

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

Board of Bar Examiners

2. Date Rules Submitted for Approval:

April 26, 2010

3. Date Approved and Promulgated by the Supreme Judicial Court:

June 10, 2010

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Amendment to Board of Bar Examiners Rules (New Rule VI, Foreign Law School Graduates - Requirements for Examination and Admission on Motion, attached)

Effective date - July 1, 2010

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)

Board of Bar Examiners Rule VI

VI.1 Foreign law school graduates - Requirements for Examination and Admission on Motion:

Graduates of law schools in foreign countries may be permitted to sit for the general bar examination and apply for admission on motion upon obtaining a prior determination of their education sufficiency from the Board of Bar Examiners. (See VI.7. below for a special rule on Canadian law schools)

VI.2 Request for Advanced Determination on Education:

Except for those qualified by VI.7, at least four months prior to making application all foreign educated attorneys who wish to obtain a determination of their eligibility to apply for admission either by exam or admission on motion in Massachusetts must submit a cover letter that describes the action sought from the Board, the reason for the request, and the following documentation:

Documentation Required:

In order for the Board to determine sufficiency, each foreign educated attorney shall supply the Board with the following documents written in or translated into English:

1. Official Transcripts: An official transcript from every college, university and law school (foreign or American) attended; this must include the courses taken, the grade for each course, the degree and date awarded, and the dates of attendance;
2. Diploma: Copies of all diplomas or degree certificates;
3. Course Descriptions: Descriptions of all courses, if not included in the transcripts, along with the method of study, i.e. classroom or long distance learning, etc.;
4. Certificate(s) of Admission: An official Certificate of Admission and Certificate of Good Standing from each jurisdiction to which the attorney is admitted; and
5. Resume: A resume detailing work history.

This documentation will not be returned to the applicant.

VI.3 Determination of Educational Sufficiency:

VI.3.1 In General. In making a determination of educational sufficiency, the Board of Bar Examiners takes into consideration the following:

The jurisprudence in the country of the foreign law school

The course of study that was completed at the foreign law school as compared to that offered in a law school approved by the American Bar Association (ABA)

The attorney's pre-legal education as compared to that offered in a US high school and college or university

The attorney's license to practice law in either a foreign or American jurisdiction

The length and nature of prior legal practice or teaching, if any

The applicant's familiarity with the American constitutional, common-law and statutory legal systems

The applicant's successful completion of additional legal studies.

VI.3.2 Safe Harbor. A graduate of a foreign law school who meets the standards set forth below will be deemed to have satisfied the educational sufficiency requirement of Rule VI.1 above, and will not be required to take further legal studies. For purposes of this section VI.3.2, "foreign law school" does not include an institution whose program of study consists primarily of distance study, correspondence study or an on-line program.

i). Standards for graduates of law schools in countries with common-law tradition:

1. The applicant is admitted to the practice of law in a foreign country;
2. The applicant is in good standing at the bar in all jurisdictions where he or she is admitted; and
3. The applicant has successfully completed fifteen credit hours of courses in the categories listed below in Section VI.3.2.iii at a law school that is ABA accredited or authorized by a Massachusetts statute to grant the degree of bachelor of laws or juris doctor. The required credit hours must include a course in basic constitutional law and a course in professional responsibility. Distance study, correspondence study and on-line programs are not acceptable.

ii). Standards for graduates of law schools in countries with civil-law tradition:

1. The applicant is admitted to the practice of law in a foreign country;
2. The applicant is in good standing at the bar in all jurisdictions where he or she is admitted; and
3. The applicant has successfully completed an LLM program of at least twenty four credit hours at a law school that is ABA accredited or authorized by a Massachusetts statute to grant the degree of LLM, which program includes a course in basic constitutional law, a course in professional responsibility, and a minimum of one course from at least three of the **other** categories listed below in Section VI.3.2.iii. Distance study, correspondence study and on-line programs are not acceptable.

iii. List of categories for additional courses :

The categories listed below represent a consolidation of the subjects tested on the bar examination. They encompass a range of courses falling within the category.

1. Business Organization: to include bar exam subjects Agency, Business Organizations
2. Commercial Law: to include bar exam subjects Contracts and Uniform Commercial Code (articles 1-9)
3. Constitutional Law
4. Criminal Justice: to include bar exam subject Criminal Law
5. Property and Estate Planning: to include bar exam subjects Descent and Distribution of Estates, Real Property, Trusts and Wills
6. Domestic Relations
7. Procedural Law: to include bar exam subjects Evidence (including Federal Rules), Federal Jurisdiction, Federal Rules of Civil Procedure, and Massachusetts Rules of Civil Procedure
8. Professional Responsibility
9. Torts and Unfair or Deceptive Practices (G.L. c. 93A): to include bar exam subjects Torts and Unfair or Deceptive Practices (G.L.c. 93A)

VI.4 Method of Evaluation:

Each file is reviewed individually on its own merits. Upon completion of its review, the Board issues a determination that the foreign educated attorney a) must take further legal studies as the Board may designate at a law school accredited by the ABA or authorized by a Massachusetts statute to grant the degree of bachelor of laws or juris doctor; or b) is eligible to apply to sit for the bar examination; or c) is eligible to apply for admission on motion provided all other requirements are met.

VI.5 Burden of Proof:

The applicant has the burden to demonstrate that he or she has obtained an education similar in nature and quality to that of a graduate of a law school accredited by the American Bar Association.

VI.6 Appeals:

Applicants who are dissatisfied with the Board's determination concerning their application may write a letter to the Board requesting a reconsideration of its decision.

Information regarding the process of appeal to the Supreme Judicial Court may be obtained by contacting an assistant clerk in the Clerk's Office of the Supreme Judicial Court for Suffolk County.

VI.7 Canadian Law Schools:

Graduates of common law studies at Canadian law schools that are members of the Law School Admissions Council shall be permitted to sit for the general bar examination or apply for admission on motion on the same basis as graduates of law schools approved by the American Bar Association. A list of such law schools appears below:

Dalhousie University
McGill University
Queen's University
University of Alberta
University of British Columbia
University of Calgary
University of Manitoba
University of New Brunswick

University of Ottawa
University of Saskatchewan
University of Toronto
University of Victoria
University of Western Ontario
University of Windsor Faculty of Law
York University- Osgoode Hall Law School

The following are Supreme Judicial Court decisions concerning foreign education equivalency:

Wei Jia v. Board of Bar Examiners, 427 Mass. 777 (1998)

Osakwe v. Board of Bar Examiners, 448 Mass. 85 (2006)

Yakah v. Board of Bar Examiners, 448 Mass. 740 (2006)