

\*The proposed amendment to Admission and Discipline Rule 13 would provide Indiana with a detailed waiver provision that sets out a path for otherwise qualified law school graduates to sit for the Indiana bar exam. The amendment gives the Board of Law Examiners discretion to waive Rule 13's American Bar Association accreditation requirement for applicants in two instances:

- when the applicant has graduated from a law school located in the United States that is not approved by the ABA, was eligible upon graduation from that law school to take the bar exam of another state, and the Board finds the applicant is qualified by reason of education or experience to take the Indiana bar exam; and
- when the applicant has completed legal education in a jurisdiction outside of the United States, has obtained a graduate degree in American law from a law school approved by the ABA, and the Board finds the applicant is qualified by reason of education or experience to take the Indiana bar exam.

The proposed amendment also sets out the materials a waiver applicant must provide the Board and makes clear that the Board's decision is subject to final approval by the Supreme Court. In addition, the proposed amendment deletes outdated provisions and makes non-substantive changes for consistency across the rules.

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### **Rule 13. Educational Requirements ~~For~~ Admission ~~To~~ Examination**

**Section 1. Authority.** ~~Constitution of Indiana, Article 7, Section 4, and this court's inherent power.~~

**Section 2. Purpose.** ~~The purpose of this rule is to establish minimal educational prerequisites for the effective assistance of counsel in civil or criminal matters and cases in the State of Indiana, which minimal educational prerequisites shall be held by all persons admitted to the bar of this Court by written examination after the effective date of this rule.~~

**Section 3. Notice.** ~~Notice is hereby given to all persons who seek admission to the bar of this Court by written examination, after the effective date of this Rule, that minimal educational prerequisites for the effective assistance of counsel in civil or criminal matters and cases are established by this rule.~~

**Section 4. Educational Qualifications.** Each applicant for admission to the Indiana bar ~~of this Court~~ by written examination ~~shall be required to~~must establish to the satisfaction of the State Board of Law Examiners that the applicant ~~is~~:

- (a) ~~A graduate of~~Has obtained a JD degree (or its equivalent) from a law school located in the United States ~~which that~~ at the time of the ~~applicant's~~applicant's graduation was on the approved list of the Council of Legal Education and Admission to the Bar of the American Bar Association ~~(the . (The Indiana Supreme Court of Indiana reserves the right to disapprove any school regardless of ABA approval.);~~

- (b) ~~A person who~~Has satisfactorily ~~has~~ completed the law course required for graduation and furnishes to the Board ~~of Law Examiners~~ a certificate from the ~~Dean thereof, or a person designated by the Dean,~~ dean of the law school (or the dean's designee) that the applicant will receive ~~the~~ JD degree (or its equivalent) as a matter of course at a future date, pursuant to ~~Indiana Rules of Admission and Discipline,~~ Rule 15; and
- (c) ~~A person who has~~Has completed ~~in an approved school of law~~ two cumulative semester hours of legal ethics or professional responsibility in law school.

**Section 52. Early Examination Rule.** An applicant, who has fewer than five ~~(5)~~ hours to complete and is within one hundred ~~(100)~~ days of ~~graduation~~graduating from an ~~ABA-~~approved law school, has satisfactorily ~~has~~ passed work in the subject matter as set forth in ~~the provisions~~Section 1 of this ~~section~~rule, and has otherwise ~~has~~ completed all requirements for admission to the bar, shall be entitled to take the examination ~~for admission to the bar,~~ but may not be admitted to the bar ~~of the Court~~ until ~~said~~the applicant has met all other requirements for admission and has graduated from an ABA-approved law school.

**Section 63. Certification of Educational Qualifications.** ~~Certification of the~~The law school dean (or the dean's designee) shall certify an applicant's completion of the subject-~~matter~~ requirements under ~~the provision of section 4 of this rule shall be made by the dean of the law school, or his designee, who shall have faculty status. Said~~this rule and must file such certification ~~shall be filed with the board~~Board at least twenty ~~(20)~~ days ~~prior to the date of~~ before the examination.

**Section 4. Waiver of Educational Qualification.** The Board may in its discretion waive the requirement in Section 1(A) of this rule for an applicant who (1) has graduated from a law school located in the United States that is not approved by the ABA, was eligible upon graduation from that law school to take the bar examination of another state, and the Board finds is qualified by reason of education or experience to take the Indiana bar examination; or (2) has completed legal education in a jurisdiction outside of the United States, has obtained a graduate degree in American law from an ABA-approved law school, and the Board finds is qualified by reason of education or experience to take the Indiana bar examination.

Applicants seeking a waiver under this section must petition the Board by letter and provide the Board with the following materials:

- (a) Official transcripts from each undergraduate college or university the applicant attended, reflecting all courses taken, the grade for each course, the number of semester hours of credit earned, and the degree(s) awarded, if any.
- (b) Official transcripts from each law school the applicant attended, reflecting all courses taken, the grade for each course, the number of semester hours of credit earned, and the degree(s) awarded, if any.

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- (c) A narrative statement that includes a description of the applicant's legal education and training, a description of the applicant's work history, and reasons why the applicant believes a waiver is warranted.
- (d) Bar examination results, i.e., percent passed/failed of graduates of the applicant's law school(s), classified by state administering the exam, for the previous three years.
- (e) A statement of whether the applicant has applied to take the bar exam in any other jurisdiction and the result of that request, and the result of any bar examination taken by the applicant.
- (f) For applicants who have completed legal education outside of the United States, a description of that country's legal system, including, but not limited to, whether the English common law substantially forms the basis of that country's jurisprudence and whether English is the language of instruction and practice in the courts of that jurisdiction.
- (g) Any other documentation, material, or information the applicant believes is relevant to establish the applicant is qualified by reason of education or experience to take the Indiana bar examination.

Any document submitted to the Board that is not in the English language must be translated into English. The Board may request additional information or material as it deems appropriate, and no material submitted to the Board will be returned to the applicant. The Board's decision is subject to final approval by the Court.

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