

PUBLIC NOTICE
MINNESOTA STATE BOARD OF LAW EXAMINERS

The Board of Law Examiners is charged with ensuring “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.” ([Rule 1](#))

On April 29, 2009, four lawyers licensed in other U.S. jurisdictions filed a Petition to amend the Rules for Admission to the Bar of the State of Minnesota to permit graduates of non-ABA accredited law schools who have been admitted to practice in another U.S. jurisdiction to sit for the Minnesota Bar Examination. On August 10, 2009, the Minnesota Supreme Court ordered the Board to study the issue.

On June 2, 2010, the Board filed a comprehensive report addressing the issues raised by the Petition, including foreign legal education and foreign lawyers in the United States. The Board’s full report is available [here](#). In August 2011, the Court amended Rule 4A(3) to include a provision for non-ABA graduates of U.S. law schools to sit for the Minnesota bar examination if they have practiced for five (5) of the last seven (7) years in another U.S. jurisdiction.

The Court did not expand the Rule to permit foreign educated graduates to sit for the bar examination at that time. The Board advised the Court that it would continue to review the issue. Over the past eight (8) years, the Board has received a handful of inquiries from foreign educated lawyers interested in licensure in Minnesota. The Board has also met with foreign educated lawyers interested in the Board reviewing this issue further and making additional recommendations to the Court.

The Board is currently studying whether the Board should propose Rule amendments to permit foreign educated graduates a mechanism to apply for admission in Minnesota.

Currently, Rule 4A(3) requires that Applicants meet one of the following:

- Graduation with a juris doctor degree from a law school that is provisionally or fully approved by the American Bar Association; or
- 1) a bachelor’s degree from an institution that is accredited by an agency recognized by the United States Department of Education; 2) a J.D. from a law school located in any state or territory of the United States; and 3) licensure and active practice of law in another U.S. jurisdiction for 60 of the last 84 months.

There is also a provision in Rule 11 (License for Foreign Legal Consultants) that allows foreign educated lawyers to provide legal representation solely for a single corporation, association, business, or governmental entity. To qualify as a foreign legal consultant, an individual must meet all the requirements of Rule 11, including licensure in a foreign country and active practice in that country for five (5) of the last seven (7) years.

Many foreign educated graduates come to the United States each year to obtain an LL.M. degree from a U.S. law school. The American Bar Association (ABA) does not accredit or review LL.M. degrees and these degrees vary substantially from institution to institution.

Other jurisdictions address foreign educated graduates in a variety of ways. Additional information on requirements in other U.S. jurisdictions for foreign educated graduates can be found in the National Conference of Bar Examiners' 2019 Comprehensive Guide to Bar Admission Requirements at <http://www.ncbex.org/assets/BarAdmissionGuide/NCBE-CompGuide-2019.pdf>

The Board seeks comments from the legal community and the public as part of its review and will be holding a public forum in late January or early February to solicit testimony on this issue. Specifically the Board is considering the following:

- 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);
- Whether to require licensure in the foreign country in which the lawyer obtained their law degree (as is required by 16 U.S. jurisdictions);
- 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
- 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).¹

Written comments and requests to present oral testimony may be submitted to the Board of Law Examiners, Attn: Douglas Peterson, Board Chair, 180 E. 5th Street, Suite 950, MN 55101 or emailed to ble@mbcle.state.mn.us by December 31, 2019.

Once the Board has received the written and oral comments and studied the provisions in other jurisdictions, the Board will publish an initial recommendation on the issue and solicit feedback. Based on the study, the Board will review whether to make recommendation to the Court for a Rule change.

Notices of the dates, time, and locations of the Board's public meetings will be posted to the Board's website: www.ble.mn.gov.

Dated: November 19, 2019

Emily John Eschweiler
Director
Minnesota State Board of Law Examiners

¹ Source: National Conference of Bar Examiners' 2019 Comprehensive Guide to Bar Admission Requirements