

Minnesota Board of Law Examiners

Written Comments Regarding the Foreign Legal Education Topic

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From: [Carrie Peltier](#)
To: [BLE](#)
Subject: Proposed Admissions Rule Change
Date: Thursday, November 21, 2019 8:41:47 AM
Attachments: [image002.jpg](#)

Dear Mr. Peterson,

I am writing to contribute to the comments regarding the proposed admissions rule change regarding foreign trained lawyers. Please see my responses to the questions the committee proposed below:

1. Whether lawyers admitted and practicing in another U.S. jurisdiction should be permitted to sit for the bar in Minnesota (as is required by 10 U.S. jurisdictions).
Yes. I also think that the current rule requiring 60 months of practice is too onerous.
2. Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions). Yes.
3. Whether an educational equivalency determination should be made, and if so, how to accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions). No. If the applicant has been licensed as an attorney in the foreign country, and they pass the bar exam, that is sufficient to assure that they possess a mastery of the subject matter without getting in the weeds regarding the classes they did or did not take. Some countries combine the undergraduate degree with a law degree by having fewer electives as requirements. There is no inherent reason why law school has to be an additional three years after completing an undergraduate degree.
4. What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements). I don't think an LL.M. should be a requirement for a foreign educated attorney to sit for the bar in Minnesota. An LL.M. is one year of study focused on one particular, and typically very specific, area of the law. It isn't essential to the practice of law and is typically sought by those wanting to spend their careers in academia. Because both the subject matter and course load is tailored to the subject the student wants to pursue, it in no way shows a mastery of U.S. law as a whole.

Thank you for the opportunity to comment on the proposed rule change.

Best,

Carrie H. Peltier



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From: [Carlos Enrique Camey Marroquin](#)
To: [BLE](#)
Subject: Comments on Foreign Legal Education - Att. Douglas Peterson
Date: Thursday, November 21, 2019 3:14:58 PM

Dear Members of the Minnesota State Board of Law Examiners and Board Chair Douglas Peterson

My name is Carlos Camey, I'm a Guatemalan lawyer who holds an LLM in US Law from University of St. Thomas's School of Law and I'm currently teaching an "Introduction to Common Law" class in one of Guatemala's more prestigious Law Schools, Universidad del Istmo.

I first wanted to express my admiration to the State Bar for considering the option of broadening the requirements for law professionals to be able to sit for the bar in Minnesota. I truthfully understand that this is not only an issue that involves risk on the legal community but to the general public and so, it should be approached carefully. In every country in the world the legal profession has rules and considerations before one can practice the law and that is because it imposes a higher duty on those who exercise it; they (we) hold someone's future in our hands.

I do not want to approach every issue presented individually because I believe that all of them might be answered the same way. Also I do not want to try stretch an argument on freedom because I believe the reasons on why the Board should allow foreign educated law professionals to be able to sit for the bar in Minnesota are more logical than passional. As lawyers we are pioneers on changing the *status quo*, specifically when that *status* has stopped fulfilling its propose or when found to be protecting wrong positions. We are used to argue on why boarders and barriers should be removed for the greater use of commerce and on more deep issues like how a person should be trusted by character or capabilities other than anything else. An that is exactly what the Board would be doing.

At the end, the issue will reduce to the evaluation law professionals need to pass before they are able to sit for the Bar. That's the measurement. That evaluation has been specifically design to ensure that everyone who passes it holds the minimum legal knowledge to be able to represent someone in the way that he is expected to. Of course, before someone can even take that evaluation he needs to accredit that he (she) has the studied hours and a title that certifies that a US law school believes that he is capable of practicing the law. Don't let requirements that are to complicated to obtain to someone simply because he was't born in the US decide on who should be considered fit to practice the law; instead, trust your examination, trust your law schools and trust your system. If someone holds the degrees but is not able to pass your evaluation then he is not prepared to practice the law there.

Finally, there is the issue on the expansion of the legal systems. The world continuously seems to be moving into an integration of the law and that direction seems to be the Common Law System, your system. There is a reason why we want to go to your state (and country) and study your legal system, it simply has proven to be efficient, predictable and sometimes more reliable on expectations of a fair outcome than other systems. I should know, I teach it in a Civil Law Country where I'm also a practicing attorney. Allowing foreign legal professionals to sit for the Bar will be a step forward on preparing for that integration of the law, it will also bring more knowledge to the Minnesota legal comunity and be enriching on many other

levels.

I trust you'll review this issue with the duties imposed by the law on law professionals and vote in favor of fairness and integration.

With kind regards

Carlos Enrique Camey Marroquín, *LLM*

From: [Orbe D. Walther](#)
To: [BLE](#)
Cc: [Hudson, LuAnn](#); [Orbe Walther](#)
Subject: LL.M. Minnesota Bar Admission - Joint Letter of Support
Date: Monday, December 16, 2019 4:06:26 PM
Attachments: [Joint Letter of Support - LL.M. MN Bar Admission_12172019.pdf](#)

Good afternoon,

My name is Orbe Walther, I am Dean Garry W. Jenkins Executive Assistant.

Please see the enclosed letter from Dean Jenkins of the University of Minnesota Law School and Dean Vischer of the University of St. Thomas School of Law.

Best Regards,
Orbe D. Walther

--

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December 17, 2019

Minnesota State Board of Law Examiners
Attn: Douglas Peterson, Board Chair
180 E. 5th Street, Suite 950
St. Paul, MN 55101
Via email: ble@mbcle.state.mn.us

Ladies and Gentlemen:

On behalf of the University of Minnesota Law School and the University of St. Thomas School of Law, we write in support of an amendment to the Rules of Admission to the Bar of the State of Minnesota to permit foreign-educated graduates to apply for admission.

We support changes to permit:

- Lawyers admitted and practicing in another U.S. jurisdiction to sit for the bar in Minnesota;
- Graduates with LL.M. degrees from ABA-accredited law schools to sit for the bar in Minnesota.

At the University of Minnesota Law School, the LL.M. program was established more than 25 years ago, making it one of the longest-standing LL.M. programs in the United States. The program has educated more than 850 graduates from 84 countries. This year's LL.M. class includes 49 exceptional students who are actively engaged in both the law school and the greater legal community, including serving in our student organizations and in local bar associations.

At the University of St. Thomas School of Law, the LL.M. program was established in 2014. The program has educated more than 120 students from 17 countries. These students have also contributed meaningfully to the law school and greater legal community in meaningful ways during their time here.

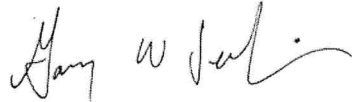
At least with respect to both of our institutions, all LL.M. graduates who would sit for the bar would already hold a law degree from a law school outside of the United States.

We believe that the state of Minnesota and its legal community would benefit from the inclusion of these foreign and U.S.-trained graduates in our profession. LL.M. students come to us with diverse experiences and global perspectives, and gain a solid foundation in U.S. law during their time studying at our respective law schools. Currently, a significant portion of LL.M. graduates chooses to take the bar exam in another state (such as New York). Although most of those students plan to return to their home countries to practice law, they may also find that a license to practice in a U.S. state solidifies their standing. Of course, if allowed to sit for the Minnesota bar,

LL.M. graduates without citizenship or permanent residency would still need visa sponsorship for employment in the U.S. in order to stay in the country. Those students, however, would have the opportunity to take the bar exam right here, where they earned their LL.M. degree and contributed to the legal community.

We are in full support of an amendment to allow these professionals to take the Minnesota bar exam.

Sincerely,



Garry W. Jenkins
Dean & William S. Pattee Professor of Law
University of Minnesota Law School



Robert K. Vischer
Dean and Mengler Chair in Law
University of St. Thomas School of Law

From: [Francisco Gonzalez](#)
To: [BLE](#)
Subject: Comments to the Minnesota Board of Law Examiners Related to Foreign Legal Education
Date: Tuesday, December 17, 2019 2:59:09 PM
Attachments: [Comments to the Minnesota Board of Law Examiners Related to Foreign Legal Education.pdf](#)

December 17, 2019

The Board of Law Examiners
Attn: Douglas Peterson, Board Chair
180 E. 5th Street, Suite 950
St. Paul, MN 55101
ble@mbcle.state.mn.us

Dear Chair Peterson:

My name is Francisco J. Gonzalez admitted to practice law in Minnesota in 2000 (#0306435) and in Kansas in 2014 (#26502) and I am submitting my comments (attached) in support of measures that facilitate the admission to practice law in Minnesota to lawyers credentialed in other domestic and foreign jurisdictions.

Thank you for taking the time to consider my comments, and please let me know if I can answer any questions you may have or provide additional information regarding this important matter.

Sincerely,

Francisco J. González
Director
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Minneapolis Public Schools
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Francisco.gonzalez@mpls.k12.mn.us

December 17, 2019

The Board of Law Examiners
Attn: Douglas Peterson, Board Chair
180 E. 5th Street, Suite 950,
St. Paul, MN 55101
ble@mbcle.state.mn.us

Dear Chair Peterson:

My name is Francisco J. Gonzalez, admitted to practice law in Minnesota in 2000 (#0306435) and in Kansas in 2014 (#26502), and I am submitting my comments in support of measures that facilitate the admission to practice law in Minnesota to lawyers credentialed in other domestic and foreign jurisdictions.

The practice of law in Minnesota will benefit from having individuals with expertise, experiences and perspectives acquired in other contexts and legal settings. The globalized nature of our economy and demographics require that our legal system provide lawyers with specific knowledge from other legal systems and cultural contexts.

Here in Minnesota I have had the good fortune to meet a former Somalia Supreme Court justice, graduate from law schools in Italy and the former Soviet Union, with decades of experience in complex litigation within a very particular cultural setting. However, this gentleman was working as a translator instead of as an attorney, with his skills largely untapped. While he graciously shared his knowledge and advice with me when I was working with Somali clients, I am sure that my clients would rather have had his direct representation and advice as their attorney.

I am also familiar with several attorneys from Puerto Rico that came to Minnesota in the last two years to rebuild their lives after the horrible damage to the island by Hurricane Maria. These are individuals who are bilingual (Spanish and English), with experience in civil and criminal law, and who are ready to serve our growing Latino population.

I believe that we have the opportunity to adapt to our changing legal landscape by opening our doors to outside legal talent, and doing so in a creative way that provide realistic paths to qualified individuals while maintaining the integrity of our profession and accountability that protects our clients.

With all of the above in mind, I share below my thoughts on the specific questions you are considering:

- **Whether lawyers admitted and practicing in another U.S. jurisdiction should be permitted to sit for the bar in Minnesota (as is required by 10 U.S. jurisdictions);**

Yes, I believe that attorneys admitted to other U.S. jurisdictions should be allowed to sit for the Minnesota bar; furthermore, I believe that this should not be the only way in which licensed attorneys are able to join our bar.

- **Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);**

This may be too restrictive and unnecessary if the foreign lawyers are expected to sit for the Minnesota bar. Successful passing of the bar would suffice in order to determine whether the individual is competent enough to practice law in our state.

- **Whether an educational equivalency determination should be made, and if so, how to accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions);**

There are ways in which higher education institutions here in Minnesota evaluate credits and degrees from foreign educational institutions to ascertain equivalencies. I do not believe that the numbers of individuals submitting their credentials would be so large as to constitute an undue burden to the Board. Perhaps creative collaboration between the law schools here in Minnesota and the Board can develop a process that would fairly and accurately evaluate foreign education credentials.

- **What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements).**

Similar to my answer above, by working creatively with our law schools, the Board may be able to develop criteria that evaluates LL.M degrees and allow holders of such degrees the opportunity to sit for the Minnesota bar.

Thank you for taking the time to consider my comments, and please let me know if I can answer any questions you may have or provide additional information regarding this important matter.

Sincerely,

Francisco J Gonzalez
(#0306435)
8573 72nd Street South
Cottage Grove, MN 55016
guajataca01@yahoo.com

From: [Edna Boyle-Lewicki](#)
To: [BLE](#)
Subject: Admission of Foreign-Educated Lawyers
Date: Wednesday, December 18, 2019 1:47:38 PM

I am an inactive member of the Minnesota Bar. However, having worked in international trade with foreign-educated lawyers, I am providing comments as requested in the December 2019 issue of BENCH AND BAR:

Lawyers admitted and practicing in another US jurisdiction should be permitted to sit for the bar in MN. It might be advisable to require a minimum period of practice in the other US jurisdiction.

Licensure in the foreign country should not be required. It is plausible that a foreign attorney may work for a foreign government, company, NGO, or other organization that does not require a foreign license. Since foreign legal systems may be very different from that of Minnesota, foreign licensure may be of little use in determining if the foreign lawyer is qualified to practice in MN.

An educational equivalency determination should be made. It is possible that attorneys holding a law degree in other common law countries may have an equivalent education. For those whose degrees are in other legal systems, an LL.M. focusing on U.S. law from an accredited U.S. law school should be sufficient to permit applicants to sit for the examination without meeting additional requirements. I would recommend that the LL.M. should be completed entirely on campus, not online.

Finally, I would add that the lawyer's foreign jurisdiction should offer reciprocal treatment of MN lawyers wishing to be admitted to practice in that jurisdiction. Obviously, reciprocal treatment would include professional level competency in the foreign language and foreign law. However, it is my concern that foreign jurisdictions would not have the right to exclude MN lawyers from practice solely based on irrelevant factors such as foreign citizenship, gender, religion, ethnic origin, or any other factor that is impermissible to keep an applicant from the practice of secular state law in MN. (Separate legal systems such as canon, rabbinic, tribal and sharia law should not be affected by the reciprocity requirement.)

The availability of foreign-trained lawyers can be of great benefit when working on international legal issues, be it those of a large corporation or of a parent concerned with custody of a dual-national child.

Very truly yours,
Edna Boyle-Lewicki
1811 Locust Grove Rd
Silver Spring, MD 20910

From: [Emily Eschweiler](#)
To: [BLE](#)
Subject: Fwd: MSBA Rules of Prof Conduct | Comments re foreign jurisdictions
Date: Monday, December 30, 2019 8:36:44 AM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[MSBA Rules of Prof Conduct - Comments re Foreign Jurisdictions 12-31-19.pdf](#)
[ATT00002.htm](#)

Begin forwarded message:

From: "Kim S. Basting" <kbasting@mnbars.org>
Date: December 30, 2019 at 8:27:54 AM CST
To: Emily Eschweiler <eeschweiler@mbcle.state.mn.us>
Cc: "Nancy K. Mischel" <nmischel@mnbars.org>
Subject: **MSBA Rules of Prof Conduct | Comments re foreign jurisdictions**

Good morning, Emily.

Attached you will find a letter from the MSBA Rules of Professional Conduct Committee regarding the proposed rules permitting lawyers admitted in foreign jurisdictions to sit for the Minnesota Bar examinations.

If you have any questions, please contact Nancy Mischel at nmischel@mnbars.org.

Please verify receipt of this email.

Thank you and happy new year!

Kim Basting | Director, High School Mock Trial Program
Direct Dial (612) 278-6306 | kbasting@mnbars.org

Consider making a Tax-Deductible Donation to the Amicus Society on behalf of the Mock Trial Program. [Click Here](#) for more information.

Minnesota State Bar Association | www.mnbar.org
Hennepin County Bar Association | www.hcba.org
Ramsey County Bar Association | www.ramseybar.org



December 31, 2019

Emily John Eschweiler, Esq.
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Chief Executive Officer
Cheryl Dalby

Dear Ms. Eschweiler:

I write as Chair of the Minnesota State Bar Association Standing Committee on the Rules of Professional Conduct. At its meeting on December 17, 2109, our Committee discussed your November 19, 2109 request for comments on whether the Board should adopt rules permitting lawyers admitted in foreign jurisdictions to sit for the Minnesota Bar Examination and, ultimately to become licensed as lawyers in the state of Minnesota.

Our Committee adopted the following comments in response to your request.

The request for comments notes that many lawyers trained and licensed in foreign jurisdictions pursue the LLM degree offered by many American law schools. The Board is concerned that the earning of a LLM degree does not adequately evidence that a foreign trained lawyer is adequately equipped to practice law in Minnesota because there are no standards for the content of an LLM degree program and the Council on Legal Education and Admission to the Bar of the American Bar Association does not set standards for LLM programs and does not accredit law schools on the basis of LLM programs. Many LLM programs are designed to train specialists in certain areas of the law and not to provide a general competency to represent clients or provide legal advice generally.

While our Committee shares this concern, we believe that the Board is fully capable of fashioning a rule permitting foreign-trained lawyers to sit for the Minnesota Bar Examination if they show that:

1. They have successfully completed educational requirements in a foreign country that is comparable to the educational requirements for U.S. trained applicants and that qualifies them to become admitted to practice law in that Jurisdiction.
2. They have been admitted to practice law in that jurisdiction and have satisfactorily practiced law for a minimum number of years.

3. They have satisfactorily completed an LLM program at an American law school which is accredited by the American Bar Association to offer the J.D. degree, provided that the LLM program includes satisfactory completion of course work like that required by the states of Texas and Vermont for the admission of foreign-trained lawyers. We acknowledge that verification of an applicant's completion of a satisfactory program will entail more work for the Board's staff. An increased application fee for applicants seeking admission on the basis of an LLM degree would offset this increased workload.

We appreciate the Board's open process for examining this issue and we intend to continue to provide comments as appropriate as work proceeds.

This response is made by and on behalf of the Rules of Professional Conduct Committee because the limited time period available to respond to your request did not permit a response on behalf of the Minnesota State Bar Association as an entity. The Bylaws of the Association permit a Section or Committee of the Association to comment on matters within the jurisdiction of the Section or Committee.

Sincerely,

Frederick E. Finch
Chair
Standing Committee on the Rules of Professional Conduct

From: [Inti Martínez-Alemán](#)
To: [BLE](#)
Subject: Foreign-trained lawyers
Date: Tuesday, December 31, 2019 8:07:23 AM

Attn: Douglas Peterson
Re: Request for comments

Dear Mr. Peterson,

I wholeheartedly support allowing foreign-educated lawyers to sit for the MN Bar Exam after completing a Master of Laws (LLM) degree from an ABA-accredited law school in the US.

I would like to present oral testimony. I was required to complete a J.D. when an LLM degree would have been sufficient. Completing a J.D. was an unnecessary burden that did not give me noticeably better lawyering skills over an LLM degree. After a solid 1L year (equivalent to an LLM degree) additional J.D. schooling is just a bunch of elective courses in order to reach a magic number for graduation. A foreign-educated lawyer isn't always better off with this additional school.

Minnesota is losing exemplary practitioners because its admission rules are not welcoming.

Minnesota corporations would be better off with foreign-trained lawyers who are admitted to the MN Bar because they could then consult or retain them seamlessly. This would allow them to communicate and operate with much more ease than trying to figure out if a foreign local counsel knows common law, understands the US legal system, or much less is licensed to practice law in a US jurisdiction.

Minnesota law firms would be more competitive because foreign-trained lawyers with a MN law license could be hired more freely, allowing law firms to be on the cutting edge of international commercial law, international humanitarian law, and the like.

Minnesota law schools would be even more attractive for foreign-trained lawyers because school admission staff could offer these LLM candidates the ability to sit for the MN Bar if they meet the requirements. Right now these LLM candidates have to go to another US jurisdiction to sit for the Bar exam if they want to become licensed somewhere in the US. Why not keep their licenses here in Minnesota?

Underrepresented communities in Minnesota would become niche markets for foreign-trained lawyers who speak an additional language, who identify of color, or who would otherwise want to work in a non-traditional market. The justice gap is huge and allowing qualified foreign-trained lawyers to sit for the Bar exam would help narrow this gap.

The BLE raises some valid concerns. Most are addressed in [THIS](#) document.

Hope to hear from you soon.

Regards,

Inti Martínez-Alemán
Attorney • Abogado

Ceiba Fôrte®

Law Firm

We are where you are.™ • Estamos donde tú estás.™

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Foreign-Trained Lawyers

BECOMING LICENSED IN DIFFERENT JURISDICTIONS

RESEARCH REPORT
NOVEMBER 15, 2019

Submitted by: Inti Martínez-Alemán, Esq. and Marcos Ramirez, Esq.

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I. Introduction

We are a group of attorneys licensed to practice law in the State of Minnesota. We want Minnesota's rules of admission to change how it treats foreign-trained lawyers. In July 2018, we held our first meeting of foreign-trained lawyers. About fifteen people were in attendance. Since then, we have held three other presentations before a wide range of audiences. Our group of foreign-trained lawyers keeps growing. There is strong interest to see progress in our group's agenda.

Currently, Minnesota is one of the most restrictive states for foreign-trained lawyers to become licensed attorneys. Minnesota's interests are not being well served by its current admission rules. Minnesota essentially gives little to no faith or credit to a foreign-trained lawyer's education, training, or experience abroad. Other US jurisdictions are more reasonable and flexible, while still protecting the public. Perhaps the main reason for the status quo in the admission rules is protectionism.

As explained in this initial report, foreign jurisdictions already offer a path for Minnesota lawyers to become licensed attorneys in those jurisdictions. Minnesota should honor this deference by reciprocating. Even if other jurisdictions are not currently amenable to Minnesota lawyers practicing law in those jurisdictions, Minnesota should nevertheless open its doors to the international community. Other US jurisdictions have done this without reported regrets.

We did not dive into the immigration requirements for Minnesota lawyers who want to practice law in a foreign jurisdiction. Our sense is that immigration requirements for a Minnesota lawyer abroad are *less* stringent than what American immigration law today requires foreign-trained lawyers.

II. Reciprocity: How can a Minnesota attorney become a licensed attorney in the following foreign jurisdictions:

A. Mexico

Under Mexican Federal law¹, the requirements to practice law are as follows:

- Have full legal capacity (being over 21 years of age);
- Have a university diploma from an institution authorized to issue law degrees; and
- Have a license to practice the profession.

Lawyers are not required to become members of a Mexican Bar association or of any other professional association. Qualified lawyers are those who hold a license to practice as a lawyer, the “*Cedula Profesional*”. Once awarded, this license does not need to be renewed. There are two potential routes to obtain this license. The relevant one is discussed as follows:

The process goes through CENEVAL, Centro Nacional de Evaluación para la Educación Superior A.C. (National Centre for Higher Education Assessment). This route is set out by Agreement #286 issued by the Ministry of Public Education for people who for any reason have cut short their Mexican law studies, are self-taught or are people who studied abroad who intend to validate their foreigner degree to a Mexican one. Article 23² of the Agreement states the requirements to validate studies carried out **abroad**. Such requirements include:

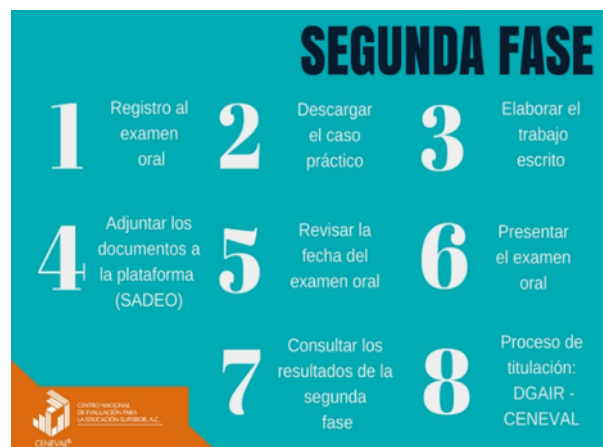
- The program content should be at least seventy-five percent (75%) comparable;

¹Ley Reglamentaria del Artículo 5. Constitucional, Relativo al Ejercicio de las Profesiones en el Distrito Federal

² Agreement 286, Mexican Ministry of Education, 2000.

- In the case of partial higher education partial studies made abroad, the evaluation by subjects of the program content should represent at least sixty percent (60%).
- The hourly load and duration of the studies in question;
- The number of credits according to the international accepted scales;
- The academic background;
- The certificate, diploma, professional title, corresponding degree or its equivalents;
- In the case of foreigners, the degree of reciprocity in the treatment granted in the countries corresponding to the studies carried out within the national education system, or international accreditation.

Additionally, this route is comprised of three compulsory stages, including theoretical test, practical test and community work. CENEVAL has posted on their website a timeline of the process. See images below:



Images retrieved from: <http://www.ceneval.edu.mx/licenciatura-egal->

(i) theoretical tests;

Once the applicant is done with all the document-accreditation process, an examination is normally required before the National Center for Evaluation for Higher Education, CENEVAL. This exam is governed by Agreement 286 of the Ministry of Public Education.

The Exam is divided into two parts:

- a. **Written Exam:** The Exam is a General Exam for the Accreditation of Knowledge Equivalent to the Degree (EGAL). It is a multiple-choice exam, in the pencil and paper modality that is applied three times a year. For 2019, the registration period was the following:

Registration Opens	Registration Closed
January 14 th 2019	January 18 th 2019
May 18 th 2019	May 24 th 2019
August 12 th 2019	August 18 th 2019

The written Exam has a total cost of 2,200 Mexican pesos.³

- b. **Oral Exam:** This is a practical test. Each applicant is assigned a case study designed by specialists in the field. The applicant resolves and defends the assigned case study as well as the basic knowledge of the degree, before a panel composed of three examiners and a substitute. In all cases, it develops based on the structures of EGAL. The Oral Exam has a total cost of 15,645 Mexican pesos.⁴

Once the applicant has passed both exams, he/she must fill out the required documentation and follow the process of issuing a professional title in CENEVAL. The following

documentation must be delivered to the Information and User Service Unit (UIAU):

- Application for the issuance of a Professional Degree (printed on both sides). This may be found on the CENEVAL website.
- Individual report of results published on the CENEVAL portal
- Birth Certificate (legible copy and in updated format)
- Population Registration Code (legible copy and in updated format)
- Valid official ID with photo: voter card or passport (legible copy; both sides only for the card)

³ Retrieved from CENEVAL website. About US\$115.

⁴ Id. About US\$816

- Request for issuance of title must be accompanied with \$ 224 Mexican pesos⁵.

After completing these stages, applicants are provided with a Degree Certificate and can apply for a license to practice, which is called the “Cedula Profesional”.⁶ Applicant may apply in person or online. The application is done through the Mexican Ministry of Education. The application requirements are:

- Population Registration Code (legible copy and in updated format)

This requirement is important because each Mexican State determines, in accordance with its own laws, what professional title and professional certificate is required for its exercise. Signature application form

- Request for issuance payment

The “Cédula Profesional” (professional license) is a certificate granted by the State authorizing the applicant to start practicing law. It is a permanent authorization. Once the professional certificate is obtained, no other document or any other step is necessary to be able to practice law in Mexico.⁷

B. Costa Rica

In order to obtain a license to practice law in this jurisdiction, a Minnesota lawyer, as a foreign-trained lawyer, must apply to the University of Costa Rica to have their law degree assessed for equivalency to a Costa Rican law degree. Foreign lawyers also need to sit for the Bar Association's legal ethics exam. Once in receipt of all this documentation (including proof of residency), the foreign lawyer can apply for a license from the Bar Association.⁸

⁵ About \$12

⁶ Retrieved from the International Bar Association-Mexico website.

⁷ Mexico Education Ministry- Cedula Profesional website.

⁸ Retrieved from the International Bar Association-Costa Rica website.

According to Article 8 of the Incorporation Manual for Law Professionals, the application and requirements for law graduates from foreign universities are as follows:

1. Applicant must meet recognition and validation for the specific academic degree in accordance with the requirements established by the National Deans Council, (CONARE, for its acronym in Spanish). Therefore, the applicant must submit the following documentation to the CONARE:

- a. Identification document (original and copy).
- b. Document that proves that the institution issuing the university diploma has the power to do so, and that the degree obtained has validity and official recognition in that foreign country.
- c. University diploma or equivalent certification (original and copy), notarized and translated into Spanish.
- d. Syllabus of the subjects studied and transcripts (original and copy), notarized and translated into Spanish.
- e. Applicants whose graduation requirement has a thesis or final project, must submit a copy of it.
- f. Study plan and program (original and copy)
- g. When the person interested in the procedure wishes to benefit from any clause stipulated in any international treaty, they must provide proof of the Office of Treaties of the Ministry of Foreign Affairs that accredits their text, their validity and the existence of reciprocity in the counterpart country.
- h. Paid receipt for the right of recognition and validation procedure (original and three copies)

CONARE will analyze this documentation and, if approved, submit a request for validation and recognition of the diploma.

2. Applicant must enroll in a 30-hour Legal Deontology (Legal Ethics) course given by the Costa Rican Bar Association and pass the final Exam. The course focuses on developing the conceptual and practical knowledge of ethics, morals, axiology and duties in the practice of the legal profession, understood in general terms, that is,

whether the professional acts as a litigator, legal advisor or administrator of justice, among others.⁹

The Exam is a written exam and is offered three times per year. For 2019 the dates were:

Exam	Valid Legal Deontology Course	Exam Registration Period	Exam Date
Exam 1	October 2018, November 2018, January & February 2019	February 25 th to March 1 st	Thursday, March 28
Exam 2	March, April or May 2019	June 10 th to the 14 th	Thursday, July 11 th
Exam 3	June, July, August, September 2019	October 14 th to the 18 th	Thursday, November 21 st

The total cost for the Exam is 11,300 Costa Rican colones.¹⁰

3. Applicant must submit the following documents to the Costa Rican Bar

Association:

- Proof of completion of the Legal Deontology Course and passing the exam.
- Provide the following stamps: ¢ 250 for the Bar Association, ¢ 25 Prosecutors and ¢ 5 Filing fee.¹¹
- Form “Incorporation Registration” (Link: <http://www.campusvirtualabogados.cr/index.php/formulario-registro-de-incorporacion-extranjeros/>¹²).
- Paste in the upper right corner of the Incorporation Registration a recent passport-size photograph in formal suit (Men: dress shirt and jacket / Women: dress, blouse - jacket).
- Fill out the "Designation of beneficiaries of the Mutual Fund" Form. Provide 2 copies.
- Fill the “Automatic Dues Payment” Form. Two copies must be submitted

⁹ Retrieved from the Costa Rica Department of Incorporation website.

¹⁰ Retrieved from the Costa Rica Bar Association website. About US\$20

¹¹ Total of about US\$0.48

¹² Retrieved from the Costa Rica Bar Association website.

(Optional - if you do not want to use this service, skip the form).

- Authorization to update information according to the Civil Registry data in the identification account.
- "Informed consent Form." 2 copies must be submitted.
- Original Criminal Record Certificate (Maximum 1 month of issue)
- Certificate issued by the University of Costa Rica where it recognizes the Lawyer diploma to the degree of Law Degree. The graduates of foreign universities must prove the recognition or validation of their university degree or specific degree to the CONARE (notwithstanding the provisions of the international treaties ratified by the State).
- Copy of residence card or passport up to date.

The Costa Rican Bar Association has 30 calendar days for the analysis of all the documentation. Additionally, it takes about two weeks for the Board of Directors to know the list with the files that have been approved, approve the incorporation and indicate the date of the activity.

Once the incorporation has been approved, the applicant will be contacted through email, and when indicated should visit the Costa Rican Bar Association to make the payment of ₡ 70,000.00 for the incorporation fee¹³. Also, pay the first Bar Association fees and take a headshot for the Bar Association Identification Card (formal suit).¹⁴

C. Chile

In Chile, the Constitution, “El Código Orgánico de Tribunales” (the organic code) and the “El Código Penal” (the criminal code of Chile) serve as the baseline for all attorneys. The old “Colegios Profesionales” (Professional Associations) that acted as the

¹³ About US\$120

¹⁴ Acuerdo 2018-03-013 de sesión ordinaria 03-18 celebrada el 22 de enero del 2018 y ratificado en sesión ordinaria 04-18 celebrada el 29 de enero de 2018.

sole ethical regulators of professions under the 1925 Constitution, became “Asociaciones Gremiales” (Trade Associations) that people could join on a voluntary basis following the provisions of the 1980 Political Constitution.

The Supreme Court (*Corte Suprema*) is charged with granting license to practice law in Chile. Obtaining a license to practice requires that a candidate have graduated from a Chilean university with a degree of Bachelor of Law, is no less than twenty years of age, has no criminal record or pending criminal prosecutions, can present evidence of good moral character, is a Chilean national or has permanent residence and has completed a period (6 months) of internship in a *Corporación de Asistencia Judicial*, which is a government pro bono entity, doing pro bono legal work. There are no ongoing education requirements for an attorney to maintain their license. In fact, a “license” is only required for Chilean lawyers who wish to appear in court, but many do not.¹⁵

Minnesota lawyers who have not studied law in Chile can qualify as lawyers before the Universidad de Chile or the *Ministerio de Relaciones Exteriores* (Ministry of Foreign Affairs), if an agreement exists between Chile and the country where the candidate has obtained his/her degree: In those cases where the convention has been signed, the Ministry of Foreign Affairs has competence. The candidate must fill in a form to which he/she has to attach his/her a) diploma, b) grades, c) evidence of the existence of the University that awarded the degree; d) a proof of citizenship, as the candidate has to be a national of Chile or of the other signatory country.

¹⁵ Retrieved from the International Bar Association-Chile website.

When no convention has been signed, as is with the United States of America, the University of Chile by Resolution Number 00960, will certify the equivalence between the diploma awarded by the foreign university, and the diploma awarded by local universities; according to their studies. Below is a diagram retrieved from The University of Chile website explaining the recognition process.



The requirements to undergo the recognition are:

1. Original diploma legalized via consulate or apostille.
2. Certification of original transcripts, legalized by consulate or apostille (must indicate the scale of qualifications with maximum and minimum approval grade)
3. Original syllabus for each course, legalized via consulate or apostille (details of hourly load and / or credits for each subject or curricular activity)
4. Complete study programs (description of each subject or curricular activity taken, do not require to be legalized via consulate or apostille)
5. Curriculum Vitae
6. Chilean ID card or passport
7. Authorization for the professional exercise, legalized via consular or apostilled (only when applicable).
8. Revalidation / recognition request form. This can be found at the University of Chile Portal link: <http://www.uchile.cl/portal/presentacion/relaciones-internacionales/revalidacion-de-titulos-extranjeros/8312/revalidacion-de-titulos-extranjeros-en-la-universidad-de-chile>

When items 1, 2, 3 and 7 of the requested documents are written in a foreign language, they must necessarily be accompanied by an official translation. The other requirements may come with a simple translation¹⁶.

Once the accreditation is done, the applicant must pass two exams (*Examen Grado*, an English Bachelor Exam and *Memoria de Prueba*, an English Thesis) according to the Bylaws of 1976 and University Decree N. 0024980.

- *Examen Grado* (Bachelor Exam): Is an oral exam, which is given before a commission of professors, where Civil Law, Procedural Law and an elective class are evaluated.

By resolution N ° 070, of 2016, the Law Dean, approves the exam calendar.

The current version of the approved exam calendar can be found here:

http://web.derecho.uchile.cl/documentos/Sec_estudio/9_Calendario_de_Licenciaturas_2019.pdf

To register for the exam, the applicant must complete the online form whose copy must be submitted to the Secretary of Studies, signed by the student, before the date indicated in the exam calendar.

The integration of the Commission of Professors is carried out by lottery in the Secretariat of Studies.

- *Memoria de Prueba* (Thesis): The thesis must be registered directly in the Department to which the subject corresponds. Resolution No. 725 of 2015 specified various aspects related to the thesis.

Once the applicant is done with the Bachelor Exam and the thesis he/she has to complete the following form:

¹⁶ Id.

http://web.derecho.uchile.cl/documentos/Sec_estudio/10_Obtencionde_Grado_Licenciado.pdf and turn it in to the Secretary of Studies along with the required documentation.

D. Brazil

The practice of law in Brazil is regulated by means of a federal statute and enacting legislation: (1) The Brazilian Bar Association and Advocacy Statute, law number 8906, 4 July 1994; and (2) the Brazilian Bar Association's Code of Ethics and Discipline, which is also expressly sanctioned by law number 8906. The federal statute delegates regulatory powers to the various Bar Associations and to the Brazilian Bar Association.

In Brazil, law is taught as a terminal undergraduate degree. It is normally structured as a five-year course of study. Upon successful completion of the law degree students are awarded a Bachelor of Laws (*Bacharel em Direito*). A Bachelor of Laws graduate must pass the Brazilian Bar Examination (details below) in order to be admitted to the Brazilian Bar Association (*Ordem dos Advogados do Brasil – OAB*) and be licensed to practice. The lawyer should then register with a State Chapter of the OAB.¹⁷

Requalification is possible in Brazil. Foreign law graduates must meet all the requirements prescribed to Brazilian lawyers, including having passed the OAB Exam. Therefore, to requalify as a foreign attorney in Brazil the following steps are required:

¹⁷ Retrieved from the International Bar Association/Brazil website.

Step 1: A validation of the foreign degree is necessary prior to the admission to the OAB. A 2016 law (Portaria Normativa do MEC nº 22/2016)¹⁸ establishes rules and procedures for equivalence, at a national level, of diplomas issued by foreign institutions of higher education. At the same time, the Carolina Bori Portal¹⁹ was launched, which gathers information about the new legislation and the simplified documentation process. The expectation of the Ministry of Education is that this portal will facilitate the articulation of a coordinated system for revalidation / recognition of foreign titles and diplomas in Brazil, contributing to agility, transparency, coherence and predictability to the processes of revalidation / recognition of foreign diplomas in Brazil.²⁰

The process of revalidation / recognition of higher education diplomas obtained abroad must be admitted at any time by the revalidating / recognizing institution and completed within a maximum period of up to 180 days. Upon receipt of the documentation accompanying the request for recognition, the recognizing institution shall have a period of 30 days to inform the applicant of the required document adequacy and whether or not to open the process. If so, the institution must generate a protocol number and forward it to the applicant. Once the substantive document review period has commenced, the recognizing institution has a deadline of up to 30 calendar days to identify the need for submission of supplementary documentation.

The applicant must submit the required supplementary documentation within 60 calendar days of receiving the notice requesting such additional documentation.

¹⁸ Diário Oficial da União, No. 239, Section 1, page 9. Ministry of Education.

¹⁹ Retrieved from Brazilian Carolina Bori Revalidation website.

²⁰ Id.

Step 2: Pass the Brazilian Bar Examination in order to be admitted to the Brazilian Bar Association. After validation of the Juris Doctorate Diploma the applicant must submit a request to sit for the Exam.

The bar examination in Brazil is divided into two separate parts. The first part is the multiple-choice test. There are eighty questions in this section, and the questions are designed to cover all disciplines of law. To pass this section, the aspiring lawyer must answer at least forty questions correctly. If he or she does not correctly answer at least forty questions, the test is over and they'll need to try again next time.

The second part of the exam is the practical portion. In this section, the candidate must answer four essay questions. Then, he or she must complete a drafting project in which one of the following three documents must be drafted:

- **Motion:** A legal document requesting to bring a case to court
- **Opinion:** A legal document outlining the reasoning for a judicial decision
- **Claim Document:** A document showing legal demand for some type of payment or remedy in a case

When candidates complete the drafting project, they can choose whichever discipline they feel comfortable with. They can draft a document for Civil Law, Criminal Law, Labor Law, Administrative Law, Tax Law, or Constitutional Law.

Submissions can be made online only through the Bar Association website:

<https://examedeordem.oab.org.br/>.²¹ The cost of the Exam is 260 Brazilian Reales²².

²¹Retrieved from the Brazilian Bar Exam website.

²² About US\$65

Step 3: Apply to the Brazilian Bar Association: The approved applicant must go to the Brazilian Bar Association Examination Commission of the state where he/she took the test to issue the Exam Approval Certificate. The applicant must submit the certificate to the Brazilian Bar Association to verify registration.²³

E. United Kingdom

A qualified lawyer from an overseas jurisdiction, may be eligible to transfer to the roll of solicitors of England and Wales under the Qualified Transfer Scheme (QLTS) without having to complete the full education and training requirements specified in the Solicitor Regulation Authority (SRA) Training Regulations 2014.²⁴ To be eligible to apply, you must be a qualified lawyer from a recognized jurisdiction. Minnesota is on the list of recognized jurisdictions.²⁵

Furthermore, the applicant must take two assessment tests (MCT and OSCE), which will test the legal knowledge and skills that all applicants must have at the time of qualification.

The Multiple-Choice Test ("MCT") consists of 180 multiple-choice questions. The questions test Part A of the SRA Day One Outcomes and the 180 questions are divided roughly equally between the content covered by those Part A Outcomes. Detailed subject matter outlines are provided by the Indicative Content of these Part A Day One Outcomes. Each of the questions on the test is followed by 5 possible answers. Candidates should

²³ Retrieved from the Brazilian Bar Exam website.

²⁴ Retrieved from the Solicitors Regulation Authority website.

²⁵ Retrieved from the Solicitors Regulation Authority website/ Recognize Jurisdiction Section.

choose the best answer from the stated alternatives. Each question is designed to be answered by applying fundamental legal principles to the given fact patterns. Candidates should mark only one answer for each question. Multiple answers will not be counted. Marks are based on the number of questions answered correctly.

The MCT is delivered by computer-based assessment, through a network of test centers administered by Pearson Virtual University. Candidates are offered a choice of locations during the booking process. Candidates initially must register with Kaplan QLTS and can then proceed to book and pay for the assessment with Pearson VUE. For further details see the Bookings page: <https://qlts.kaplan.co.uk/booking>.

The assessment is divided into 2 sessions of 2 hours 45 minutes each, with 90 questions in each session. A break of 60 minutes is provided between the sessions.²⁶

The application process is only available through Kaplans Qualified Lawyers Transferred website.²⁷ Therefore, the applicant should contact them directly to register and arranged the assessment program.

The Objective Structured Clinical Examination (“OSCE”) examines three practice areas:

- Business
- Property and Probate
- Civil and Criminal Litigation

In total, candidates undertake 18 assessed exercises: 6 in Business, 6 in Property and Probate, and 6 in Civil and Criminal Litigation.

²⁶ Kaplan Qualified Lawyer Transfer Scheme website.

²⁷ Kaplan Qualified Lawyer Transfer Scheme website.

For practical purposes the OSCE is divided into 2 parts as follows:

OSCE Part 1

- Client interview
- Completion of attendance note/case analysis
- Advocacy/oral presentation

The following table illustrates how OSCE Part 1 is organized for each of the 3 practice areas of Business, Property and Probate, and Civil and Criminal Litigation:

Activity	Timings
Client interview	
Preparation	10 minutes
Client Interview	25 minutes
Completion of attendance note/case analysis	
Completion of attendance note/case analysis	25 minutes
Advocacy/Oral Presentation	
Preparation	45 minutes
Advocacy/oral presentation	15 minutes

OSCE Part 2

- Legal drafting
- Legal research
- Legal writing

The following table illustrates how OSCE Part 2 is organized for each of the three practice areas of Business, Property and Probate, and Civil and Criminal Litigation:

Activity	Timings
Legal Drafting	45 minutes
On-line legal research	60 minutes
Legal Writing	30 minutes

Once the applicant has cleared the QLTS Assessments (both the MCT and OSCE), the applicant is ready to apply to the SRA for admission to the roll of solicitors. Note that Kaplan will directly inform the SRA of the results of your QLTS assessments, and you do not need to send any evidence of this.

The applicant must submit the following documentation to the SRA:

- **Form AD-1:** You will have to fill Form AD-1 which can be accessed at the SRA website.²⁸
- **Certificate of Good Standing:** Applicant will need to submit a certificate of good standing from all jurisdictions where you have been admitted. The certificates must be less than three months old and confirm (i) your date of admission, (ii) that you are in good standing, (iii) that you have not been subject to any disciplinary proceedings, (iv) that there are not any pending disciplinary proceedings against you, and (v) that you are currently entitled to practice.
- **Criminal Records:** Applicant must provide original criminal records from any country you have lived in, for 12 months or more during the last five years. The records must be less than three months old and include an official translation if not in English.
- **Proof of Name and Address:** You have to provide separate identification documents for each of proof of name and address. For example, as per the notes to Form AD-1, if you provide your driver's license as proof of your name you must provide another form of identification for your address, such as a utility bill.

There are fees for the admission of the documents which can be verified at the SRA website. Once the SRA has all the documentation it takes about a month to hear back with an approval.

²⁸ Retrieved from the Solicitors Regulations Authority-Forms website.

F. Italy

In order to become a lawyer in Italy, the candidate must be a member of an Italian bar association. Membership of an Italian bar associations requires:

- completion of an undergraduate law degree (*Laurea in Scienze Giuridiche*, three years) and a graduate law degree (*Laurea Specialistica in Giurisprudenza* (a two-year program which confers the title of *Dottore Magistrale in Giurisprudenza*), or a five-year master's degree (*Laurea a ciclo unico Magistrale in Giurisprudenza*);
- the completion of an 18-month training period; During the internship, the trainee attorney (*praticante avvocato*) must attend Court hearing regularly with his/her mentor and engage in the drafting of legal briefs and contracts under the supervision of his/her mentor.
- Passing the professional examination: The Bar Exam is composed of two parts. The first part is written and lasts three eight-hour days, during which the candidate must draft a legal opinion on a civil law case, a legal opinion on a criminal case, and a Court brief in a matter of civil law, criminal law or administrative law (the candidate is free to choose among the three options). Only those candidates that pass the written exam (Normally about 30%) are allowed to take the oral exam. The oral exam covers six areas of Law chosen by the candidate, which must include either civil or criminal law and civil procedure or criminal procedure, as well as legal ethics.²⁹

Supreme Court lawyers must in addition have completed 12 years of continuous professional experience as an attorney (*Avvocato*) or completed 5 years of continuous professional experience and passed a special State examination.

- Apply for a license: The license to practice in Italy is national but registration is carried out locally.³⁰

Foreign attorneys may requalify in this jurisdiction. Non-European Union nationals must sit for the full Bar exam before a special Commission of the Italian National Bar

²⁹ Retrieved from the Italian Ministry of Justice.

³⁰ Retrieved from the International Bar Association/Italy website.

Council. There is a reduced examination for those who have passed examinations in Italian universities or have practiced the legal profession in Italy for a significant period; for those who have an Italian law degree, requalification only requires a very reduced examination on Italian ethical and professional rules.

The recognition of professional qualifications obtained in non-EU countries takes place in accordance with Articles 37 of the Legislative Decree N. 286 from July 25th, 1998,

“aliens legally resident in Italy, in possession of professional diplomas which are legally recognized in Italy, are allowed to register at the Professional Orders or Boards, or in case of professions lacking registers, to register in special lists established at the Ministry provided with Italian regulations”.³¹

Furthermore, Italian law grants the possibility of professional recognition via compensatory measures for foreigners (non-EU citizens). Moreover, the competent authority for recognition of a foreign law degrees is the Italian Ministry of Justice.³²

Applicants must:

- **Fill and submit application:** At the time of submission, the application forms must already be completed, accompanied by the documentation included in the list, with a certified copy of an identity document and two revenue stamps. The recognition application form is different depending on whether the application is presented by a foreign citizen legally residing in Italy or by a foreign citizen who sends the application from abroad, and who intends to use the recognition of the professional title in order to obtain the entry visa for self-employment in Italy. The declaration is issued when all the conditions and requirements provided for by the law for the release of the required qualification are met; in particular, in order to obtain such a declaration, the foreigner must produce the same documentation required of foreigners who, having already received an entry visa and staying in Italy, submit an application for recognition of the professional diploma.³³

³¹ Retrieved from: European Union Policies Website- Italy

³² Retrieved from Italian Professional Qualifications Recognition Website: CIMEA.

³³ Retrieved from the Italian Ministry of Justice.

- **Pass the Bar Examination:** If the examination of the application reveals the lack of knowledge of subjects considered fundamental for the performance of the profession in Italy, the interested party could be asked to pass an aptitude test. Additionally, the Ministry will evaluate all the studies and professional experiences, if documented, for the purpose of a possible reduction in the compensatory measure. The procedure concludes with a management decree that is published on the institutional website www.giustizia.it and sent in a certified copy to the applicant.³⁴
- **Apply for a license:** The license to practice in Italy is national but registration is carried out locally.

G. Kenya

Pursuant the Advocates Act No. 18 of 1989, no person shall be admitted as an advocate unless:

- a. Applicant is a citizen of Kenya; and
- b. Applicant is duly qualified in accordance with section 13.

Section 13 of the Act states that a person shall be duly qualified if:

- a. Having a Bachelor of Law of any University recognized by the Kenyan Legal Education Council. Here is a link to find the legal licensed institutions in Kenya:
<http://cle.or.ke/institutional-licensing-status-2/>
- b. Having passed the relevant law examination: The Kenya Legal Council administers the Exam twice a year in July and November. Therefore, applicants must check the website for updated notices. Below a picture of the last registration notice for the July 2019 Bar Exam.

³⁴ Id.



COUNCIL OF LEGAL EDUCATION

GENERAL NOTICE NO. 7 OF 2019

REGISTRATON FOR JULY 2019 BAR EXAMINATION

PURSUANT to the Legal Education Act No.27 of 2012: IT IS NOTIFIED for general information that registration for the July 2019 Council of Legal Education Bar Examination will commence on Monday 1st April 2019 at 9.00am.

1. Candidates will be required to register by completing Registration Form CLE-EX01 (for first sitting) or CLE-EX02 (for resits). The forms may be downloaded from Council's official website on www.cle.or.ke. Instructions on the filling in of the forms and documentation to be attached is also available on the website.
2. All fees and charges are payable to the Council of Legal Education, NATIONAL BANK OF KENYA, HILL BRANCH, ACCOUNT NUMBER 01023033161101. A valid deposit slip will be accepted as the only evidence of payment and must be attached to the registration documents. The requisite fees are as indicated in the Students Guide on the Bar Examination which can be viewed or downloaded from Council's official website. Information regarding the Bar Examination is also provided in the Guide.
3. The duly filled form **MUST** be submitted to the Council of Legal Education offices, Karen Office Park, Baobab Block, Ground Floor on or before **Tuesday 30th April 2019 by 5:00pm.**

A list of registered candidates will be published on the Council website one (1) month after closure of registration.

Forms submitted after the deadline will NOT be accepted and incomplete forms will NOT be processed. Candidates are encouraged to register within the specified period to avoid inconveniences.

Secretary/ CEO
 Council of Legal Education
 P. O. Box 29 - 00502, Karen
 Nairobi, Kenya
 Dr. J. K. Gakeri
 SECRETARY/CHIEF EXECUTIVE OFFICER
 COUNCIL OF LEGAL EDUCATION

The Bar Exams tests on the following subjects:

S/N	COURSE CODE/UNIT
1	ATP 100 Civil Litigation
2	ATP 101 Criminal Litigation
3	ATP 102 Probate and Administration
4	ATP 103 Legal Writing and Drafting
5	ATP 104 Trial Advocacy
6	ATP 105 Professional Ethics
7	ATP 106 Legal Practice Management
8	ATP 107 Conveyancing
9	ATP 108 Commercial Transactions

Although there is no requalification for foreign attorneys, Kenya's government has been working with the Law Society of Kenya on a Legal Practitioner Bill that, if enacted, would open the field for lawyers from the international community.³⁵

H. South Africa

The admission requirements for legal practitioners (attorneys or advocates) in South Africa are enacted in the Legal Practice Act N. 28 of 2014. The Act states that a person qualifies to be admitted and enrolled as a legal practitioner, if that person has:

- (a) satisfied all the requirements for the LLB degree obtained at any university registered in the Republic, after pursuing that degree:
 - (i) a course of study of not less than four years; or
 - (ii) a course of study of not less than five years if the LLB degree is preceded by a bachelor's degree other than the LLB degree, as determined in the rules of the university in question and approved by the Council; or
- (b) subject to section 24 (2) (b)³⁶, satisfied all the requirements for a law degree obtained in a foreign country, which is equivalent to the LLB degree and recognized by the South African Qualifications Authority established by the National Qualifications Framework Act, 2008 (Act No. 67 of 2008); and
- (c) undergone all the practical vocational training requirements as a candidate legal practitioner prescribed by the Minister, including -
 - (i) community service as contemplated in section 29, and
 - (ii) a legal practice management course for candidate legal practitioners who intend to practice as attorneys or as advocates referred to in section 34 (2) (b); and
- (d) passed a competency-based examination or assessment for candidate legal practitioners as may be determined in the rules.

³⁵ Retrieved from Standard Digital online news website.

³⁶ Article 24 (b) of the Act states that it must be a South African citizen or permanent resident in the Republic.

(2) An attorney qualifies to be enrolled as a conveyancer, if he or she has passed a competency-based examination or assessment of conveyancers as determined in the rules by the Council.

(3) An attorney qualifies to be enrolled as a notary, if he or she has passed a competency-based examination or assessment for notaries as determined in the rules by the Council.

Pursuant to the National Qualification Framework Act, foreign lawyers who reside in South Africa may submit their diplomas for revalidation. It is advised to check online if the Foreign Institution satisfies all the requirements for a law degree and is recognized by the South African Qualification Authority. One may do this by going to this website :

http://www.sqa.org.za/overseas_institutions.php?id=6000

The picture below is the information that the applicant must fill out in order to verify if their institution fulfills the requirements.

Every country has laws and regulations that control the establishment, recognition and status of academic institutions. Before applying and enrolling, prospective students are advised to verify the status of academic institutions by completing the form below.

Personal Details

Name*

Country enquiring from

Purpose of enquiry:

Email for response*

Institution(s) Details

Institution full name:

Institution physical address:

Website address*

Comments*

Attach a document(s). No file chosen
Each document must be 2MB No file chosen
or less. No file chosen
 No file chosen
 No file chosen

Once the applicant has submitted all the documents, the SAQA will issue a Certificate of Evaluation which indicates the recognition decision taken by the SAQA in respect of a foreign qualification.³⁷

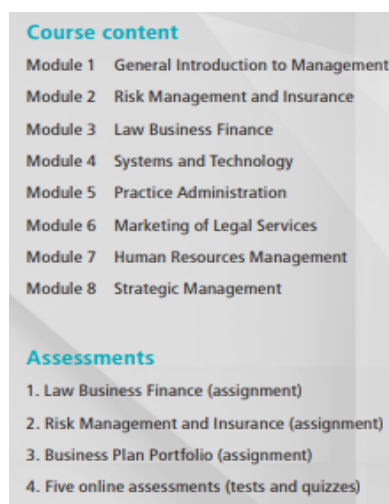
- Requirements for a Law Degree

The requirements stated in the Legal Practice Act N. 28 of 2014 in order to become a licensed attorney. Section 24 (2) states the following requirements:

“The High Court must admit to practise and authorise to be enrolled as a legal practitioner, conveyancer or notary or any person who, upon application, satisfies the court that he or she— (a) is duly qualified as set out in section 26; (b) is a— (i) South African citizen; or (ii) permanent resident in the Republic; (c) is a fit and proper person to be so admitted; and (d) has served a copy of the application on the Council, containing the information as determined in the rules within the time period determined in the rules.”

- Legal Practice Management Course

Candidates who intend to practice as attorneys must take a legal practice management course. The course is offered by the Law Society of South Africa. It has a duration of six months and training is provided 2 or 3 times per week in three hourly sessions. The course is provided twice a year in February and July. Below a picture of the content covered:³⁸



³⁷ Retrieved from South Africa Qualification Authority Website.

³⁸ Law Society of South Africa- Practice Management Training website.

- Competency Based Examination

Candidates wishing to sit for all professional examinations must register with the Legal Practice Council before the deadline.

- a. Competency-Based Examinations for Admission as an Attorney

Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answer book during this period. The exam consists in written four papers described as followed:

First paper: High court, Magistrates court, Motor vehicle accidents, and Criminal procedure. This paper is set as a three-hour paper and counts 100 marks.

Second paper: Administration of estates. This paper is set as a one-and-a-half-hour paper but two hours are allowed for completing it to allow candidates to read the questions carefully before answering them. This paper counts 100 marks.

Third paper: General attorney's practice. This paper is set as a one-and-a-half-hour paper but two hours are allowed for completing it to allow candidates to read the questions carefully before answering them. The paper counts 100 marks.

Fourth paper: Attorney's bookkeeping. This paper is set as a one-and-a-half-hour paper but two hours are allowed for completing it. The paper counts 100 marks.

For more information on the exam go to this link: <https://www.lssa.org.za/legal-practitioners/professional-examinations>

Additionally, there is also an exam for becoming a notary and a conveyancing (transfer of legal title expert). The picture below gives a summary of each test. For more information go to: <https://www.lssa.org.za/legal-practitioners/professional-examinations>

Competency-Based Examination for Admission as a Conveyancer	10 April 2019 (Registration deadline: 19 March 2019) Paper 1: 11 September 2019 Paper 2: 11 September or 28 September 2019 (Registration deadline: 20 August 2019)	Conveyancing examination syllabus (2019): Download LEAD conveyancing exam prep course here Papers: 11 September 2019 (09:00 - 11:15) Paper 1 Statutes, ordinances and case law 11 September 2019 (12:00 - 16h15) or 28 September 2019 (09:00 - 13:15) Paper 2 The practice and procedure of conveyancing. Drafting of deeds, certificates, applications, consents, agreements and other documents
Competency-Based Examination for Admission as a Notary	11 April 2019 (Registration deadline: 20 March 2019) 12 September 2019 (Registration deadline: 21 August 2019)	Notarial examination syllabus (2019): Download 2019 syllabus available soon. LEAD notarial exam prep course here

- Conveyancing

Conveyancing advocates an approach where sellers and estate agents are encouraged to attend to a property due diligence before marketing and selling real estate property. In doing so, the parties are paving the way to a smooth conveyancing transfer process by preparing for this during the marketing phase of the process.

- Notary

A Notary Public, also referred to as a Notary, is an admitted attorney who has acquired specialized expertise and written a specific notarial practice admission exam. Resultantly, they have been given statutory and common law powers to prepare and attest certain specialized legal documents, administer oaths and perform other wide-ranging administrative functions of a national and international nature.

I. Japan

If a foreign-trained lawyer wants to become a licensed attorney in Japan, the individual must:

- a. Be admitted to the Bar in a foreign judgment;
- b. Have at least 3 years of experience practicing law in that jurisdiction;
- c. Show that reciprocity exists with that foreign jurisdiction.³⁹

Japan's Registered Foreign Lawyer System

In order for any person qualified as a lawyer in a foreign country to provide legal services in Japan, he or she needs to register as a registered foreign lawyer. First, approval from the Minister of Justice shall be obtained to be qualified as a registered foreign lawyer, for which certain conditions need to be fulfilled, such as three years of job experience, among other conditions. A person who has obtained such approval from the Minister of Justice may provide legal services as a registered foreign lawyer by registering as a foreign special member of the JFBA. This is the link to find the registration form from the Minister of Justice: <http://www.moj.go.jp/ENGLISH/information/gjb.html>

Pursuant to Attorney Act No. 205 from 1949 to qualify as an attorney (Bengoshi, in Japanese) an individual must complete an undergraduate degree in any field (which requires 4 years of study), a Juris Doctor (which lasts 2 or 3 years), pass the national bar

³⁹ <https://www.internationallegalcareers.com/japan>

exam, and undertake a 12-month apprenticeship which incorporates additional coursework and passing the graduation examination of apprenticeship.⁴⁰

The applicant may sit for the bar examination after graduating from a law school. Those who cannot go to law schools due to financial difficulties or other reasons may sit for the bar examination by passing a preliminary test (yobi-shiken) introduced in 2011 which anyone can take.⁴¹

The Japanese Ministry of Justice administers the Bar Exam. The bar examination is run by a committee of lawyers, judges, prosecutors and law school professors, with heavy Justice Ministry involvement.⁴² To qualify for taking the bar exam one needs to complete a law school or pass the preliminary bar exam.

The Bar Exam is used to determine whether a person who is going to be a judge, prosecutor or lawyer has the necessary academic knowledge and the ability to apply it. The exam has a short answer portion and a legal writing method based on thesis (Article 2, Paragraph 1 of the Law Act). Both portions will be conducted at the same time, and all candidates will take both tests.⁴³

The short answer portion will test specialized legal knowledge and legal reasoning on the following subjects: constitutional, civil law, criminal law (Article 3, Paragraph 1 of the Act). The essay portion will how well does a candidate does a legal analysis and structures a discussion on the subjects of: Public Law system Subjects (Subjects in the field of

⁴⁰ Attorney Act No. 205 from 1949. Retrieved translation from the Japanese Government Translation website.

⁴¹ Japan Federation of Bar Associations

⁴² Retrieved from: <https://www.nytimes.com/2011/07/11/world/asia/11iht-educLede11.html>

⁴³ Retrieved from the Japanese Ministry of Justice website. Link: http://www.moj.go.jp/jinji/shihoushiken/shiken_shinshihou_shikenqa.html#%E3%80%90%E5%8F%97%E9%A8%93%E8%B3%87%E6%A0%BC%E7%AD%89%E3%80%91

constitution and administrative law), Civil subjects (Subjects in the field of civil law, commercial law and civil litigation law), Criminal subjects (subjects in the field of criminal law and criminal law), elective subjects (bankruptcy law, tax law, economic law, intellectual property law, labor law, environmental law, international relation law [public law], international relation law [private law]. The essay will have a total of 4 subjects (one subject selected in advance by the examinee)) (Article 3, Paragraph 2 of the Act, Article 1 of the Law for Enforcement of the Judicial Examination Act). Additionally, the exam fee is 28,000 yen.⁴⁴

III. Benchmarking: Academic requirements in US jurisdictions for Foreign-Trained Lawyers who want to sit for the bar exam after obtaining an LLM degree from an ABA-accredited school

A. New York

Pursuant to Section 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law provides four routes for an applicant to qualify to take the New York bar examination, all of which require at least some form of classroom study in a law school.⁴⁵

1. BA Approved Law School Study (JD graduates)
2. Law Office Study/Clerkship
3. **Foreign Law School Study** (Section 520.6)
4. Pro Bono Scholars Program

⁴⁴ About US\$260.

⁴⁵ New York State Board of Law Examiner website.

Rule 520.6 grants the eligibility for applicants who wish to qualify for the New York State bar examination based on the study of law in a foreign country. It also incorporates by reference provisions from Rule 520.3. Compliance with the requirements of the Rules of the Court of Appeals must be proven to the satisfaction of the Board before an applicant may be permitted to sit for the bar examination.

Applicants requiring an LL.M. to qualify for the examination must seek an Advance Evaluation of Eligibility from the Board. Because of the volume of these applications, their complexity and the frequent need to communicate with these applicants and request more information concerning their eligibility, it can take up to six (6) months from the date of the Board’s receipt of all required documentation for an eligibility decision to be made. The following deadlines apply:

EXAM	DOCUMENTS	DEADLINE
FEBRUARY	Online Foreign Evaluation AND all Required Foreign Documentation	May 1 of the year preceding the exam applicant wishes to sit.
JULY	Online Foreign Evaluation AND all Required Foreign Documentation	October 1 of the year preceding the exam applicant wishes to sit.

The requirement under rule 520.6 are:

1. Qualifying Degree (520.6 [b] [1]). The foreign-educated applicant must have fulfilled the educational requirements for admission to the practice of law in a foreign country other than the United States. The applicant must have a qualifying degree, which must be a degree in law.
2. Accreditation (520.6[b][1]). The qualifying degree must be from a law school or schools recognized by a competent accrediting agency of the government of the foreign country and must be deemed qualified and approved.
3. Durational Equivalence (520.6 [b] [1] [i] [a]). The applicant’s period of law study must be successfully completed. The program of study must also be “substantially” equivalent in duration to a full-time or part-time program required at a law school in the United States approved by the American Bar Association (ABA) and in substantial compliance with the instructional and academic calendar requirements of section 520.3(c)(1)(i) and (ii) and 520.3(d)(1).

Required Documentation- (Rule 520.6 (b) (1) applicants (i.e., MOST foreign-educated applicants):

1. Official Transcript(s). Submit a final, official transcript directly from every law school attended that includes the dates of attendance for each period of study, the courses taken and passed for each period of study, the grades, the number of credits, the degree awarded, and the date the degree was awarded.
2. Degree Certificate. If the official transcript does not clearly state the degree awarded and/or the date such degree was awarded, applicant must also furnish the degree certificate.
3. Proof of fulfillment of the educational requirements for admission to the practice of law in the foreign country.
 - (a) If you are admitted to practice law in a foreign country, attach a copy of applicant's admission certificate, OR
 - (b) If applicant is not admitted to practice law in a foreign country, submit proof of the educational requirements for admission to practice law in applicant's country and proof from the bar admission authorities that applicant has fulfilled these requirements.
4. Accreditation. Submit a written statement from the competent accrediting agency of applicant's foreign government stating that the law school the applicant attended was recognized by them as qualified and approved throughout the applicant's period of study.
5. LL.M. Certificate of Attendance Form. Applicants relying on the cure provision must have his or her law school submit the LL.M. Certificate of Attendance Form directly to the State Board of Law Examiners together with an official transcript.

B. Texas

Pursuant to Rule 13 §4, a foreign applicant without a Common-Law Legal Education is exempt from the law study requirement prescribed by Rule 3 if the applicant satisfies the requirements of subsections (a) - (c) below:

(a) the Applicant has completed a course of study at a foreign law school that is accredited in the jurisdiction where it is located, and the course of study is:

- (1) not based on the principles of English common law; and
- (2) substantially equivalent in duration to the legal education provided by an approved U. S. law school;

(b) the Applicant has completed an LL.M. degree that meets the curricular requirements of Section 8 at an approved U.S. law school; and

(c) the Applicant is authorized to practice law in a foreign jurisdiction or in another state.

LL. M. Curricular Criteria (§8)

(a) Unless subsection (b) or (c) applies, for an LL.M. degree to satisfy the requirements of this Rule, the course of study for which the degree is awarded must meet each of the following requirements:

(1) the program must consist of a minimum of 24 semester hours of credit—or the equivalent, if the law school is on an academic schedule other than a conventional semester system—which must consist of courses in substantive and procedural law or professional skills;

(2) the program must require at least 700 minutes of instruction time, exclusive of examination time, for the granting of one semester of credit;

(3) the program must include a period of instruction consisting of no fewer than two semesters of least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations, and breaks;

(4) the program must not be completed exclusively during summer semesters, but a maximum of four semester hours of credit may be earned in courses completed during summer 24 semesters;

(5) the program must be completed within 24 months of matriculation;

(6) all coursework for the program must be completed at the campus of an approved law school in the United States, except as otherwise permitted by paragraph 8 or subsection (b);

(7) the program must include: (A) at least two semester hours of credit in professional responsibility; (B) at least two semester hours of credit in legal research, writing, and analysis, which may not be satisfied by a research-and-writing requirement in a substantive law course; (C) at least two semester hours of credit in a course designed to introduce students to distinctive aspects and fundamental principles of United States law, which may be satisfied by an introductory course in the American legal system or a course in United States constitutional law, civil procedure, or contract law-- additional credit hours earned in a course that meets the requirements of this subparagraph may be applied towards the requirements of subparagraph (D) ; and (D) at least six semester hours of credit in subjects tested on the Texas Bar Examination;

(8) the program may also include, towards satisfaction of the 24 semester hours of credit required by this Rule; (A) up to four semester hours of credit in clinical coursework, if: (i) the coursework includes a classroom instructional component that incorporates discussion, review, and evaluation of the clinical experience; (ii) the clinical work is performed under the direct supervision of a member of the law school faculty or 25 instructional staff; and (iii) the time and effort required and the anticipated educational benefit are commensurate with the credit awarded; and (B) up to six semester hours of credit in other coursework related to the law or legal training taught in conjunction with a joint degree program by a member of the law school faculty, a faculty member of the university or college with which the law school is affiliated, or a faculty member of a university or college with which the law school offers a joint degree program-provided that the coursework is completed at the U.S. campus of the law school, university, or college; and

(9) courses completed online or by other distance-learning mediums must not count towards the required minimum 24 semester hours of credit. (b) A law school may petition the Board for an exception to the requirements of subsection (a)(6). The law school must demonstrate to the satisfaction of the Board that the quality of education provided at the school's campus abroad is substantially equivalent to the quality of education provided at the school's U.S. campus. (c) An Applicant who completed an LL.M. degree prior to, or within two years after, the effective date of this Rule [October 1, 2014] is exempt from demonstrating that the degree meets the curricular requirements of subsection (a).⁴⁶

C. Washington

To qualify to take the lawyer bar exam, applicant must have:

- graduated from an ABA-accredited law school with a Juris Doctor degree; or
- completed the Washington Supreme Court APR 6 Law Clerk Program; or
- graduated with a Juris Doctor from any U.S. law school and earned an LLM degree that meets the requirements of Washington Supreme Court APR 3 from an ABA-approved law school; or
- graduated from a university or law school outside of the U.S. with a degree in law that qualifies the applicant to practice law in that jurisdiction and earned an LLM degree that meets the requirements of Washington Supreme Court APR 3 from an ABA-approved law school; or

⁴⁶Texas Board of Law examiners website.

- been admitted to the practice of law in any jurisdiction where the common law of England is the basis of its jurisprudence and have active legal experience for at least three of the five years immediately preceding the filing of the application.

Washington Supreme Court APR 3 states the following requirements for LLM Graduates:

- Graduation with a Master of Laws (LLM) degree for the practice of law as defined below and either: **(A)** graduation with a JD degree from a United States law school not approved by the Board of Governors, or **(B)** graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law in that jurisdiction.⁴⁷
- LL.M. degree for the practice of law means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include: **(A)** a minimum of 2,080 minutes in United States Constitutional Law, including principles of separation of powers and federalism; **(B)** a minimum of 2,080 minutes in the civil procedure of state and federal courts in the United States; **(C)** a minimum of 1,400 minutes in the history, goals, structure, values, rules, and responsibilities of the United States legal profession and its members; and **(D)** a minimum of 1,400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.⁴⁸

D. Vermont

For a graduate from a law school outside the U.S., you can satisfy the educational requirements if you establish that you have:

1. completed a legal education at a foreign law school whose curriculum provided training in a system based on the common law of England and that is otherwise equivalent to graduation from an approved law school, as determined by the equivalency determination process; AND
2. been admitted to the bar of a court of general jurisdiction in the country in which you attended the foreign law school and have maintained good standing in that bar

⁴⁷ Retrieved from Washington State Bar Association website.

⁴⁸ Id.

or resigned from that bar while still in good standing. (The Board may waive this requirement for good cause.)

To begin the equivalency determination process, you must submit the: ***Application for Foreign Equivalency Determination Form***, along with all required documents and fees, to be received by the preceding December 1 to sit for the July bar exam and by the preceding August 1 to sit for the February bar exam.

The application fee is \$50.00. However, if the Board of Bar Examiners determines that it is necessary to retain an expert to prepare a foreign equivalency report in your case, you will be notified and required to pay an additional \$250 before such a report will be commissioned.

If applicant is unable to establish equivalency because applicant's law school education was not based on the common law of England, applicant may cure this deficiency by obtaining an LLM degree from an ABA-approved law school in the U.S. The LLM degree must meet the specific requirements laid out in Rule 8(c)(4) of the Rules of Admission. If applicant wishes to rely on this cure provision to meet the educational requirements, applicant must still complete and submit the application for foreign equivalency determination by the applicable deadlines. Your application must include an official transcript documenting your LLM degree.

Rule 8(c)(4) of the Rule of Admission states: Applicants who do not meet the requirements of paragraph (b)(1) of this rule, may cure such deficiency by obtaining an LLM degree (Master of Laws) at an Approved Law School in the United States. The Applicant's course of study must meet all the following requirements:

- a. Applicants must successfully complete the requirements of and be awarded an LLM degree within 24 months of matriculation. Prior to sitting for the Bar Exam, an Applicant must have a completed transcript showing award of a qualified LLM degree.
- b. The LLM program must consist of a minimum of 24 hours of credit. Applicants may not count credits in any type of bar review or preparation course, independent study, directed study, research projects, or externships towards the required 24 hours of credit. The LLM program must take place over at least 2 semesters of at least 13 calendar weeks each, or the equivalent, exclusive of reading periods, examination and breaks.
- c. The LLM degree must include completion of the following credit-hour requirements: (i) at least 2 credits in professional responsibility; (ii) at least 2 credits in a legal research, writing, and analysis course (which may not be satisfied by a research and writing requirement in a substantive course); (iii) at least 2 credits in a course on American legal studies, the American legal system, or a similar course designed to introduce students to U.S. law; and (iv) at least six credits in subjects tested on the UBE.

E. Illinois

According to the Illinois Supreme Court Rule 715, Admission of Graduates of Foreign Law Schools may make application to the Board of Admissions to the Bar for admission to the bar upon academic qualification examination upon the following conditions:

- (a) The applicant has been licensed to practice law in the foreign country in which the law degree was conferred and/or in the highest court of law in any state or territory of the United States or the District of Columbia and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country or other jurisdiction where admitted to practice.
- b) The applicant has been actively and continuously engaged in the practice of law under such license or licenses for at least five of the seven years immediately prior to making application.
- (c) The Board has determined that the quality of the applicant's preliminary, college and legal education is acceptable for admission to the bar of this state based upon its review and consideration of any matters deemed relevant by the Board including, but not limited to, the jurisprudence of the country in which the applicant received his or her education and training,

the curriculum of the law schools attended and the course of studies pursued by the applicant, accreditation of the law schools attended by the applicant by competent accrediting authorities in the foreign country where situated, post-graduate studies and degrees earned by the applicant in the foreign country and in the United States, and the applicant's success on bar examinations in other jurisdictions in this country. Each applicant shall submit such proofs and documentation as the Board may require.

(d) The applicant has achieved a passing score as determined by the Board on the full academic qualification examination.

(e) The applicant has achieved a passing score as determined by the Board on the Multistate Professional Responsibility Examination in Illinois or in any other jurisdiction in which it was administered.

(f) The applicant meets the character and fitness standards in Illinois and has been certified to the Board by the Committee on Character and Fitness pursuant to Rule 708.

(g) The applicant has filed the requisite character and fitness registration and bar examination applications and has paid the fees therefor in accordance with Rule 706.

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IV. Conclusion

We researched a handful of jurisdictions across the globe that set requirements allowing a path for our US attorneys to become licensed attorneys there. Some foreign jurisdictions are more restrictive than others for allowing Minnesota lawyers or other foreign-trained lawyers to become licensed attorneys.

We also researched the requirements that other US jurisdictions have established for foreign-trained lawyers to become licensed attorneys after obtaining an LLM degree from an ABA-accredited law school.

Regardless of the jurisdiction, there is a path for foreign-trained lawyers. Minnesota does not have a comparable path.

It is our belief that the Minnesota Board of Law Examiners has vast freedom to recommend the Minnesota Supreme Court tailored requirements for foreign-trained lawyers to become licensed in our jurisdiction. Minnesota can no longer remain an outlier in having no viable path for foreign-trained lawyers who want to become our colleagues. Remaining to be an outlier is detrimental to Minnesota as it inevitably becomes more connected with the international community.

From: [Henry Clemente Lorente](#)
To: [BLE](#)
Subject: Comments related to Foreign Legal Education
Date: Tuesday, December 31, 2019 11:09:25 AM
Attachments: [letter BLE.pdf](#)
[submission MBE 3112.docx](#)

Mr Peterson,

Hope this email finds you well.

Please find enclosed a signed letter and comments on the discussion document issued by the Board of Law Examiners issued on November 19.

Wishing you a happy new year.

Enrique Clemente

Minnesota Board of Law Examiners
Attn: Douglas Peterson
Board Chair
180 E. 5th Street, Suite 950, MN 55101

Sent by email: ble@mbcle.state.mn.us

31 December 2019

Minnesota Board of Law Examiners
Comments related to Foreign Legal Education

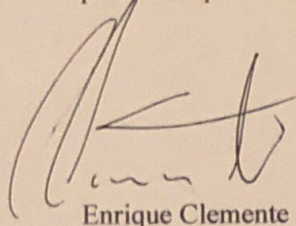
We¹ would like to thank you for the opportunity presented to stakeholders and interested parties to comment on rules for admission to the Minnesota Bar when related to foreign legal education.

Firstly, we would like to volunteer to attend the public forum to be held next February; offer testimony around the key issues that such reform should address and emphasize its appropriateness for the progress of the legal community in the State. The roundtable should help the Board of Law Examiners in understanding the great occasion that changes in the current framework would represent.

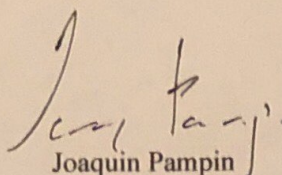
At present Minnesota stands as one of the strictest jurisdictions in the United States for admission of foreign attorneys². We support changing rule 4A(3) to allow foreign law school graduates who obtain an LL.M. or other graduate law degree from an ABA approved law school to be eligible to take the bar exam. If such standard is deemed inadequate, foreign practitioners should at least be able to gain admission on motion.

We are aware that the University of Minnesota Law School and other academic institutions are supportive of amending the current rules to accept foreign legal educated lawyers, which shows the pertinence of the reform and underscores the value that such development would have in the State of Minnesota.

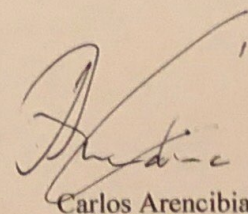
In the annex of this letter we respond to the questions raised in the discussion document but would be pleased to provide any further explanation required.



Enrique Clemente



Joaquin Pampin



Carlos Arencibia

¹ Enrique Clemente Lorente, University of Minnesota LL.M (2019). Tax Consultant II at Deloitte (May 2020)
Carlos Arencibia, University of St. Thomas LL.M (2019). Legal Consultant in Minneapolis
Joaquin Pampin Galan, University of St. Thomas, LL.M candidate (2020)

² Rule 4.A(3)(a) establish that eligibility for admission is subject to *Graduation with a J.D. or LL.B. degree from a law school that is provisionally or fully approved by the American Bar Association*

Annex

Whether lawyers admitted and practicing in another U.S. jurisdiction should be permitted to sit for the bar in Minnesota (as is required by 10 U.S. jurisdictions);

Any changes in rule 4A(3) should have corresponding amendments in other provisions contained in the rules for admission to the bar. We are confident the Board of law examiners will work to ensure the framework remains coherent and avoids unintended inconsistencies.

Of particular importance are the rules that determine eligibility by practice. Minnesota bar reciprocity relies upon Rule 7. This regulation, known as Admission on Motion, indicates how attorneys that are licensed in other states can be licensed in the state of Minnesota. However, there appears to be an unsurmountable obstacle: By reference to 4A(3), Rule 7 requires applicants to obtain a J.D from a ABA law school, rendering foreign legal educated practitioners unalterably inapt. Even those that have been qualified in other US jurisdictions would find themselves in a deadlock, ineligible to practice in Minnesota.

Rule 11 establish the conditions that permit license for foreign consultants. Although this figure can be useful in some instances (i.e. where the practitioner is focused on foreign issues, only) its inadequate for those practitioners that have a purely domestic law remit.

Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);

We would support the adoption of a framework equivalent to that of the state of Wisconsin. *The applicant must meet and show proof of the following requirements: (a) that the law school was approved in that foreign jurisdiction, (b) that the LL.M. program meets specific minimum requirements pertaining to total semester hours of credit, minutes of instruction, and duration of program, and (c) that the LL.M. program consists of a certain number of semester hours of specified courses. The LL.M. program must be located at an ABA-approved law school and be completed within 24 months of enrollment.*

Whether an educational equivalency determination should be made, and if so, how to accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions);

Educational equivalency can be achieved as follows:

The foreign-educated applicant must have fulfilled the educational requirements for admission to the practice of law in a foreign country other than the United States. The applicant must have a qualifying degree, which must be a degree in law; and

The petitioner 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 Minnesota 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 acceptable¹.

¹ The categories listed represent a consolidation of the subjects tested on the bar examination. They encompass a range of courses falling within the category: Business Organization: including, for example, Agency, Business Organizations, Commercial Law: including, for example, Contracts and Uniform Commercial Code, Constitutional Law, Criminal Law, Property and Estate Planning: including, for example, Estates, Real Property, Trusts and Wills, procedural law, professional responsibility or Torts.

Other factors could also be taken into account to determine the educational equivalency and whether it is sufficient to practice in the state of Minnesota : (i) The attorney's license to practice law in either a foreign or American jurisdiction; (ii) The length and nature of prior legal practice; (iii) The petitioner's familiarity with the American constitutional, common-law and statutory legal systems; (iv) The petitioner's successful completion of additional legal studies.

In 2010 the Board of Law Examiners established that: *“allowing 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”*. However, it is our understanding that the rules require the applicant to bear the burden of proving good character and fitness to practice law. We do not anticipate a big amount of foreign applications as a consequence of the new rules (except from the years following the implementation of the amendments). With regards to assessing the adequacy of the foreign legal education: The Board should adopt a robust standard, that at the same time does not increase unreasonably the administrative burden for the governing body.

What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements).

Our proposition, (as described above) involves being enrolled in an LL.M program of an ABA approved law school, but also register (as part of the Masters’ degree) and pass certain essential subjects to ensure familiarity and command with a common law system and specifically with American law.

Whereas there is no body who accredits LL.M degrees, the Board of Law Examiners should at minimum (if not entirely) rely on the curriculum offered by its ABA accredited Minnesota law schools: Mitchell Hamline School of Law, University of Minnesota Law School and University of St. Thomas School of Law. These academic institutions should be endorsed in the bar admission provisions as eligible to satisfy the educational sufficiency requirement (through combined foreign education and an LL.M).

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 (as it would indicate a complete shift in the paradigm). However, the applicants’ legal education ought to be deemed adequate when taking into account all facts and circumstances. The Current situation for foreign practitioners, is at an impasse, but there are alternatives that can satisfy the concerns of the Board.

The Minnesota Board of Law Examiners could also evaluate more broadly the rules contained in Wisconsin Supreme Court Rules (SCR) 40.055 *Legal competence requirement: graduates of law schools in other nations*. They establish a clear path for foreign practitioners and for those that have gained an LL.M

Other comments

1. In its 2010 report, the Board recommended *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.* Back in 2010, The Board already acknowledged the need for reform. The combination of years of practice (in US jurisdictions and/or abroad) coupled with foreign legal education and an LLM degree, should be sufficient in determining the eligibility of the petitioner.
2. Further, we believe that Georgia's model could also be implemented in Minnesota. 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 ².
3. We understand the Board of Law Examiners, as well as other stakeholders in Minnesota want to protect domestic practitioners and would not want to see their jurisdiction as a safe harbor of foreign attorneys. However, we do not think US attorneys would be displaced by foreign educated lawyers. Instead, cross-border focused positions and high skilled talent that otherwise would be outsourced in other States or countries could be found in Minnesota. We can only see the addition of new perspectives and different canons of legal interpretation as constructive. We believe the quality of legal services will improve when welcoming foreign (legal educated) expertise.
4. An evidence of the need for revisiting possible changes rules was the email sent by Enrique Clemente to Emily Eschweiler on November 8, 2019 (Exhibit A). Whilst, the communication did not receive response, we take this discussion document as a positive step for the development of an enhanced legal community in Minnesota.

² The burden is on the applicant to establish "good cause" for the waiver and to do so by "clear and convincing evidence. Each request must be accompanied by documentation from the applicant and is individually reviewed by the Board.

Exhibit A

Email sent to Emily Eschweiler on November 8, 2019

Dear Mrs Eschweiler,

Hope this email finds you well.

I am currently studying an LLM at the U of M and considering taking the Bar in Wisconsin

As I am sure you will be aware, the admission rules in Minnesota prohibit attorneys licensed in other states to practice law in Minnesota (unless they have studied a JD in an ABA accredited school).

In this context, I have seen the petition (and report) that the Minnesota law of examiners issued in 2009 with regards to whether rules for admission could be changed. While the recommendation (below) discouraged amending rule 4A(3) it was also recognized the following:

"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"

I guess my question is: Is there any hope on this amendment being considered?

<http://www.mncourts.gov/mncourtsgov/media/AdministrativeFileArchive/Board%20of%20Law%20Examiners%20ADM10-8008/2010-06-02-BLE-Report-and-Recommendation.pdf>

Really appreciate your time

Best

Enrique Clemente

From: kraussm@gtlaw.com
To: [BLE](#)
Cc: fiscom@gtlaw.com
Subject: Foreign-Trained Lawyers: Written Comment and Request to Testify
Date: Tuesday, December 31, 2019 12:31:18 PM
Attachments: [image001.png](#)

**Application of Foreign Education Lawyers for Admission to the Minnesota Bar:
Written Comment and Request to Present Oral Testimony of Michael B. Fisco and
Michael M. Krauss, Greenberg Traurig, LLP**

December 31, 2019

Douglas Peterson
Chair, Minnesota State Board of Law of Law Examiners

Dear Mr. Peterson:

We are shareholders in the Minneapolis office of Greenberg Traurig, LLP. We write in support of amending the Rules for Admission to the Bar of the State of Minnesota (the "Rules") to allow the admission of a lawyer who: (1) is licensed in the foreign country where the lawyer obtained a law degree; (2) has earned an LL.M. degree from an ABA-accredited U.S. law school; and (3) passes the state bar examination and otherwise meets the state's standards for admission.

This amendment is critical to attracting and retaining cultural diversity in the Twin Cities, particularly in the legal community. The University of Minnesota established its own LL.M. program for international students over 25 years ago. It has educated 850 lawyers from 84 countries. The Class of 2019 alone consists of lawyers from 17 countries, including Brazil, China, India, Korea, and Nigeria.

None of these lawyers can stay in the Twin Cities and join our legal community. The same is true of international lawyers with LL.M. degrees nationwide, including from top law schools. The ultimate harm is to those of us in Minnesota. Our community, and our clients, benefit invaluablely from a diversity of backgrounds and perspectives. By excluding lawyers who were first educated outside the United States, we risk closing ourselves off from the world and all that they have to offer.

If these attorneys cannot practice law in Minnesota, they will go elsewhere. And clients will follow. Each year, Minnesota is home to approximately 20 companies in the Fortune 500, along with other companies that transact business across the nation and the world. More and more, these clients are retaining counsel outside the Twin Cities, particularly in jurisdictions with a wealth of diversity and talent, like New York and California. For this legal market to compete, including for clients based in Minnesota, we need access to lawyers with diverse experiences that benefit us all.

We know this first hand. We are privileged to work with, as a law clerk in our office, a lawyer from India who practiced in the leading firm in Mumbai, earned an LL.M. from the University of California, Berkeley, School of Law, and just passed the New York bar exam. She is precisely the kind of lawyer that our community needs. Under the Rules, however, she cannot even sit for the Minnesota bar.

We strongly urge the Board to recommend a Rule change to allow foreign educated lawyers to sit for the Minnesota bar and we request the opportunity to present oral testimony on this important issue.

/s/ Michael B. Fisco

Michael B. Fisco
Managing Shareholder
Greenberg Traurig, LLP
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/s/ Michael M. Krauss

Michael M. Krauss
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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

From: [Andrew M](#)
To: [BLE](#)
Subject: Foreign Trained Lawyers / MN Bar Admission - Written Comment - Attn: Douglas Peterson
Date: Tuesday, December 31, 2019 2:44:06 PM

Dear Mr Peterson,

Thank you for the opportunity to comment on the Board's current study of whether the Board should propose Rule amendments to permit foreign educated graduates a mechanism to apply for admission in Minnesota.

I myself am a foreign trained lawyer. I hold a New Zealand law degree, am admitted to the New Zealand bar and practiced for 2.5 years as a Litigator in New Zealand. For almost 4 years now I have lived in Minnesota, a State I love and have made my home. My wife is a Minnesotan, and while we lived together in New Zealand for a couple of years, Minnesota was always going to be where we wanted to be.

Before making the move to Minnesota I knew that I would be unable to practice law in Minnesota, and am fortunate to have found a great career as a Legal Recruiter, leading a 10 person direct-hire team in Minneapolis. This is a great position, though it is still frustrating that I would need to complete another law degree, a JD, to be eligible for admission to the MN bar. It would be very exciting to think that my future could involve being a lawyer again here in my home of MN, without the requirement to complete a second law degree, which is a huge disincentive.

It does not seem fair to not honor my past legal training and practical experience. I completely recognize that I should be required to complete some US legal training. An LLM would suit this purpose. I encourage the Board to consider amending the current rules. Doing so would foster diversity and inclusion in the legal community, in a way that upholds the high standards that the Board must keep for the benefit of the community and profession.

Kind regards,
Andrew McNaughtan

From: [Ignacio Sanz Perez](#)
To: [BLE](#)
Subject: Submission for the Foreign Legal Education Proposal
Date: Tuesday, December 31, 2019 5:17:41 PM

Dear Members of the Board of Law Examiners:

My name is Ignacio Sanz and I am a foreign trained Chilean attorney, who has lived, studied, and worked in Minnesota since 2016 when I came to pursue my LLM degree at the University of St. Thomas, and I am currently an applicant to take the Bar Exam in New York this February 2020 because I cannot be admitted to practice law in Minnesota. Please take my comments into consideration for the incoming hearings:

• Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);

While in some countries the licensure requirement can be easy to obtain after completing your law degree (in my country, Chile, you have to work pro-bono with the National Legal Aid for six months after graduation) this requirement can be discriminatory with students from countries that require 3-5 years of employment as clerks or legal assistants in law firms or nonprofits. There are also countries that require certain amount of time to obtain licensure with the state system and some more years of practice with the federal system. If you are to require a licensure requirement, please choose a fair system. There is also a realistic factor that you should note. Foreign attorneys would usually come to study just after they graduated or in their last year of law school; thus requiring licensure can be unfair.

I have also found through my colleagues and my personal experience that obtaining proof of licensure from some countries can become a difficult challenge. For instance, I could not obtain licensure evidence directly sent from the Chilean Supreme Court following the instructions of the NY Bar Examiner because we have digitalized the issuance of attorney certificates. Consequently, I could only print a certificate online with a barcode. I had to explain this issue to the NY Bar Examiners in order to get my documents approved. It was only because they exercise their favorable discretion that I was allowed to take the test this February.

However, several friends have encountered similar problems. For instance, some of them are given attorney's ID to prove that they are allowed to practice law. I have heard of countries that issue no document because your registration appears in their local systems. Several of my friends who graduated in 2017 with me are still struggling to gather all the documents that are required by the NY Bar of Examiners. Thus, if you are planning to require a foreign licensure requirement, give some discretion in your statutes to receive proof of admission to the foreign bar taking into consideration the diversity of rule in this matter, which should not be a virtual barrier to a future applicant. Also, be realistic and note that foreign countries have different requirements to be admitted to practice law. I believe that giving some kind of equivalency in certain cases would be fair.

• Whether an educational equivalency determination should be made, and if so, how to accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions); and

I agree that an educational equivalency determination is fair. This is also in the best interest of foreign students and future attorneys that a high standard is met in order to apply for the bar,

which should be the same as the one required for J.D. Graduates in the United States.

Taking into consideration the Board's concern, I suggest the following ways to avoid an excessive commitment of resources:

1) Maintaining a record of prior evaluated Universities. My educational equivalency determination had no cost for the NY Bar Admission because they kept records of prior foreign student coming from my specific University in Chile. Since they have evaluated the law degree program of my University with prior applicants, I was automatically granted approval when I provide enough evidence of the completion of my program. Eventually, you will have no cost on making educational equivalency determination, or even better, you may obtain the data that has been gathered by the NY Bar Exam or other jurisdictions to do the same. Making educational equivalency determinations for each applicant is unreasonable when you are assessing the quality of the foreign law program, not the particular student.

2) Externalizing the cost of the evaluation. There are currently many companies that provide evaluation of foreign credentials. If this is an issue for the bar, this can be a solution. Of course, the reliability of this foreign evaluation reports is limited, but given that you are going to ask the taking of the bar exam for your applicants, the risk of a mistake in the foreign evaluation is also limited. Please note that this is also the system that is being used in Canada.

3) Charging a different fee for foreign applicants. To apply for the NY Bar Exam, I was charged close to \$750 while a resident of NY is charged \$250. The fee that you are charging to foreign students can be used to sustain the evaluation of foreign students. If you are planning to charge a foreign student, please take this suggestion into consideration: only charge them after submitting and getting their credential approved because it would have been unfair to request a fee to begin a process that may finish before even applying. Getting an educational equivalency should be a preparatory step free of any cost as it is currently being done by New York.

• What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements)

While it may be true that there is no body that accredits LL.M. degrees, the MN Bar Exam can adopt many objective standards, including: to accept LL.M. issued by ABA accredited Law Schools; to require certain amount of credits and specific subjects, but overall, to require the taking of the UBE, which should be the most important determination.

Finally, as a final comment, whatever standard you choose, please make it clear. Foreign students invest a lot of time and effort to meet the requested standards to be able to practice their profession. I believe that this State will earn so much in the long term by allowing foreign professionals to bring the best of their knowledge and work. I have met many foreign attorneys in Minnesota that already love this place as their own country. They just want to bring the best of themselves. Many of them love the law with passion and opening a fair path for them will benefit Minnesota. They also bring contacts and bonds with their foreign country that may open important business opportunities and endeavors in this State.

Please don't hesitate to contact me if you need further information.

Sincerely,

--

Ignacio Sanz Perez, Legal Assistant

Steven C. Thal, P.A.

10580 Wayzata Blvd. Ste. 100

Minnetonka, MN 55305

Phone: [952-541-1090](tel:952-541-1090)

Fax: [952-541-1186](tel:952-541-1186)

Email: ignacio@thalvisa.com

www.thalvisa.com fb.com/thalvisa

From: [Marcos Ramirez](#)
To: [BLE](#)
Subject: Foreign Trained Lawyers - Attn: Douglas Peterson
Date: Tuesday, December 31, 2019 8:01:34 PM

Dear members of the Board,

Since my childhood, I have developed a natural inclination for social justice and equality. Thus, I decided to study law. While in law school at the University of Los Andes in Mérida, Venezuela, I worked hard, prepared myself for class, and consequently, obtained excellent grades while contributing to the success of other students.

I then pursued law school at Hamline University, where I achieved my Juris Doctorate, and a Master degree in Law. People always ask why I went to law school twice, and I always answer “because I wanted to be a lawyer here. “

I believe that the Rules for Admission to the Minnesota Bar should recognize foreign legal education like other jurisdictions in the US. As a result, Corporations and Law firms would have more local talent to hire from. In addition, Law schools will be able to bring more international students for an LL.M. Finally, allowing foreign trained lawyers to sit for the bar exam will help underrepresented immigrant communities in Minnesota.

I will kindly request the opportunity to present oral testimony.

Sincerely,
Marcos Ramirez

--
Marcos Ramirez, JD, LLM, MBA
Attorney - Abogado



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From: [Kathya Dawe](#)
To: [BLE](#)
Cc: [Kathya Dawe](#)
Subject: Comments on admission of Foreign Educated to apply for the MN Bar
Date: Tuesday, December 31, 2019 8:38:05 PM
Attachments: [Comments on Admission of Foreign Legal Educated to apply for MN Bar.pdf](#)

Dear Board Chair,
Mr. Douglas Peterson

Please find attached my comments on the admission of Foreign Educated to apply for the MN Bar Exam.

Respectfully,

Kathya

Kathya Dawe
LL.M 2019 - University of Minnesota Law School
dawe0012@umn.edu
(612)886-4723

Minneapolis, December 31st, 2019.

Minnesota State Board of Law Examiners
Douglas Peterson – Board Chair
180 E. 5th Street, Suite 950, MN 55101

Sent by email: o ble@mbcle.state.mn.us

Re: Comments on Admission of Foreign Educated to apply for the MN Bar

Dear MN Board of Law Examiners and Board Chair,

This letter is in response to the Minnesota State Board of Law Examiners call for opinions, for the legal community and the public to send comments, on “whether the Board should propose Rule amendments to permit foreign educated graduates a mechanism to apply for admission in Minnesota”.

Initially, I would like to introduce myself. I am an attorney graduated in a Brazilian University, with twenty years of professional experience, including over fifteen years as Criminal Defense attorney in Brazil, work in the Trial Chamber at the International Criminal Court for the former Yugoslavia, and Corporate Legal Counsel in a billion-dollar US based technology company. In addition to the Law Degree, I have Masters in Social Sciences (in one of the top ten Universities in Brazil) and most recently an LL.M at the University of Minnesota Law School and a Fulbright Humphrey Fellowship completed at the U of M Law School. I am a legal permanent resident of the US, living in Minnesota, where I have my family ties through marriage.

Therefore, this letter is a request to present an oral testimony, and in addition, it offers an analysis on the impact of allowing the foreign legal educated attorneys and LL.M graduates to sit for the State of Minnesota Bar Exam.

Kathya Dawe – Opinion to MN State Board of Law Examiners

1. The past and future LLMs who graduate from the Law Schools in Minnesota will benefit from the change in the Rule because they will be allowed to take the test locally.
2. The Universities might be positively impacted by attracting students that prefer to study in the State where they can take the bar exam.
3. The State of Minnesota should benefit from receiving LLMs who graduated from other States and have interest in relocating.
4. The MN State Bar will benefit with the increase in the amount of applications for the exam - often its own profit center.

Just as an example, in the **February and July 2019 New York Bar**, 5,444 foreign educated candidates took the NY Bar Exam, at a price of \$750 per registration, which is a total of \$4,083,000.¹

In California, in **February/2019**, 226 foreign legal educated candidates took the test², and in **July/2019** 276 foreign educated/JD equivalent plus one year of US Education took the test³. At \$677 per registration, which resulted in \$153,002 in February and \$186,852 in July, for the California State Bar, just for accepting foreign educated candidates to sit for the exam.

The MN Bar might not have as many registrations from LLM graduates, at first, but the examples of New York and California Bar show that the registration is not a financial burden.

5. For the implementation and execution, MN Board of Law Examiners could assemble a committee of experts to research in the other jurisdictions which already have the know-how, in order to learn from the existent experience and best practices, including how to address the accreditation of the LLM degrees by the American Bar Association and how to implement, as well as other administrative matters.

¹ see: https://www.nybarexam.org/ExamStats/2019_NY_Bar_Exam_PassRates.pdf. Assessed on December 31, 2019.

² See at https://www.calbar.ca.gov/Portals/0/documents/FEB2019_CBX_Statistics.pdf; Assessed on December 31, 2019.

³ See at <http://www.calbar.ca.gov/Portals/0/documents/July2019-CBX-Statistics.pdf?>; Assessed on December 31, 2019.

6. The unofficial lobby against allowing foreign educated candidates mostly seems to be an outdated concern about the competition that would unfairly burden the lawyers who have a JD degree from a US Law School. However, it is important to note that:

- a. Not all foreign educated/LLMs will take the bar exam
- b. Not all exam takers will pass
- c. Not all LLM graduates that pass will be offered a job or start their own firm
- d. Not all LLM graduates are interested in staying in the country. Some are just interested in going back to their countries and have a boost in their careers with the additional credential
- e. Not many that pass the MN Bar will be able to get a visa sponsorship
- f. Concerned MN law firms ultimately can just continue current policies disallowing job offers to LLM graduates
- g. Well established Law Firms and attorneys and LLM recent graduates do not appear to have the same market of clients, which makes the competition inexistent. On the other hand, the Law Firms which pursue expansion and diversification can benefit greatly with foreign educated lawyers, because of their diverse skills and several other languages, which can and will reach another parcel of the market for new and older clients. Minnesota is becoming a business destination, with several multinational companies with headquarters or affiliates in Minnesota, such as Cargill, 3M, UHG, General Mills, CHS, among others, and with their current intense search for international employees, the LLM graduates shall become more attractive as well.

Moreover, regarding the lack of ABA accreditation to the LLM Programs, it should be enough that the LLM graduated from an accredited institution, as opposed to an accreditation of the LLM Program. When the student was accepted in the program of a given University, such University assessed the student/applicant credentials and determined that he or she had the minimum credentials to attend the law school as an LLM. Such determination is made by the Law Schools or by an educational Institution called LSAC⁴, which receives and evaluates all diplomas and

⁴ See: <https://www.lsac.org/>; assessed at December 31, 2019.

degrees and determines whether those Law degrees are equivalent to the US JD. In addition, all students must attend the same classes and same final tests that the JDs in order to graduate. We should assume that both set of students must reach the standards set by Universities. Nevertheless, the MN Board could set what should be the minimum requirements for the LLM Programs to be accepted for the purpose of allowing its graduates to sit for the MN Bar Exam.

In allowing foreign legal educated graduated, with or without LLM, to take the Bar Exam, Minnesota State Board of Law Examiners will be making a step in alignment with what seems the tendency of the State and the country, by not only hosting foreign educated lawyers studying in the State, but embracing the possibilities, experiences and skills they can bring to the legal field and to the State. If a student is welcome to live in the State of Minnesota to attend the law school as an LLM student, it seems more than natural to allow them to take the Bar Exam locally.

I appreciate the opportunity to contribute to the studies of the MN Board of Law Examiners and reaffirm my will to present an oral testimony, in addition to the present written comments.

Please feel free to contact me if you have any questions.

With best regards,

KATHYA DAWE
Brazil's Licensed Attorney
University of Minnesota – LLM'19
February 2020 NY State Bar Exam Candidate
dawe0012@umn.edu
(612) 886-4723

From: [Frederick Dawe](#)
To: [BLE](#)
Cc: [Frederick Dawe](#)
Subject: Response to Public Notice
Date: Tuesday, December 31, 2019 8:47:29 PM
Attachments: [MN Board of Law Examiners.pdf](#)

Dear Mr. Peterson,

Please find my response to the Public Notice for Comment regarding the admittance of Foreign Attorneys in Minnesota attached.

Thank you and happy New Year!

Kind regards,

Fred

Frederick R. Dawe
fred.dawe@icloud.com
612-220-8933 mobile

December 31, 2019

Minnesota State Board of Law Examiners
Attn: Douglas Peterson, Board Chair
180 E 5th St., Suite 950,
St. Paul, MN 55101
ble@mbcle.state.mn.us

Re: Response to Public Notice for Comment – Foreign Lawyers Admittance in Minnesota

Dear Minnesota State Board of Law Examiners:

This letter is being submitted in response to the Public Notice regarding potential changes to Rule 4A(3) and the review being conducted by the Board of Law Examiners (Board). More specifically, the Board indicated four points of consideration that it will undertake and the final three are points addressed below:

1. Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);
2. Whether an educational equivalency determination should be made, and if so, how to accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions); and
3. What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements).

With respect to the above points, my personal and professional experience with foreign attorneys leads me to conclude that a foreign licensed lawyer with an active status for a minimum of five years in the country of her/his licensure that completes an LLM program in the State of Minnesota at an ABA accredited institution should be eligible to apply to sit for the Minnesota State Bar Exam (Minnesota Bar). Upon successful completion of the character and fitness investigation conducted by the Board, the applicant should be allowed to sit for the Minnesota Bar.

My point of view is based on my 26 years of practice as a Minnesota licensed attorney with a principal practice in the area of corporate transaction law. Over 22 years of my practice has been in-house serving corporate clients with a focus on international business and technology. For several years, I have been serving on the Minnesota State Bar Association's councils of the Corporate Counsel Section as well as the International Business Law Section, and, in addition, am a member of the board of directors of the Minnesota Chapter of the Association of Corporate Counsel as well as the Minnesota District Export Council, which is a position confirmed by the US Department of Commerce, including the DEC's Executive Committee.

Also, until the end of the 2018-2019 school year, I served as a board member of the Mitchell Hamline School of Law Alumni Board.

Requiring Licensure

Regarding point 1, above, requiring licensure in the country in which a lawyer obtained their law degree is a viable consideration and something I support, subject to some modification. In my opinion, it is even more important that the foreign attorney has experience practicing law in a country where she/he is licensed, regardless of whether that country of license is where the attorney completed law school. Without reference to the laws of several countries, it is a fact that many attorneys in Europe will go to law school in countries within the European Union, lawyers from Latin American countries may practice in countries different from where they attended law school and the same for the Middle Eastern countries. As a practicing attorney, I think the skills developed in practicing as a licensed member of a country's bar are key to understanding the importance of the profession and the responsibilities of representing clients in that country.

Personally, after graduating from law school in 1992, and before coming back to the US in 1993 to start my work as a Minnesota licensed attorney, I had the opportunity to work as an intern in Innsbruck, Austria for a solo practitioner as well as for the legal department of Honeywell (then a Minnesota based company) in Offenbach, outside of Frankfurt. The insightful points of the senior attorney and mentor that I have learned to be true in my practice are two-fold:

1. that I was and would always be seen as a US lawyer and I need to get experience as a US attorney to understand the practice and have the perspective necessary to work with other cultures; and,
2. that after years of practice, the difference between common law and civil law systems is very small. In short for business, my mentor said, "US lawyers love long contracts, French lawyers abhor them, and Germans are somewhere in between."

In Austria, one of my assignments was to write an appellate brief and I was pleasantly surprised that it is common to be around three to five pages. The key differences in presentation of the arguments in my appellate brief were the cited authorities that were either controlling or persuasive. In fact, regardless of the technical differences a comparative law course would highlight, in practice, case law is very important in a civil law system and its application in an argument is critical.

Finally, in my practice, I have met and worked with many experienced foreign attorneys who have very similar approaches to law and, ultimately, the insight that experience brings shortens the gap to understanding differences between countries, cultures, and legal systems.

Educational Equivalency Determination and Impact of an LLM

The consideration of the Board regarding an educational equivalency determination is unnecessary if the attorney is a longstanding practicing member of a country's bar and has completed an LLM course at an ABA accredited institution. Although LLM programs are not currently accredited by the ABA, as per the Public Notice, the law schools, including all three

law schools in Minnesota, are ABA accredited and well respected by the Minnesota bar. My understanding is that all Minnesota law firms and Minnesota corporate legal departments will hire attorneys that have graduated from Minnesota law schools. Also, the reputation of LLM programs at the three law schools, as well as many other law schools, is perceived as or actually considered commensurate with the reputation of the law school itself. Accordingly, a foreign licensed attorney graduating from a Minnesota law school's LLM program carries the experience and maturity of a practicing professional from a local institution that is respected and recognized by the members of the Minnesota bar.

Notwithstanding the above, the educational equivalency is a determining factor for the admission into the LLM program and should remain there at the academic level but should not carry over to the Board for consideration of Minnesota Bar Exam applicants, particularly with the resources it would take.

Moreover, the curriculum for the largest LLM program in Minnesota at the University of Minnesota Law School, includes required courses on comparative law and/or US law outside of the specialty that may be the actual focus of the LLM program. Having these courses further mitigates the knowledge gap that may exist with experienced attorneys attending LLM programs and that would be eligible to apply for the Minnesota Bar Exam.

Finally, allowing experienced practicing foreign attorneys upon completion of an LLM program at a Minnesota law school to take the Minnesota Bar Exam would lead to a possible increase in applicants and attendance in the LLM programs at Minnesota law schools, and then, in turn, applicants to the Minnesota Bar Exam. Each of these three are important sources of revenue for their respective organizations, particularly the law schools. In my practice, I have frequently encountered foreign lawyers that completed an LLM program in a state that allows them to sit for the bar exam, especially New York. It is a "badge of honor" and superior credential in foreign countries to have one or all of a US LLM degree, a license to practice, and some legal experience, which is often a few years before the attorney may go back to their home country. Many of these attorneys had their law school tuition paid for by their law firm, company or foreign government without a discount in tuition. Said differently, many of these candidates are accomplished in their practice and have the resources to pay. In light of the impact of several years of declining enrollment US law schools, it would be a great economic benefit for Minnesota schools to be able to increase enrollment with the real and practical incentive that the graduates would be able to sit for the Minnesota Bar.

Additional Consideration: International Businesses in Minnesota

Minnesota is an international business center with international law firms and major corporations headquartered in the state. Most of these Fortune 50 firms have legal departments and attorneys working on a limited project basis as a foreign legal consultant or in some other legal related capacity, such as compliance. To allow the above-described candidates an opportunity to pursue a full license in Minnesota, the talent pool available to these important Minnesota employers would be greatly increased.

For the above reasons, I strongly support that actively practicing, licensed foreign attorneys with LLM degrees from Minnesota law schools be allowed to sit for the Minnesota Bar Exam and these candidates will indisputably meet or exceed the charge of the Minnesota State Board of Law Examiners under Rule 1 “to ensure that those who are admitted to the bar have the necessary competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in lawyers.”

Respectfully,

Frederick R. Dawe
Minnesota Attorney Lic. No. 0123400X

From: [Menzlova, Zuzana](#)
To: [BLE](#)
Subject: Submission for the Foreign Legal Education Proposal
Date: Tuesday, December 31, 2019 9:02:23 PM

Dear Members of the Board of Law Examiners:

My name is Zuzana Menzlova. I visited Minnesota for the first time as a foreign exchange student from Slovakia. I was 17 years old and fell in love with the Midwest. I kept in touch with my friends and would come back to visit once in a while to be in their weddings. However, I could not forget about this place I call home for now. After I graduated from the University of Vienna School of Law, I practiced law for a while until an opportunity arose for me to come and study law at the University of St. Thomas. I work hard to obtain my degree. I work not only as a research assistant to various professors but as a law clerk to the Hennepin County Attorney as well. Furthermore, I volunteer at a non-profit. Foreign students are already at a high disadvantage of finding an employer who would not only hire them but also sponsor their visas. Yet, Minnesota needs us. Minnesota has the highest number of refugees per capita in the United States. Also, Minnesota will need more immigrants to maintain the necessary workforce. Foreign-trained attorneys can more approachable to immigrants as they understand the immigration hoops one has to go through.

Please consider my comments for the incoming hearings:

- **Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);**

No. In Austria, law school graduates are required to practice for 5 years as apprentices under licensed attorney's supervision before they can take the bar exam. The legal work apprentices in Austria do is exactly the same as associates do in Minnesota. I am not licensed in Austria. Yet, I clerked for a judge, worked at various legal positions -- I was not affected by not passing an extra exam.

In Austria, you go to law school right after high school and the studies take you almost as long as going through college and law school in Minnesota. Most of my exams were public and oral. My school prepared me for the profession.

Also, I truly believe if a foreign student passes the Minnesota bar exam, he or she will be not less prepared than other J.D. graduates. I would even go as far as to claim, that foreign-trained attorneys have an extra insight as they can compare both legal systems and understand the reasoning behind them.

- **Whether an educational equivalency determination should be made, and if so, how to**

**accomplish that with the Board's limited resources (as is required by 18 U.S. jurisdictions);
and**

MN bar needs to protect its interests and protect consumers.

Perhaps, MN bar could coordinate with NY bar to obtain their educational equivalency determination. NY already keeps records of many foreign universities and their standards.

Also, there are companies that provide an evaluation of foreign credentials. If this is an issue for the bar, this can be a solution. To my knowledge, Canada uses this system.

Also, the applicants can bear the extra costs.

• What impact, if any, an LL.M. should have on the determination since there is no body that accredits LL.M. degrees (five U.S. jurisdictions consider completion of an LL.M program sufficient to permit applicants to sit for the examination without meeting additional requirements)

MN could require LL.M. issued by ABA-accredited Law Schools; to require a certain amount of credits and specific subjects.

Please don't hesitate to contact me if you need further information.

Sincerely,
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