



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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JACQUELYNN B. ROTHSTEIN  
DIRECTOR

February 8, 2012

Ms. Julie Anne Rich  
Supreme Court Commissioner  
Office of Court Commissioners  
110 E. Main Street  
Suite 440  
Madison, WI 53703

**RECEIVED**

FEB 08 2012

CLERK OF SUPREME COURT  
OF WISCONSIN

Dear Commissioner Rich:

Thank you for your recent letter concerning Rule Petition 11-08 which relates to the legal competency requirements of graduates of law schools in other nations and the related fees. In it there were several issues raised by the court. A response to each of those issues follows below.

To begin, the court asked how the BBE will evaluate the character and fitness of applicants from foreign law schools. The BBE will evaluate the character and fitness of applicants from foreign law schools in the same manner in which it evaluates the character and fitness of "domestic" applicants. Current practice requires that applicants to the Wisconsin bar complete an Applicant Questionnaire and Affidavit. Within the Applicant Questionnaire and Affidavit, applicants are asked for a variety of information including, for instance, whether they have practiced in another jurisdiction, whether they have been previously employed and if so, where such employment has been, whether they have ever been arrested or convicted of a crime, etc. The responses to those questions may lead the BBE's character and fitness investigator to obtain additional information from the applicant or from other sources, which may, in turn, result in further investigatory efforts on the part of the BBE with respect to a particular applicant. That same approach would be applied to individuals who apply as graduates of law schools from other nations. Furthermore, that approach is consistent with what other American jurisdictions are presently doing to investigate foreign trained law graduates when they apply for admission.

Next, the court asked how many other states allow graduates of law schools from other nations to take their state bar exam. Unfortunately, there is not a definitive answer to that question, primarily because states do not have a uniform approach with respect to how they determine which applicants with degrees from foreign law schools may take their state bar exam. Despite those inconsistencies, there are approximately twenty-nine (29) jurisdictions within the United States that permit foreign law graduates to take their bar exams (*See* enclosed CHART 4 compiled by the National Conference of Bar Examiners from 2011).

**Board:** Daniel D. Blinka, Chairperson, Milwaukee; John Pray, Vice-Chairperson, Madison; James A. Cotter, Appleton; Charles P. Dykman, Monona; Kurt D. Dykstra, Holland, MI; Mark R. Fremgen, Oshkosh; Kimberly Haas, Mosinee; Linda Hoskins, Madison; Kenneth L. Kutz, Siren; W. Craig Olafsson, Wausau; Bonnie L. Schwid, Mequon

Letter to Commissioner J. Rich

February 8, 2012

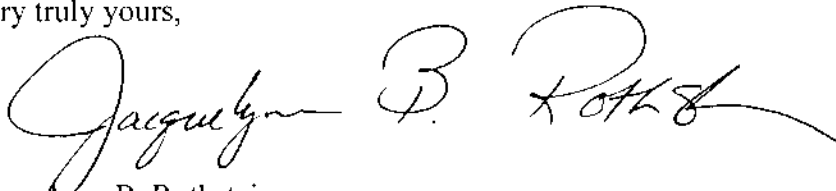
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Additionally, the court asked what would happen if the foreign law school from which the applicant graduated was not accredited per the proposal under SCR 40.055 (1). Under the existing proposal, if the foreign law school from which the applicant graduated was not accredited pursuant to SCR 40.055 (1), the applicant would not be permitted to sit for the Wisconsin bar examination.

Finally, the court asked how the term "common law" is defined. That term is also used in New York State's rule, upon which much of the Wisconsin rule is modeled. While not specifically defined, the Board envisions a broad definition so that it could be utilized for a wide range of potential applicants.

I hope the foregoing information is useful. Should you have any questions about this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, reading "Jacquelyn B. Rothstein". The signature is written in a cursive style with a large initial "J" and a long horizontal flourish at the end.

Jacquelyn B. Rothstein  
Director

Enclosure

CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates

Jurisdiction	Are graduates of foreign law schools eligible for admission?		If graduates of foreign law schools are eligible to take the bar examination under your rules, are any of the following required?					If graduates of foreign law schools are eligible for admission <i>without examination</i> under your rules, are any of the following 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?	
	Yes	No	Legal education in English common law	Additional education at an ABA-approved law school	Practice of law in home jurisdiction	Determination of educational equivalency	Admission in another U.S. jurisdiction	Admission in another U.S. jurisdiction	Determination of educational equivalency	Legal education in English common law	Yes	No	Yes	No
	Alabama	X		X	X	X	X	X				X		X
Alaska	X		X	X		X	X					X		X
Arizona		X										X		X
Arkansas		X										X		X
California	X			X	X	X	X					X	X	
Colorado	X		X		X							X		X
Connecticut		X										X		X
Delaware		X										X		X
Dist. of Columbia	X			X				X				X		X
Florida	X						X					X		X
Georgia		X										X		X
Hawaii	X		X		X							X		X
Idaho		X										X		X
Illinois	X				X	X						X		X
Indiana		X										X		X
Iowa		X										X		X
Kansas		X										X		X
Kentucky	X				X	X						X		X
Louisiana	X					X						X		X
Maine	X				X	X						X		X
Maryland		X										X		X
Massachusetts	X			X		X		X	X	X	X			X
Michigan		X										X		X
Minnesota		X										X		X
Mississippi		X										X		X
Missouri	X			X	X		X					X		X
Montana		X										X		X
Nebraska		X										X		X
Nevada	X		X		X	X						X		X
New Hampshire	X		X		X	X		X	X	X		X	X	
New Jersey		X										X		X
New Mexico	X						-X					X		X
New York	X			X		X					X		X	

# CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates (continued)

Jurisdiction	Are graduates of foreign law schools eligible for admission?		If graduates of foreign law schools are eligible to take the bar examination under your rules, are any of the following 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?		
	Yes	No	Legal education in English common law	Additional education at an ABA-approved law school	Practice of law in home jurisdiction	Determination of educational equivalency	Admission in another U.S. jurisdiction	Admission in another U.S. jurisdiction	Determination of educational equivalency	Legal education in English common law	Yes	No	Yes	No
North Carolina		X										X		X
North Dakota		X										X		X
Ohio	X			X		X		X	X			X		X
Oklahoma		X										X		X
Oregon	X		X			X		X	X	X		X		X
Pennsylvania	X			X	X							X		X
Rhode Island	X			X		X						X		X
South Carolina		X										X		X
South Dakota		X										X		X
Tennessee	X			X		X						X		X
Texas	X			X	X	X						X		X
Utah	X		X	X	X							X		X
Vermont	X		X		X	X		X	X			X		X
Virginia	X			X		X						X		X
Washington	X		X		X		X					X		X
West Virginia	X		X	X		X						X		X
Wisconsin	X							X				X		X
Wyoming		X										X		X
Guam		X										X		X
Northern Mariana Islands		X										X		X
Pitau	X					X						X	X	
Puerto Rico		X										X		X
Virgin Islands	X						X	X				X		X

See supplemental remarks

## CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates (Supplemental Remarks)

**If graduates of foreign law schools are eligible to take the bar examination under your rules, do other requirements apply?**

**Alaska** A graduate of a foreign law school in which the principles of English law are taught may be eligible to take the bar exam if he or she submits proof that 1) the law school from which he/she graduated meets the ABA's standards for approval; and 2) he/she has successfully completed 1 year at an ABA-approved law school, including successful completion of 1 course in U.S. Constitutional Law and 1 course in U.S. Civil Procedure, or is a member in good standing of the bar of 1 or more states, territories, or the District of Columbia and was admitted to the bar of that state, territory, or the District of Columbia after written examination.

**California** Foreign law school graduates must request individual evaluation to determine legal education equivalency. Graduates from foreign law schools may qualify to take the California bar exam if they obtain an LL.M. degree or complete an additional 1 year of law study at an ABA-approved or California-accredited law school which includes a certain number of credits in bar examination subject matter. Foreign-educated law students who did not graduate are not eligible to take the exam and are required to either graduate with a J.D. degree at an ABA-approved or California-accredited law school or complete 4 years of law study at a law school registered in California and pass the First-Year Law Students' Exam. Foreign law school graduates who are admitted to the active practice of law in good standing in their countries do not have to complete any additional law study to qualify to take the bar exam.

**Colorado** Must have practiced actively and substantially for 5 of the previous 7 years in jurisdiction where admitted.

**Connecticut** An applicant who otherwise does not meet the educational requirements may be eligible to sit for the exam if he/she meets certain conditions. Conditions include admission before the highest court of original jurisdiction in a U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or a U.S. District Court for 10 or more years, good standing in such jurisdiction, active practice of law in that jurisdiction for 5 of the last 7 years, and an intention to actively practice law in Connecticut and to devote a majority of his/her work to such practice.

**District of Columbia** Applicant may be permitted to take bar examination upon successful completion of 26 semester hours of study at an ABA-approved law school; semester hours must be in subjects covered in the bar examination. All such 26 semester hours shall be earned in courses of study, each of which is substantially concentrated on a single tested subject.

**Florida** After 10 years' active practice in another jurisdiction (District of Columbia or other states in the United States or in federal courts in the United States or its territories, possessions, or protectorates) in which applicant has been duly admitted, the applicant may file a representative compilation of work product for evaluation by the Board.

**Hawaii** Applicant must be admitted to practice and be in good standing before the highest court in foreign country where English common law is the basis of jurisprudence and where English is the language of instruction and practice in the courts, and must have actively practiced for 5 of the past 6 years prior to filing the application for admission by examination.

**Illinois** Graduates of foreign law schools who are licensed and in good standing in country conferring law degree or in a U.S. jurisdiction, who have actively and continuously practiced under such license(s) for 5 of the 7 preceding years, and the quality of whose legal and other education has been determined acceptable by the Board may apply to take bar exam.

**Iowa** The Supreme Court has allowed foreign law school graduates to present their academic records to one of our ABA-accredited law schools for an evaluation. The law school prepares a proposed course of study, which would render the applicant educationally qualified to take the bar examination. If the court approves the course of study and the applicant successfully completes it, the applicant can sit for the bar exam if otherwise qualified. The process is not contained in a court rule.

**Kentucky** An attorney who is a graduate of a foreign law school can apply for an education evaluation to determine if applicant's legal education is substantially equivalent to the Kentucky law school education. If the law school is approved, the applicant may sit for the bar exam if he/she has been actively and substantially engaged in the practice of law for 3 of the last 5 years.

## CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates (Supplemental Remarks, *continued*)

**Louisiana** Foreign attorneys can apply to take the bar exam but must first have an educational equivalency evaluation conducted.

**Maine** Must satisfy requirements of Regulation for Determining Equivalency of Foreign Legal Education and have practiced for 3 years in the jurisdiction where licensed.

**Maryland** A graduate of a foreign law school must first be admitted by exam in another U.S. jurisdiction to qualify to apply for a waiver to take the Maryland bar examination.

**Massachusetts** A graduate from a foreign law school (other than those Canadian law schools that are prequalified) may be permitted to sit for the bar exam after taking further legal studies designated by the Board at an ABA-approved law school or a Massachusetts-accredited law school. Foreign law school graduates must obtain a determination of their educational equivalency from the Board prior to making application.

**New Hampshire** Graduate must be legally trained in common law, and a determination of educational equivalency is required. Graduate must be a member in good standing in home jurisdiction. In addition, one of the following requirements must also be met: additional education at an ABA approved law school or admission in another U.S. jurisdiction.

**New Mexico** Applicant may take exam if he/she is licensed in another state within the United States and has practiced there 4 of 6 years prior to application.

**New York** Applicant must complete period of law study equivalent in duration and substance to that specified in New York rules in law school recognized by competent accrediting agency of the government of such foreign country. All applicants must have their transcripts evaluated by the Board of Law Examiners to determine if further study is required in the form of a 20-credit program at an approved law school in the U.S., including basic courses in American law.

**North Carolina** The eligibility of foreign trained applicants is limited to those who had an LL.M. conferred prior to August 1, 2005, the date of the pertinent rule change.

**Ohio** If an applicant's legal education was not received in the United States, the education must be evaluated and approved by the Supreme Court as equivalent

to ABA-approved law school education. For equivalency, an applicant must show successful completion of 30 credit hours at an ABA-approved law school in addition to a foreign law degree. The registration application may not be processed until the education is approved by the Supreme Court.

**Oregon** Applicant must be admitted to practice in a country where common law of England is the basis of its jurisprudence, and where requirements for admission to the bar are substantially equivalent to those of Oregon, and applicant must be a graduate of a law school determined by an Oregon equivalency panel to be equivalent to an ABA-approved law school.

**Pennsylvania** Applicant must have completed law study in a foreign law school, have been admitted and in good standing at the bar of a foreign jurisdiction, and have practiced in the jurisdiction for 5 out of the last 8 years. Applicant must also complete 30 credit hours taken in specified subjects at an ABA-approved law school.

**Rhode Island** Additional education at an ABA-approved law school may be required. Also, a foreign law school must be approved by a dean of an ABA-approved law school certifying that foreign degree is equivalent to that of an ABA-approved law school.

**Tennessee** Applicant must prove undergraduate and law school education are equivalent of that required by Tennessee rules.

**Texas** A graduate of a foreign non-correspondence law school accredited by its jurisdiction can take the exam if he/she holds a valid law license issued by that jurisdiction provided; he/she has 5 out of last 7 years of lawful practice in the foreign nation or elsewhere and either demonstrates that the law of the foreign nation or elsewhere is comparable to that of Texas or holds an LL.M. from an ABA-approved law school; or he/she has 3 out of last 5 years of lawful practice in the foreign nation or elsewhere, demonstrates that the law of the foreign nation is comparable to that of Texas, and holds an LL.M. from an ABA-approved law school. In all events, the applicant must demonstrate that he/she holds the equivalent of a J.D. If licensed by another U.S. jurisdiction, refer to Chart 3.

## CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates (Supplemental Remarks, *continued*)

**Utah** A foreign lawyer with a law degree from an English common-law jurisdiction may sit for the bar exam after practicing law for 2 years in a common-law jurisdiction and completing 24 semester hours at an ABA-approved law school.

**Vermont** Foreign law school graduates can be admitted on motion if admitted in another jurisdiction. Otherwise, if applicant has been admitted to practice before highest court of a foreign country which is a common-law jurisdiction, Board may allow credit for such study as it deems proper, and applicant must pursue the study of law in Vermont for at least 2 years immediately preceding examination under the supervision of an attorney who has practiced at least 3 years in Vermont.

**Washington** A foreign law school applicant who has been admitted to practice by examination in any jurisdiction where the common law of England is the basis of its jurisprudence and who has actively practiced law for at least 3 of the 5 years immediately preceding the filing of the application or participates in the law clerk program may qualify to take the bar exam.

**West Virginia** Applicant may sit for examination if a law school graduate from a foreign country where the common law of England forms basis of jurisprudence, if educational requirements for admission in said country are substantially the same as in West Virginia and applicant is admitted in good standing there, and if applicant successfully completes 30 credit hours of basic courses at an ABA-approved law school.

**Wisconsin** Applicants with foreign credentials are reviewed on a case-by-case basis and may qualify to take the bar exam.

**Puerto Rico** Applicant must validate his or her studies and obtain a law degree from a law school approved by the ABA and by the Supreme Court.

**Virgin Islands** Eligibility is limited to applicants who come in under special admission provisions as set forth in the rules.

**If graduates of foreign law schools are eligible for admission without examination under your rules, do other requirements also apply?**

**District of Columbia** The applicant has been a member in good standing for 5 years of a court of general jurisdiction of any U.S. state or territory.

**Massachusetts** The Board in its discretion may excuse applicants possessing degrees from law schools in foreign countries, providing they have met the following requirements: a) obtained prior Board approval of their educational sufficiency and work history, b) provided verification that they have been admitted and are in good standing in another state, district, or territory of the United States and have engaged in the practice of law for 5 out of the past 7 years before making application, c) passed the MPRE, and d) satisfied the Board as to their moral character and fitness.

**New Hampshire** Foreign law graduates are only eligible for admission without examination if they meet other requirements for reciprocal admission for lawyers licensed in other states.

**Ohio** If an applicant's legal education was not received in the United States, the education must be evaluated and approved by the Supreme Court as equivalent to ABA-approved law school education. For equivalency, an applicant must show successful completion of 30 credit hours at an ABA-approved law school in addition to a foreign law degree. The application for admission without examination may not be processed until the education is approved.

**Vermont** If the law school is approved by Court, each request is reviewed individually first by the Board.

**Wisconsin** If eligible for admission on proof of practice elsewhere, having first been admitted to a reciprocal U.S. jurisdiction.

**Does your jurisdiction recognize with regularity the sufficiency of a legal education received at any particular foreign law school?**

**Massachusetts** Canadian Law Schools: University of Alberta; University of British Columbia; University of Calgary; Dalhousie University; University of Manitoba; McGill University; University of New Brunswick; University of Ottawa; Queen's University; University of Toronto; University of Victoria; University of Western Ontario; University of Windsor; York University (Osgood Hall Law School); University of Saskatchewan.

**New York** Graduates of 3-year programs at Oxford, Cambridge, or University of London (internal program) may be admitted to the bar exam.

## CHART 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates (Supplemental Remarks, *continued*)

**If a foreign law school graduate obtains an LL.M. or other graduate law degree from an ABA-approved law school, is the graduate then eligible to take the bar examination?**

**California** Applicant must have graduated and be eligible to take the admission exam in his/her foreign country and obtain an additional year of law study in certain courses at an ABA-approved or California-accredited law school in order to qualify to take the California Bar Exam.

**Kentucky** Applicant must still submit to education evaluation but additional degree has bearing on Board decision.

**Maine** Applicant's total education must be found to be substantially equivalent.

**Massachusetts** Not automatically, but depends on content (course of study) as well as other facts.

**New Hampshire** Not automatically. Applicant must meet other requirements for foreign law school graduates.

**New York** In most cases, but there are other factors.

**Tennessee** Applicant's total education must be found to be substantially equivalent and applicant must complete 27 hours at an ABA-approved law school or one-third credits needed at a Tennessee-approved law school.

**Texas** A graduate of a foreign non-correspondence law school accredited by its jurisdiction can take the exam if he/she holds a valid law license issued by that jurisdiction provided: he/she has 5 out of last 7 years of lawful practice in the foreign nation or elsewhere and either demonstrates that the law of the foreign nation is comparable to that of Texas or holds an LL.M. from an ABA-approved law school; or he/she has 3 out of last 5 years of lawful practice in the foreign nation or elsewhere, demonstrates that the law of the foreign nation is comparable to that of Texas, and holds an LL.M. from an ABA-approved law school. In all events, the applicant must demonstrate that he/she holds the equivalent of a J.D.

**Virginia** Applicant for examination who has received a portion of legal education in a foreign law school and has received a degree from an ABA-approved law school other than an LL.B. or J.D. must furnish proof by certificate from the dean of an ABA-approved law school in Virginia that the foreign legal education together with the approved law school degree is equivalent to that required for an LL.B. or J.D. in such dean's law school.

**Palau** A graduate of a foreign law school accredited in that country is eligible with or without a graduate law degree from an ABA-approved law school.