

COMMITTEE OF BAR EXAMINERS CLOSED SESSION AGENDA ITEM

AGENDA ITEM: March 2015 – O-300

DATE: March 16, 2015

TO: Subcommittee on Operations and Management

FROM: Greg Shin, Director, Operations and Management

SUBJECT: **REQUEST FOR APPROVAL OF LLM PROGRAM OUTSIDE THE UNITED STATES.**

BACKGROUND

The Committee of Bar Examiners (Committee) has the following Guideline with regard to qualifying to take the California Bar Examination as foreign-educated applicants (who are not admitted to practice law in their foreign countries):

“GUIDELINES FOR IMPLEMENTATION OF CHAPTER 2, RULE 4.30 OF THE ADMISSIONS RULES

(General Applicants with First Degrees in Law from Foreign Law Schools)

- 1.1 A general applicant who has a first degree in law from a law school located in a foreign state or country must:
 - (A) Obtain from a credential evaluation service approved by the Committee a certificate that the applicant’s first degree in law is substantially equivalent to a Juris Doctor degree awarded by a law school approved by the American Bar Association or accredited by the Committee; or
 - (B) Obtain from a credential evaluation service approved by the Committee a certificate that the applicant’s first degree in law meets the educational requirements for admission to practice law in the foreign state or country in which it was obtained.
- 1.2 In addition to submitting to the Office of Admissions the certificate required by Guideline 1.1, an applicant must submit a certificate from a law school approved by the American Bar Association or accredited by the Committee certifying that the applicant has either:
 - (A) Been awarded a Master of Law degree (LL.M) based on a minimum of twenty (20) semester or equivalent units of legal education that included a

minimum of one course in four separate subjects tested on the California Bar Examination of not less than a total of twelve (12) semester or equivalent units. One of the four courses must be Professional Responsibility that covers the California Rules of Professional Conduct, relevant sections of the California Business and Professions Code, the ABA Model Rules of Professional Conduct, and leading federal and state case law on the subject; or

- (B) Successfully completed twenty (20) semester or equivalent units of legal education that included a minimum of one course in four separate subjects tested on the California Bar Examination of not less than a total of twelve (12) semester or equivalent units. One of the four courses must be Professional Responsibility that covers the California Rules of Professional Conduct, relevant sections of the California Business and Professions Code, the ABA Model Rules of Professional Conduct, and leading federal and state case law on the subject.
- 1.3 All course work for the degree required by Guideline 1.2(A) and all course work for the legal education required by Guideline 1.2(B) must be graded using the standards the law school uses in grading course work of students in its J.D. degree program. An applicant must receive a passing grade in all courses.
- 1.4 The degree required by Guideline 1.2(A) or the course work required by Guideline 1.2(B) must be awarded or completed, as applicable, within three calendar years of the date the applicant began qualifying study at a law school whether or not the LL.M degree is awarded by or the course work is completed at that law school. An applicant begins study on the first day of his or her first semester or term of qualifying study.”

Northwestern University School of Law offers an LL.M program for applicants educated outside of the United States in Seoul, Korea. Students of the program and Northwestern have inquired whether successful completion of the program would qualify them to take the California Bar Examination.

DISCUSSION

Since the Committee adopted its Guideline governing qualification of foreign-educated applicants many years ago, there have been several changes to how LL.M programs are offered, including the fact that many are now offered online and, now, it appears that at least one school is offering LL.M programs in a foreign country.

While a review of Northwestern University School of Law’s LL.M program in Seoul, Korea confirms that it meets the curriculum and unit requirements to allow students successfully completing the program to qualify to take the California Bar Examination, the Committee may wish to consider whether approval is appropriate given other factors, such as its location. Since online programs have been allowed to qualify in the past (essentially because the Guidelines did not specifically prohibit online programs), however, perhaps location doesn’t matter.

While having ABA law school LL.M programs in foreign countries may not make a difference, as they may be taught by professors from the United States, it might be difficult to determine exactly how a particular foreign-located program would be administered in that different countries because they may have different rules and policies governing their education programs, even though the originating law school is located in the United States. Northwestern indicated that Northwestern Law Professors will teach all courses in the LL.M program and travel to Seoul, Korea to teach 17 of the 20 required units. Students of the Program will also spend an intensive session in Chicago to complete the remaining credits.

The Committee may wish to consider amending its current Guideline to specifically approve or restrict what kinds of LL.M program will qualify foreign-educated applicants to take the California Bar Examination. Any decision the Committee might make with regard to Northwestern will set a precedent regarding what other law schools may decide in establishing similar programs in other parts of the world.

RECOMMENDATION

It is recommended that amendments to the Committee's Guideline be drafted to make it clear that certain LL.M programs are or are not acceptable, depending on the Committee's consensus on this subject, which will evolve after discussion of this matter by the Committee.

PROPOSED MOTION:

Pending.