

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM NUMBER: O-401**

**DATE:** March 11, 2013

**TO:** Subcommittee on Operations and Management

**FROM:** Greg Shin

**SUBJECT: Policy Regarding Interpretation of California Business and Professions Code Section 6060(c)(1) and (2) Governing the Two-Year Undergraduate Studies Requirement Prior to Beginning the Study of Law and Whether a Masters or Doctorate Education Fulfills This Requirement**

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## BACKGROUND

California Business & Professions Code 6060(c)(1) and (2) addresses the educational requirement to be certified for admission and a license to practice law as follows:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Before beginning the study of law, have done either of the following:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee.

(2) Have attained in apparent intellectual ability the equivalent of at least two years of college work by taking any examinations in subject matters and achieving the scores thereon as are prescribed by the examining committee.

Under current procedures, foreign and United States applicants have not been able to use their post-graduate degrees to fulfill the statute's pre-legal education requirement. Dean William Hunt objects to this practice, which is discussed in his letter to Gayle Murphy that is attached. Dean Hunt seeks the Committee of Bar Examiners' (Committee) consideration of changing how pre-legal education is evaluated.

## **DISCUSSION**

A number of applicants working towards or holding Masters or Ph.D. degrees from their respective schools/countries have inquired as to whether coursework for those respective graduate-level degrees can be applied towards fulfilling the “two years of college work” requirement required by the statute. In some countries/schools, an undergraduate degree is not required prior to pursuing a graduate level degree, which makes it more difficult to meet the requirement for fulfilling the two years of college work prior to beginning the study of law. The Committee has been asked to consider whether two years of graduate level coursework fulfills the spirit of the “two years of college work” requirement. If so, it would be appropriate for the Committee to adopt a policy regarding the evaluation of graduate degrees and how they might satisfy the statutory pre-legal requirement so that the appropriate guidance can be given to inquiring potential applicants and that existing applicants can be processed appropriately.

## **RECOMMENDATION**

It is recommended that the Committee consider adopting a policy relative to how applicants might satisfy the pre-legal requirements necessary for admission to practice law in California using their graduate studies. A new policy might permit the expansion of the pre-legal qualification determination to include graduate study, which has been confirmed by an evaluation service, and that which would permit two years of an applicant’s graduate level coursework to satisfy the two years of college work required by California Business & Professions Code 6060(c)(1) and (2) before beginning the study of law.

## **PROPOSED MOTION**

Should the Subcommittee determine that adopting a policy as discussed above is appropriate, the following motion is suggested:

Move that when determining whether an applicant has satisfied the pre-legal requirements for admission to practice law in California, that two years of graduate level coursework, which must be verified by a Committee-approved evaluation service, be considered as meeting the two years of college work required by California Business & Professions Code 6060(c)(1) and (2) before beginning to study law in California.