



# The State Bar of California

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## **OPEN SESSION**

### **AGENDA ITEM III.A.**

**JUNE 2024**

### **COMMITTEE OF BAR EXAMINERS**

**DATE:** June 21, 2024

**TO:** Members, Committee of Bar Examiners

**FROM:** Christina Doell, Program Manager, Eligibility and Testing Accommodations

**SUBJECT:** Action on Proposed Revisions to the Guidelines for Foreign-Educated General Applicants with a First Degree in Law

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## **EXECUTIVE SUMMARY**

In June 2013, the Committee of Bar Examiners (CBE) approved the Guidelines for Foreign-Educated General Applicants with a First Degree in Law (Guidelines), also known as the Guidelines for Implementation of Chapter 2, Rule 4.30. Since then, the CBE has revised the Guidelines several times to clarify the requirements or remove outdated ones.

Presently, staff recommends that the Guidelines should be further revised, primarily to remove an obsolete requirement for applicants with a first degree in law who also obtain a Master of Laws degree (LLM) from a law school approved by the American Bar Association (ABA) or accredited by the CBE. In staff's experience, the existing requirement serves as a barrier for applicants to be eligible to sit for the California Bar Exam (CBX). Specifically, staff recommends that the Guidelines be revised to remove the requirement that the LLM course of study contains 12-semester units with a minimum of one course in four separate [bar exam-tested subjects](#) for those who obtain an LLM degree.

Changes also include the addition of CBE's previously-approved revisions to the requirements for foreign-educated applications, which were recommended as changes to rule 4.30(A)(2) of the Rules of the State Bar, for those applicants with a first degree in law who complete the additional year of legal education but do not obtain an LLM.

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## **BACKGROUND**

The Office of Admissions is continuing its review of all rules, guidelines, and practices. The goals

of this review include ensuring clarity for applicants and consistent application of the guidelines and policies by staff, providing new tools for applicants to understand and meet their obligations, updating obsolete or outdated practices, and ensuring that all rules, guidelines, and practices are necessary and appropriate for public protection, and do not impose an unnecessary barrier to admission. As such, staff is bringing proposed revisions to the Guidelines for the CBE's consideration.

The Guidelines currently state:

A general applicant who has a first degree in law from a law school located in a foreign state or country must:

- A. Obtain from a credential evaluation service approved by the Committee of Bar Examiners (CBE), a certificate that the applicant's first degree in law is substantially equivalent to a Juris Doctor degree (JD) awarded by a law school approved by the American Bar Association (ABA) or accredited by the CBE; or
- B. Obtain from a credential evaluation service approved by the CBE, a certificate that the applicant's first degree in law meets the educational requirements for admission to practice law in the foreign state or country in which it was obtained.

Applicants must submit these certificates to the State Bar Office of Admissions. They must also submit a certificate from a law school approved by the ABA or accredited by the CBE certifying that the applicant has either:

- A. Been awarded a Master of Law degree (LLM) based on a minimum of 20 semester or equivalent units of legal education. That education shall include no fewer than a total of 12 semesters or equivalent units with a minimum of one course in four separate subjects tested on the California Bar Examination. One of the four courses must be Professional Responsibility that covers the ABA Model Rules of Professional Conduct, and leading federal and state case law on the subject; or
- B. Successfully completed 20 semester or equivalent units of legal education, in a LLM program. That education shall include no fewer than a total of 12 semesters or equivalent units with a minimum of one course in four separate subjects tested on the California Bar Examination. One of the four courses must be Professional Responsibility that covers the ABA Model Rules of Professional Conduct and leading federal and state case law on the subject.
- C. Prior to June 18, 2021, the guidelines required that foreign-educated applicants complete a Professional Responsibility course that included

California-specific Professional Conduct Rules in addition to the ABA Model Rules. That requirement was removed in June 2021. Professional Responsibility courses taken prior to June 18, 2021, which did not meet the prior standard but do meet the above standards, may be used to satisfy the above requirements.

1. All course work for the degree and for the legal education required by the guidelines must be graded using the standards the law school uses in grading course work of students in its JD degree program. An applicant must receive a passing grade in all courses.
2. The degree or the course work required by the guidelines must be awarded or completed, as applicable, within three calendar years of the date the applicant began qualifying study at a law school, whether or not the LLM degree is awarded by or the course work is completed at that law school. An applicant begins study on the first day of their first semester or term of qualifying study.

In October 2013 ([Item O-403](#)), the CBE approved revisions to the Guidelines in which paragraph C was added as an alternative credential evaluation option. It stated:

Obtain from the Law School Admission Council's Credential Assembly Service International Credential Evaluation for LLM applicants affirmation that the applicant's first degree in law is substantially equivalent to a Juris Doctor degree awarded by a law school approved by the American Bar Association or accredited by the Committee or that the applicant's first degree in law meets the educational requirements for admission to practice law in the foreign state or country in which it was obtained.

Unfortunately, the Guidelines were not updated following the CBE's decision. Attachment A reflects the Guidelines with staff's proposed revisions and the addition above, which was previously approved by the CBE.

In October 2023 ([Item IV.B.](#)), the CBE approved recommending to the Board of Trustees that the proposed changes to the Rules of the State Bar related to eligibility (eligibility rules) be circulated for a 60-date comment period. The revisions included changes to rule 4.30(A)(2) of the Rules of the State Bar, directly related to the Guidelines. Since the eligibility rules revisions proposal is on hold, those changes regarding applicants who do not obtain an LLM have been folded into the Guidelines.

## **DISCUSSION**

### **LLM DEGREE**

Staff believes that the requirement for an applicant's LLM course of study to include "no fewer

than a total of 12 semesters or equivalent units with a minimum of one course in four separate subjects tested on the California Bar Examination” for an applicant who has a first degree in law and obtained an LLM from an ABA-approved or CBE-accredited law school is overly burdensome and an outdated barrier to admission. Staff believes the applicant’s prior legal education, supplemented by their legal education that was sufficient to obtain an LLM at one of these highly regulated law schools, should be adequate to sit for the CBX.

For the past five years, 281 applicants who became eligible to sit for the CBX under rule 4.30 of the Rules of the State Bar, and intended to obtain an LLM degree, attended an out-of-state ABA-accredited law school. The current course requirement for the Guidelines makes it difficult for applicants attending an out-of-state ABA-accredited law school to determine whether these courses cover one of the 13 bar exam-tested subjects.

Similarly, staff find it difficult to determine whether certain courses meet these requirements after reviewing the course name and syllabus. Instead, staff recommends that this course requirement be listed as a suggestion for the applicant. However, the requirement to complete a course in Professional Responsibility should remain in the interest of public protection.

Therefore, the suggested revisions state:

- A. Been awarded a Master of Law degree (LLM) based on a minimum of 20 semester or equivalent units of legal education. One course must be on professional responsibility that covers the ABA Model Rules of Professional Conduct, and leading federal and state case law on professional responsibility. It is suggested, but not required, that the legal education in the LLM program include at least 12 semesters or equivalent units comprised of three separate courses on subject matters tested on the California Bar Examination; or

## **20 UNITS IN AN LLM OR JD PROGRAM**

Staff recommends maintaining the bar-tested course requirement for applicants with a first degree in law who do not obtain an LLM degree, as they did not complete the law school’s requirements to obtain an LLM. Additionally, the number of applicants who fall into this category is significantly lower than those who obtain an LLM.

To align with the previously proposed changes to rule 4.30(A)(2) of the Rules of the State Bar, which are temporarily on hold, staff recommends updating the Guidelines now to include the language from the proposed revised rule that would allow an applicant to sit for the CBX if they complete the 20-semester units of legal education in an LLM degree-granting or non-degree program, or a non-degree granting JD program from a law school approved by the ABA or accredited by the CBE. Staff further recommends incorporating the language from proposed revised rule 4.30(A)(2)(B) of the Rules of the State Bar into the Guidelines in a new paragraph which states:

- C. The degree or the course work must be awarded or completed, as applicable, within 36 consecutive months of the date the applicant began qualifying study at a law school, whether or not the LLM degree is awarded or the course work is completed at that law school. For purposes of these guidelines, an applicant begins study on the first day of their first semester or term of qualifying study.

Accordingly, staff will review the applicant's legal education in an LLM degree-granting or non-degree program or a non-degree granting JD program to ensure that it includes the requisite number of units and courses. Currently, the Office of Admissions is creating CBX content maps. Once these content maps have been created, they will be made available to the public. The content maps will aid applicants and out-of-state ABA-accredited law schools in determining whether a course is in a bar exam-tested subject.

## **OTHER CHANGES**

Lastly, staff also drafted an introduction section for the Guidelines and made other typographical changes to the existing text for consistency within the document and to mirror current practice. One such change includes updating paragraphs A and B regarding credential evaluation services "approved by the Committee of Bar Examiners" to "approved by the "State Bar" to reflect current practice and allow staff to evaluate the existing agencies and approve new ones, as needed.

## **FISCAL/PERSONNEL IMPACT**

Staff anticipates that the proposed revisions to the Guidelines will positively impact staff resources by streamlining the evaluation of the US LLM transcripts for applicants with a first degree in law who obtained an LLM.

## **RECOMMENDATIONS**

It is recommended that the Committee of Bar Examiners approve and adopt the revisions to the Guidelines for Foreign-Educated General Applicants with a First Degree in Law, as set forth in Attachments A and B, with an effective date of March 1, 2024.

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

**MOVE**, that the Committee of Bar Examiners approve and adopt the revisions to the Guidelines for Foreign-Educated General Applicants with a First Degree in Law, as set forth in Attachments A and B, with an effective date of March 1, 2024.

## **ATTACHMENTS LIST**

- A. Guidelines for Foreign-Educated General Applicants with a First Degree in Law (redline)
- B. Guidelines for Foreign-Educated General Applicants with a First Degree in Law (clean)



## GUIDELINES FOR FOREIGN-EDUCATED GENERAL APPLICANTS WITH A FIRST DEGREE IN LAW

### INTRODUCTION

Pursuant to rule 4.30(A) of the Rules of the State Bar (Admissions Rules), an applicant who has:

a first degree in law, acceptable to the Committee, from a law school in the foreign state or country and have completed a year of legal education at an American Bar Association Approved Law School or a California accredited law school in areas of law prescribed by the Committee.

These guidelines<sup>1</sup> delineate the requirements for the additional year of legal education, pursuant to rule 4.30(A) of the Admissions Rules, in a US Master of Laws (LLM) program.

### GUIDELINES

A general applicant who has a first degree in law from a law school located in a foreign state or country must:

- A. Obtain from a credential evaluation service approved by the State Bar Committee of Bar Examiners (CBE), a certificate that the applicant's first degree in law is substantially equivalent to a Juris Doctor degree (JD) awarded by a law school approved by the American Bar Association (ABA) or accredited by the Committee of Bar Examiners (CBE); or
- B. Obtain from a credential evaluation service approved by the State Bar CBE, a certificate that the applicant's first degree in law meets the educational requirements for admission to practice law in the foreign state or country in which it was obtained.
- C. Obtain from the Law School Admission Council's Credential Assembly Service International Credential Evaluation for LLM applicants, affirmation that the applicant's first degree in law is substantially equivalent to a JD awarded by a law school approved by the ABA or accredited by the CBE or that the applicant's first degree in law meets the educational requirements for admission to practice law in the foreign state or country in which it was obtained.

<sup>1</sup> Formerly known as the Guidelines for Implementation of Chapter 2, Rule 4.30; initially approved by the CBE in 2013.

The Applicants must submit the above ~~these~~ certificates to the ~~State Bar's~~ Office of Admissions.

The applicant must complete the required additional year of legal education at a law school approved by the ABA or accredited by the CBE in accordance with the requirements below. The applicant's law school must also submit a certificate the applicant's transcript(s) to the Office of Admissions from a law school approved by the ABA or accredited by the CBE and certifying that the applicant has met the requirements below:

- A. Been awarded a US Master of Law degree (LLM) based on a minimum of 20 semester or equivalent units of legal education. ~~That education shall include no fewer than a total of 12 semesters or equivalent units with a minimum of one course in four separate subjects tested on the California Bar Examination. One of the four courses~~ must be on Professional Responsibility that covers the ABA Model Rules of Professional Conduct, and leading federal and state case law on ~~professional responsibility the subject~~. It is suggested, but not required, that the legal education in the LLM program include at least 12 semester or equivalent units comprised of three separate courses on subject matters tested on the California Bar Examination; or
- B. Successfully completed a minimum of 20 semester or equivalent units of legal education in an LLM degree-granting or non-degree granting program, or a non-degree granting JD program from a law school approved by the ABA or accredited by the CBE. The 20 semester units must ~~That education shall include at least no fewer than a total of 12 semester~~ s of or equivalent units ~~comprised of three with a minimum of one course in four~~ separate courses on subjects matters tested on the California Bar Examination and ~~One of the four courses on must be Professional Responsibility that covers the ABA Model Rules of Professional Conduct, and leading federal and state case law on professional responsibility the subject.~~
- C. The degree or the course work must be awarded or completed, as applicable, within 36 consecutive months of the date the applicant began qualifying study at a law school, whether or not the LLM degree is awarded or the course work is completed at that law school. For purposes of these guidelines, an applicant begins study on the first day of their first semester or term of qualifying study.
- D. Prior to June 18, 2021, the guidelines required that foreign-educated applicants complete a Professional Responsibility course that included California-specific Professional Conduct Rules in addition to the ABA Model Rules. That requirement was removed in June 2021. Professional Responsibility courses taken prior to June 18, 2021, which did not meet the prior standard but do meet the above standards, may be used to satisfy the above requirements.

- 1. All course work for the degree and for the legal education required by the

guidelines must be graded using the standards the law school uses in grading course work of students in its JD ~~degree~~ program. An applicant must receive a passing grade in all courses.

2. The degree or the course work required by the guidelines must be awarded or completed, as applicable, within three calendar years of the date the applicant began qualifying study at a law school, whether or not the LLM degree is awarded by or the course work is completed at that law school. An applicant begins study on the first day of their first semester or term of qualifying study.





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The applicant must submit the above certificate to the Office of Admissions.

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- B. Successfully completed a minimum of 20 semester or equivalent units of legal education in an LLM degree-granting or non-degree granting program, or a non-degree granting JD program from a law school approved by the ABA or accredited by the CBE. The 20 semester units must include at least 12 semester or equivalent units comprised of three separate courses on subject matters tested on the California Bar Examination and one course on professional responsibility that covers the ABA Model Rules of Professional Conduct, and leading federal and state case law on professional responsibility.
- C. The degree or the course work must be awarded or completed, as applicable, within 36 consecutive months of the date the applicant began qualifying study at a law school, whether or not the LLM degree is awarded or the course work is completed at that law school. For purposes of these guidelines, an applicant begins study on the first day of their first semester or term of qualifying study.
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