudence, and the applicant’s education is determined to be substantially equivalent to a degree from an ABA-accredited law school. Rule 3.05 (3) of the Supreme Court of the State of Oregon, Rules for Admission of Attorneys.
 27. Graduates of foreign law schools are permitted to sit for the bar in Pennsylvania if they are admitted in good standing in the bar of a foreign country and they have practiced law in that country for 5 of the last 8 years. The applicant must

also complete 30 credit hours at an accredited American law school in specified subjects. Rule 205 of the Rules of the Pennsylvania Board of Law Examiners.

28. Tennessee permits applicants to take the bar examination if they have graduated from a law school recognized and approved by a competent accrediting agency in the foreign country, and the applicant can satisfy that the education was substantially equivalent to an ABA education. The applicant must also complete 27 semester hours in residence at an ABA-accredited law school. Rules 7, Article VII. Section 7.01 of the Rules of the Supreme Court of the State of Tennessee.
29. Texas permits foreign educated graduates who hold the equivalent of a J.D. degree not based on correspondence education to sit for the bar examination if they: 1) have actively practiced in the foreign nation for 5 of the 7 years preceding the application and they demonstrate that the law of the foreign nation is sufficiently comparable to Texas or they hold an L.L.M. from an approved law school OR 2) have been engaged in the practice of law for 3 of the last 5 years and show that the law in the foreign country is comparable to Texas and they applicant holds an LL.M. Rule XIII(b) of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas.
30. Utah permits foreign graduates to sit for the bar examination if they have graduated from a foreign law school in a English common law jurisdiction, have been admitted to practice law in an English common law jurisdiction, and have been engaged in the practice of law in an English common law jurisdiction for no fewer than 2 years. Rule 14-703 of the Utah Judicial Council Rules of Judicial Administration.
31. Virginia requires foreign educated applicants to also have a degree from an ABA approved law school. If the degree is not an LL.B. or J.D., the applicant must provide a certificate from the dean of an ABA approved Virginia law school stating that the combined foreign and ABA education are equivalent to a JD or LLB from an ABA school. Title 54.1 section II(2) of the Code of Virginia of 1950, as amended.
32. Applicants may sit for the bar if they have been admitted to practice law by examination, and engaged in active legal practice in a common law jurisdiction for at least 3 of the 5 years preceding the application. Rule 3(b)(iii) of the Washington State Court Rules: Admission to Practice Rules.
33. West Virginia allows foreign graduates to sit for the bar if they come from a jurisdiction based on English common-law, have completed 30 credit hours at an ABA school, and the educational requirements of the foreign jurisdiction are substantially equivalent to West Virginia. Rule 3.0(a)(4) of the Rules for Admission to the Practice of Law in West Virginia.
34. An applicant may be admitted on motion with proof of active practice in another state for 3 of the 5 preceding years. WI SCR 40.05.