

COMMONWEALTH OF MASSACHUSETTS

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At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the seventh day of November, in the year two thousand and seventeen:

present,

<u>HON. RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>HON. BARBARA A. LENK</u>	)	
	)	
	)	
<u>HON. FRANK M. GAZIANO</u>	)	Justices
	)	
	)	
<u>HON. DAVID A. LOWY</u>	)	
	)	
	)	
<u>HON. KIMBERLY S. BUDD</u>	)	
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	)	
<u>HON. ELSPETH B. CYPHER</u>	)	
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<u>HON. SCOTT L. KAFKER</u>	)	

ORDERED: That Chapter Three of the Rules of the Supreme Judicial Court is hereby amended as follows:

Rule 3:01	By deleting the current Rule 3:01 and inserting in lieu thereof the new Rule 3:01, attached hereto.
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The amendments accomplished by this order shall take effect on March 1, 2018.

ORDERED:

<u>HON. RALPH D. GANTS</u>	)	Chief Justice
	)	
<u>HON. BARBARA A. LENK</u>	)	
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<u>HON. FRANK M. GAZIANO</u>	)	Justices
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<u>HON. DAVID A. LOWY</u>	)	
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<u>HON. KIMBERLY S. BUDD</u>	)	
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<u>HON. ELSPETH B. CYPHER</u>	)	
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<u>HON. SCOTT L. KAFKER</u>	)	

# RULES OF THE SUPREME JUDICIAL COURT

## 3:01 ATTORNEYS

### Preamble

Persons desiring admission to the Massachusetts bar may petition to: (1) sit for the Uniform Bar Examination as provided in Section 1.1; (2) transfer a Uniform Bar Examination score earned in another jurisdiction as provided in Section 1.2; or (3) be admitted by motion as provided by Section 6.1 or 6.2.

### Section 1. Filing Requirements for Admission

- 1.1 *Admission by Written Uniform Bar Examination.* Persons desiring admission to the bar of the Commonwealth by written examination in Massachusetts or a concurrent written exam in another Uniform Bar Examination jurisdiction shall petition by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:
  - 1.1.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;
  - 1.1.2 Petitioner's Statement;
  - 1.1.3 Authorization Form;
  - 1.1.4 Law School Certificate;
  - 1.1.5 Multistate Professional Responsibility Examination Score Report that sets forth a passing scaled score that meets or exceeds the Massachusetts required score;
  - 1.1.6 Two (2) Letters of Recommendation for Admission; and
  - 1.1.7 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the petitioner is admitted, if applicable.
- 1.2 *Admission by Transfer of Uniform Bar Examination Score Previously Earned in Another Jurisdiction.* Persons desiring admission to the bar of the Commonwealth by transfer of a Uniform Bar Examination score previously earned in another jurisdiction shall petition by filing with the Clerk of the Supreme Judicial Court for the County of Suffolk;
  - 1.2.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any other state, district, or territory of the United States;

- 1.2.2 Petitioner's Statement;
  - 1.2.3 Authorization Form;
  - 1.2.4 Law School Certificate;
  - 1.2.5 Multistate Professional Responsibility Examination Score Report that meets or exceeds the Massachusetts required score;
  - 1.2.6 Written confirmation, issued by the National Conference of Bar Examiners, that the petitioner has submitted a request to transfer a Uniform Bar Examination transcript that sets forth a passing scaled score for Massachusetts that was achieved by an administration of the Uniform Bar Examination not more than 36 months prior to the date of filing;
  - 1.2.7 Two Letters of Recommendation for Admission; and
  - 1.2.8 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the petitioner is admitted, if applicable.
- 1.3 *Admission by Motion.* Persons desiring admission to the bar of the Commonwealth by motion, pursuant to Rule 3:01, Section 6.1 or 6.2, shall petition by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:
- 1.3.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;
  - 1.3.2 Petitioner's Statement;
  - 1.3.3 Multistate Professional Responsibility Examination Score Report that meets or exceeds the Massachusetts required score;
  - 1.3.4 *(section deleted)*
  - 1.3.5 For admission by motion pursuant to Section 6.1, three (3) letters of Recommendation for Admission from members of the bar of the Commonwealth or of the bar of the state, district or territory of the United States where the petitioner is admitted or last practiced. At least one letter must be from a member of the bar of the state, district or territory of the United States where the petitioner is admitted;
  - 1.3.6 For admission by motion pursuant to Section 6.2, three (3) letters of Recommendation for Admission from members of the bar of the Commonwealth or of the bar of the province or territory of Canada where the petitioner is

admitted or last practiced. At least one letter must be from a member of the bar of the province or territory of Canada where the petitioner is admitted;

- 1.3.7 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory, province or foreign country to which the petitioner is admitted;
  - 1.3.8 Letter from the grievance or disciplinary entity of each state, district, territory, province or foreign country to which the petitioner is admitted indicating that there are no charges pending against the petitioner;
  - 1.3.9 For admission by motion pursuant to Section 6.1, proof of active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of petition for admission by motion.
  - 1.3.10 For admission by motion pursuant to Section 6.2, proof of active practice or teaching of law in a province or territory of Canada for five out of the past seven years immediately preceding the filing of petition for admission by motion.
- 1.4 *Referral to Board of Bar Examiners.* All petitions for admission shall be referred to the Board of Bar Examiners for a report as to the character, acquirements and qualifications of the petitioner. See Rules V and VI of the Rules of the Board of Bar Examiners.

## **Section 2. Bar Examination**

- 2.1 *Time and Place.* Law examinations shall be held at least twice a year in Massachusetts. The Board of Bar Examiners shall fix the times and places of the examinations and shall give due notice thereof.

## **Section 3. Qualifications**

- 3.1 *Graduates of law schools in a state, district or territory of the United States.*
  - 3.1.1 *(section deleted)*
  - 3.1.2 *College.* Each petitioner shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board of Bar Examiners.
  - 3.1.3 *Law School.* Each petitioner shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.
- 3.2 *Graduates of Foreign Law Schools.* Graduates of law schools in foreign countries must

have a college and legal education that is, in the opinion of the Board of Bar Examiners, similar in nature and quality to that of graduates of law schools approved by the American Bar Association. Before permitting such a petitioner to petition for admission by sitting for the written law examination in Massachusetts or a concurrent written exam in another Uniform Bar Examination jurisdiction, or to petition for admission based on transfer of a Uniform Bar Examination score earned previously in another jurisdiction, the Board of Bar Examiners in its discretion may, as a condition to such permission, require such petitioners to take such further legal studies as the Board of Bar Examiners may designate at a law school approved by the American Bar Association.

- 3.3 *Massachusetts Law Component Requirement.* Each petitioner shall have successfully completed the Massachusetts Law Component Examination.

#### **Section 4. Public Notice**

- 4.1 *Notice and Publication.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of a petitioner for admission, the Board of Bar Examiners shall publish the names of those petitioners who passed the written law examination in Massachusetts or a concurrent written exam in another Uniform Bar Examination jurisdiction, or transferred a qualifying Uniform Bar Examination score earned previously in another jurisdiction (under Rule 3:01, § 3) and who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

The Board of Bar Examiners shall publish the names on the websites of the Massachusetts Judicial Branch and the Board of Bar Examiners. The names shall remain published for no fewer than seven business days from a date fixed by the Board of Bar Examiners, in consultation with the Office of the Clerk of the Supreme Judicial Court for the County of Suffolk.

- 4.2 *Report to the Court.* Not sooner than ten days after the date fixed for publication by the Board of Bar Examiners, the Board of Bar Examiners may report to the Supreme Judicial Court the names of those petitioners then found qualified for admission under § 3.

#### **Section 5. Disposition of Petitions for Admission**

- 5.1 *Qualified Petitioners.* The petitions for admission of those who pass the written law examination in Massachusetts or a concurrent written exam in another Uniform Bar Examination jurisdiction, or transfer a passing Uniform Bar Examination score earned previously in another jurisdiction and who are found by the Board of Bar Examiners to be of good moral character and of sufficient acquirements and qualifications may be allowed and the petitioners may be admitted either (a) in open court upon subscription to the attorney's oaths, at such times and places as the Supreme Judicial Court shall appoint, or (b) by mail in accordance with procedures established by the Supreme Judicial Court and administered by the Clerk of the Supreme Judicial Court for the County of Suffolk.

- 5.2 *Admissions of Qualified Petitioners within a Limited Time.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified petitioner for admission may be sworn and enrolled as an attorney within one year of the report to the Court (Rule 3:01, subsection 4.2) concerning the petitioner, and, if not so sworn and enrolled, the petitioner may thereafter be sworn and enrolled only if he or she satisfies the Board of Bar Examiners as to his or her current legal knowledge, qualifications, and good moral character.
- 5.3 *Non-Qualified Petitioners.* The petitions of those found not qualified shall be dismissed at the expiration of sixty days from the Board of Bar Examiners' report of non-qualification, unless within that period the Chief Justice of the Supreme Judicial Court, on application of the petitioner, shall order a hearing on the matter.

### **Section 6. Admission by Motion**

- 6.1 *Persons admitted to practice in the United States.* A person who has been admitted as an attorney of the highest judicial court of any state, district or territory of the United States may petition to the Supreme Judicial Court for admission by motion as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the petitioner from taking the written law examination or transferring a qualifying Uniform Bar Examination score earned previously in another jurisdiction on the petitioner's compliance with the following conditions:
- 6.1.1 The petitioner shall have been admitted in another state, district or territory of the United States for at least five years prior to petitioning for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of the petition for admission by motion.
- 6.1.2 The petitioner shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.
- 6.1.3 *(section deleted)*
- 6.1.4 *Graduates of law schools in a state, district or territory of the United States.* The petitioner shall have completed work for a bachelor's degree at a college or university, or its equivalent, and graduated from a law school which at the time of graduation was approved by the American Bar Association or was authorized by a state statute to grant the degree of bachelor of laws or juris doctor.

*Graduates of Foreign Law Schools.* Graduates of law schools in foreign countries must have a college and legal education that is, in the opinion of the Board of Bar Examiners, similar in nature and quality to that of graduates of law schools approved by the American Bar Association.

- 6.1.5 The petitioner shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed that examination in another jurisdiction.
- 6.1.6 *Massachusetts Law Component Requirement.* Each petitioner shall have successfully completed the Massachusetts Law Component Examination.
- 6.2 *Graduates of Canadian law schools who are admitted to practice in Canada.* A person who has graduated from a law school in Canada, and who has been admitted as an attorney in the Law Society of any Canadian province or territory, may petition to the Supreme Judicial Court to be admitted by motion as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the petitioner from taking the written law examination or transferring a qualifying Uniform Bar Examination score earned previously in another jurisdiction on the petitioner's compliance with the following conditions:
- 6.2.1 The petitioner shall have completed a college and legal education that is, in the opinion of the Board of Bar Examiners, similar in nature and quality to that of graduates of law schools approved by the American Bar Association.
- 6.2.2 The petitioner shall have been admitted in a Canadian province or territory for at least five years prior to petitioning for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law in such province or territory for five out of the seven years immediately preceding the filing of the petition for admission by motion.
- 6.2.3 The petitioner shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.
- 6.2.4 The petitioner shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed the examination in another jurisdiction.
- 6.2.5 The petitioner shall have successfully completed the Massachusetts Law Component Examination.
- 6.3 *Massachusetts Law Component Requirement.* All persons desiring admission to the bar are required to certify their successful completion of the Massachusetts Law Component Examination to the Board of Bar Examiners.
- 6.4 *Notice and Publication for Admission under Section 6.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of petitioners for admission, the Board of Bar Examiners shall publish the names of petitioners who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

The list of names shall be published on the web sites of the Massachusetts Judicial



Branch and the Board of Bar Examiners and shall remain posted for at least seven business days from a date fixed by the Board of Bar Examiners.

- 6.5 *Report to the Court.* Not sooner than ten days after the date fixed for publication by the Board of Bar Examiners, the Board of Bar Examiners may report to the Supreme Judicial Court the names of those petitioners then found qualified for admission under § 6.
- 6.6 *Time Limitation for Enrollment.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified petitioner may be sworn and enrolled as an attorney within one year of the report to the Court. Failure to be so sworn and enrolled will result in dismissal of the petition.

### **Section 7. Bar Examiners' Rules**

- 7.1 The Board of Bar Examiners may, subject to the approval of the Supreme Judicial Court, make rules consistent with these rules.

### **Section 8. Subpoenas**

- 8.1 Any member of the Board of Bar Examiners may summon witnesses to appear before the Board of Bar Examiners.

### **Section 9. Immunity.**

- 9.1 The Board of Bar Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.
- 9.2 Records, statements of opinion and other information regarding a petitioner for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the Board of Bar Examiners, or to its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.