

Report of the Blue Ribbon Committee on Legal Education and Licensure

December 2013

The Blue Ribbon Committee on Legal Education and Licensure (the “Committee”) was established by the Administrative Committee of the Iowa State Bar Association on August 2, 2013. The charge of the Committee is to “to review legal education and licensure in Iowa.”

By letter dated August 20, 2013, the President of the Iowa State Bar Association, Guy R. Cook, clarified that the primary mission of the Committee:

is to review the current manner in which lawyers are licensed in Iowa and educated for admission. The specific focus will be on the nature of the Iowa Bar Exam and the creation of the Iowa Basic Skills Course. The charge of the committee will be to review the current mechanism for licensure and basic skills test to determine if any improvements or changes should be made or if a major overhaul of the process is in order.

David L. Brown of Des Moines agreed to chair the Committee. Fifteen additional members agreed to serve on the Committee.¹ The Committee included members of the Iowa bench and bar, individuals who have served in various capacities in the current licensure system, and the deans of both Iowa law schools.

The Committee met on three occasions, October 14, 2013, November 11, 2013, and December 5, 2013. Consistent with the President’s direction, the Committee received information on the manner in which prospective lawyers are educated for admission to the Iowa bar, and the current manner in which lawyers are licensed in Iowa. The Committee focused on the nature of the Iowa Bar Exam and the creation of the Iowa Basic Skills Course. It reviewed the current mechanism for licensure and basic skills test to determine if any improvements or changes should be made or if a major overhaul of the process is in order.

On the basis of its review and discussion, the Committee voted unanimously to make four recommendations within the scope of its charge.² Those recommendations are summarized in the following section and then developed in the subsequent sections of this Committee report.

¹ In addition to David L. Brown, who served as chair, the Committee members were: Gail B. Agrawal of Iowa City, Marsha A. Bergan of Iowa City, Scott D. Brown of Mason City, Catherine Marie Chargo of Windsor Heights, David Ewert of Des Moines, Joseph M. Feller of Sibley, Joseph L. Fitzgibbons of Estherville, David R. Mason of Cedar Falls, Ian J. Russell of Davenport, Timothy S. Semelroth of Cedar Rapids, Sharon Soorholtz Greer of Marshalltown, Mary E. Tabor of Des Moines, and Allan W. Vestal of Des Moines. Justice Thomas D. Waterman of the Iowa Supreme Court served as an *ex-officio* member of the Committee.

² Committee member David Ewert abstained, citing his position as Assistant Director for Admissions within the Office of Professional Regulation.

1. Summary of Committee Recommendations.

a. Recommendation 1: Create an Alternative for Admission Absent Examination for Qualified Graduates of Iowa Law Schools.

The Committee finds that significant improvements are possible in the current mechanism for licensure.

The Committee would leave unchanged the examination of moral character and fitness through the individual review of the Iowa board of law examiners under rule 31.9, and the related requirement that applicants pass the Multistate Professional Responsibility Examination under rule 31.3(2).

The Committee would, for the graduates of Iowa's two law schools, substitute a series of requirements relating to their law school studies for the Iowa bar examination under rule 31.3(1). The Committee notes that this test of substantive knowledge excludes very few graduates of Iowa's two law schools. For the most recent five-year period only 1%, were ultimately treated differently under the existing and proposed rules. But by delaying their entry into practice, the current procedure imposes a significant financial penalty on a much larger number of these graduates: upwards of 27% to 30% of the typical student's law school student loan balance at the two Iowa law schools.

The Committee concludes that the public aspects of licensure would be well maintained under a different system for confirming the substantive knowledge of the graduates of the two Iowa law schools, along the lines of the Wisconsin rule. The benefits of the proposed rule start with the reduction of the law school student debt of the new lawyers, but they extend further. The proposed rule promises benefits to Iowa's rural and traditionally underrepresented communities, by lowering student-debt barriers to new lawyers serving these communities. The rule would aid Iowa's bar and bench by making practice in Iowa more competitive for the graduates of our Iowa law schools and by assisting our bar and bench in becoming more diverse.

b. Recommendation 2: Extend the Comprehensive Character and Fitness Screening to Applicants Admitted Absent Examination.

The examination of moral character and fitness through the individual review of the Iowa board of law examiners is the primary protection for the public in the licensure process. The Committee feels strongly that candidates for admission absent examination should be subject to the moral character and fitness examination under rule 31.9.

c. Recommendation 3: Adopt the Uniform Bar Exam for Admission Upon Examination.

The creation of an alternative for admission absent examination would not remove the need for a procedure for admission upon examination for those who do not qualify

under the new rule. An examination mechanism could also be used by some who qualify under the new rule but who nevertheless want maximum portability for licensure in other states. The availability of an alternative for admission absent examination would permit the examination to be refocused on portability, and the Committee recommends adoption of the Uniform Bar Examination.

d. Recommendation 4: Revise the Iowa Basic Skills Course.

With the creation of an alternative for admission absent examination including a required 2-credit course in Iowa legal practice and procedure, the Iowa Basic Skills Course could be changed. The Committee recommends that alternatives to the Iowa Basic Skills Course be investigated.

2. Recommendation 1: Create an Alternative for Admission Absent Examination for Qualified Graduates of Iowa Law Schools.

The Committee reviewed the current mechanism for licensure to determine if any improvements could be made, and finds that significant improvements are possible.

The Committee notes that the current process for licensure of lawyers includes two components: the examination of substantive knowledge through the bar examinations under rule 31.3, and the examination of moral character and fitness through the individual review of the Iowa board of law examiners under rule 31.9. The examination of substantive knowledge, in turn, has two components. The first is the Iowa bar examination under rule 31.3(1). The second is the Multistate Professional Responsibility Examination under rule 31.3(2).

As to the examination of substantive knowledge through the Iowa bar examination under rule 31.3(1), the Committee notes that this test of substantive knowledge excludes very few graduates of Iowa's two law schools. For the most recent five-year period only 21, or 2%, were ultimately excluded.³ The Committee reviewed the academic programs of the two Iowa law schools and concludes, consistent with the reliably high pass rates for their graduates, that our two Iowa law schools are providing their students with a solid legal education.

³ For the five-year period from 2008 to 2013 Drake Law School and the University of Iowa College of Law combined to have 996 graduates take the Iowa bar exam for the first time. Of these first-time takers, 68 (6.8%) did not pass their initial test. Of that group of 68, 42 (62%) subsequently passed either the Iowa bar exam (38) or the bar exam in another jurisdiction (4). Of the remaining 26, 5 took the July, 2013 bar exam and thus have not had a chance to retake. The breakdown for the individual schools is as follows: For the five-year period from 2008 to 2013, 588 Drake Law School graduates took the Iowa bar exam for the first time. Of these first-time takers, 44 (7.5%) did not pass their initial test. Of that group of 44, 30 (68%) subsequently passed either the Iowa bar exam (27) or the bar exam in another jurisdiction (3). Of the remaining 14, 4 took the July, 2013 bar exam and thus have not had a chance to retake. For the same period, 408 University of Iowa College of Law graduates took the Iowa bar exam for the first time. Of these first-time takers, 24 (5.9%) did not pass their initial test. Of that group of 24, 12 (50%) subsequently passed either the Iowa bar exam (11) or the bar exam in another jurisdiction (1). Of the remaining 12, 1 took the July, 2013 bar exam and thus did not have a chance to retake.

While the Iowa bar examination screens out very few graduates of Iowa's law schools, it imposes a significant financial penalty on a much larger number of these graduates. The Committee notes that the current mechanism for licensure results in a lengthy amount of time between the date of law school graduation and the date of admission to the bar upon passage of the bar examination. This year, for example, students at the two Iowa law schools graduated in mid-May; those who took and passed the July bar examination were sworn in on September 30. The four and one half month delay between graduation and bar admission represents a significant cost for these students.⁴ For a student with average amounts of law school student loans, the cost of such delay is around \$29,000 per applicant, between 27% and 30% of the typical student's law school student loan balance at the two Iowa law schools.⁵

Given the very small number of individuals ultimately excluded by the current Iowa bar examination, and the significant delay penalty imposed on applicants who are admitted, the Committee finds that the cost of the present system is simply not justified.⁶ The Committee concludes that the public aspects of licensure would be well maintained under a different system for confirming the substantive knowledge of the graduates of the two Iowa law schools.

The Committee concludes that a significant improvement in the current mechanism for licensure could be made by creating an alternative for admission absent examination for qualified graduates of the two Iowa law schools along the lines of the Wisconsin rule.

The benefits of the proposed rule for admission absent examination for qualified graduates of the two Iowa law schools start with the reduction of the law school student debt of the new lawyers, but they extend further. The proposed rule promises benefits to Iowa's rural and traditionally underrepresented communities, and to our bench and bar.

A clear impediment to new lawyers going to Iowa's rural communities is the levels of law school debt among new graduates. By allowing the new graduates of our two Iowa law schools to reduce the amounts of their student debt by eliminating the four and one half month delay between graduation and bar admission we will remove a barrier to them locating in our rural communities. The same is true as to the opportunities for such new

⁴ If one assumes a student who enters a position that requires bar admission and pays an annual salary of \$57,000 plus benefits at 30%, the delay of 135 days – the difference between the current Iowa procedure and the Wisconsin rule – is approximately \$27,400. Adding bar examination and review costs incurred under the existing rule but saved under the Wisconsin rule brings the difference to about \$29,000. This assumes that any earnings from temporary, non-practice employment during the period of delay are offset by extra costs imposed.

⁵ According to the most recent ABA information, the average amount borrowed in law school at the University of Iowa College of Law is \$95,574, and at Drake Law School is \$106,368. American Bar Association, *2012-2013 Statistical Take-Offs*, Table J-8, Average Amount Borrowed in Law School by School, All ABA Approved Law Schools, 2012-2013. Thus the \$29,000 cost of delay is 30% of average law school debt for a University of Iowa law student and 27% for a Drake law student.

⁶ Using the \$29,000 projection for the delay cost per student and the 996 first time takers from the two Iowa law schools over the five-year period (minus the 68 students who initially did not pass) yields a systemic loss of \$26,912,000 (\$29,000 * 928). Thus, each of the excluded 10 students cost the group of initially successful applicants \$2,691,200.

lawyers to serve other historically underrepresented communities and to enter into public service practice.

The proposed rule for admission absent examination will also benefit the bar and bench by making practice in Iowa more competitive for the graduates of our Iowa law schools. To the extent this helps the Iowa bar and bench become more diverse, by assisting our law schools in attracting and our state in retaining diverse individuals, it is a particularly beneficial outcome.

Finally, the proposed rule comes with the assurance that graduates of our law schools will have an exposure to Iowa practice and procedure. With recent shifts, the Iowa bar examination no longer tests over Iowa law. Without offering an opinion on this shift, the Committee notes that under proposed rule 31.20(3)*d*, applicants would be required to have successfully completed a 2 semester hour course in Iowa practice and procedure. A related feature of the existing rule – that the selection of the substantive areas tested on the bar examination encourages students to study a core curriculum – continues under the proposed rule through the 60 credit hour list of courses under 31.20(3)*b*., the 30 credit hour list of courses under 31.20(3)*c*, and the 2 credit hour course in Iowa practice and procedure required under 31.20(3)*d*.

As to the examination of knowledge of professional responsibility through the Multistate Professional Responsibility Examination under rule 31.3(2), the Committee believes that the MPRE is a valuable adjunct to the investigation of applicants' moral character and fitness. It notes that because the MPRE is typically taken prior to graduation and does not present the same timing difficulties as the Iowa bar examination. The Committee strongly recommends that the MPRE be required for all applicants for admission under both rules 31.3 and 31.20.

To implement a Wisconsin-style diploma privilege, the Committee proposes that a new provision be added to Iowa Rules of Court Chapter 31, Admission to the Bar. In the draft set forth in Appendix A the new provision is designated rule 31.20 using the first of the reserved sections of existing rule 31. In addition, a number of technical amendments within Chapter 31 are necessary to reflect the addition of rule 31.20. The organization and language track existing rule 31.3 and combine elements of the Wisconsin rule, SCR Chapter 40.

In some important respects the procedure for admission absent examination is the same as the existing procedure for admission on examination. Both provide for registration by law students. Both require letters of good moral character. Both provide for character and fitness reviews by the board. Both require the Multistate Professional Responsibility Examination.

In lieu of the required examinations under the existing procedure,⁷ the procedure for admission absent examination allows graduates of the two Iowa law schools⁸ to be admitted

⁷ Rule 31.3.

if they have earned at least 84 semester credits,⁹ 60 semester credits of which are in a specified list of courses,¹⁰ 30 semester credits of which are in a second specified list of courses (semester credits can be applied to satisfy multiple requirements),¹¹ and 2 credits of which are in a course in Iowa legal practice and procedure.¹² The rule provides that the law schools shall certify the courses with which their applicants have satisfied these four requirements.¹³

Over the most recent five-year period the proposed rule would have resulted in a different outcome than the current rule in only 10 cases, a shift of 1% in outcomes,¹⁴ while providing a very substantial benefit to a group of almost a thousand newly admitted lawyers in terms of a significant reduction in the levels of law school student loans, with a resulting benefit to Iowa's rural and other historically underrepresented communities. The Committee believes this is a worthy policy advance.

3. Recommendation 2: Extend the Comprehensive Character and Fitness Screening to Applicants Admitted Absent Examination.

The current process for licensure of lawyers includes an examination of moral character and fitness through the individual review of the Iowa board of law examiners under rule 31.9. This is the primary protection for the public in the licensure process. It works well. The Committee gave no consideration to exempting candidates for admission absent examination from the moral character and fitness examination under rule 31.9.

⁸ Appendix A, Rule 31.20(3) (proposed). The rule applies to “[a]n applicant who has been awarded a juris doctor or comparable first professional degree in law from a law school located primarily in this state that is fully, not provisionally, approved by the American Bar Association . . .”

⁹ Appendix A, Rule 31.20(3)a. (proposed).

¹⁰ Appendix A, Rule 31.20(3)b. (proposed). The courses in the 60-credit list are: “those subjects tested on the Uniform Bar Examination (UBE), which include business associations, conflict of laws, constitutional law, contracts, criminal law and procedure, evidence, family law, federal civil procedure, real property, torts, trusts and estates, and Uniform Commercial Code, and the additional subjects areas of professional responsibility and ethics, administrative law, creditor's rights, health law, insurance, intellectual property, legislation and legislative process, labor and employment law, practice and procedure (including Iowa and appellate practice and procedure), public utilities, taxation, trade regulation, and civil procedure, including in each case advanced courses in the listed subject areas.”

¹¹ Appendix A, Rule 31.20(3)c. (proposed). The courses in the 30-credit list are: “those subjects tested on the Multistate Bar Examination (MBE) which includes constitutional law, contracts, criminal law and procedure, ethics and professional responsibility, evidence, real property, torts, and the additional subjects of legal writing and legal research, civil procedure, and Iowa Practice and Procedure.”

¹² Appendix A, Rule 31.20(3)d. (proposed).

¹³ Appendix A, Rule 31.20(3)f. (proposed).

¹⁴ As explained in footnote 3, only 21 first-time takers from Drake and Iowa were ultimately unsuccessful in passing the bar exam. Of these, 11 would not have been admitted under the proposed rule 31.20 because they would not have satisfied the 60-credit requirement under 31.20(3)b or the 30-credit requirement under 31.20(3)c (the analysis does not include the 2-credit Iowa practice and procedure course requirement under 31.20(3)d as the course was not available at either school). The breakdown for the individual schools is as follows: Drake had 10 graduates who were ultimately not successful, 8 of whom would have qualified under the proposed rule; Iowa had 11 graduates who were ultimately not successful, 2 of whom would have qualified under the proposed rule.

The language proposed in Appendix A includes both modifications of the existing rules extending the coverage of the character and fitness process to applicants for admission absent examination under rule 31.20,¹⁵ and language in the rule 31.20 making it clear that applicants for admission absent examination are subject to the full character and fitness process.¹⁶ Both the modification of the existing rule¹⁷ and the proposed rule 31.20¹⁸ include the requirement that candidates for admission absent examination to successfully take the MPRE.

4. Recommendation 3: Adopt the Uniform Bar Exam for Admission Upon Examination.

The creation of an alternative for admission absent examination for qualified graduates of Iowa law schools would not remove the need for a procedure for admission upon examination. An examination mechanism would still be required for candidates already licensed in other jurisdictions where either the jurisdiction does not have reciprocity or the candidate does not qualify for reciprocal admission, candidates educated at non-Iowa law schools, and candidates educated at Iowa law schools who for any reason do not qualify for admission absent examination under rule 31.20. The Committee also believes an examination mechanism should still be available for candidates educated at Iowa law schools who qualify for admission absent examination, but who nevertheless want maximum portability for licensure in other states.

If the admission absent examination alternative does not remove the need for an examination mechanism, it may nevertheless allow the examination to be refocused. With the removal of those admitted under rule 31.20 from the group of test takers, the examination could be refocused on portability. The question would become whether, consistent with the public aspects of licensure, there is a test vehicle which would better facilitate portability than the current mix of the Multistate Essay Examination (the “MEE”), the Multistate Bar Examination (the “MBE”), and the Multistate Performance Test (the “MPT”).

The Committee notes that the National Conference of Bar Examiners has developed the Uniform Bar Examination (“UBE”). The UBE consists of the MEE, MBE, and MPT already adopted by Iowa. According to the Conference, the UBE “is uniformly administered, graded, and scored by user jurisdictions and results in a portable score.”¹⁹

The Committee recommends that with adoption of the rule for admission absent examination for qualified graduates of Iowa law schools, Iowa also adopt the UBE.

5. Recommendation 4: Revise the Iowa Basic Skills Course.

¹⁵ Appendix A. Rule 31.9(2) (proposed).

¹⁶ Appendix A. Rule 31.20 (proposed).

¹⁷ Appendix A. Rule 31.3(2) (proposed).

¹⁸ Appendix A. Rule 31.20(2) (proposed).

¹⁹ <http://www.ncbex.org/about-ncbe-exams/ube/> .

With the creation of an alternative for admission absent examination for qualified graduates of Iowa law schools, the focus of the Iowa Basic Skills Course could also be changed.

Rule 31.20 requires candidates for admission absent examination to successfully complete a 2-credit course in Iowa legal practice and procedure.²⁰ This removes the rationale for requiring such individuals to take the Iowa Basic Skills Course.

The Iowa Basic Skills Course would still be required for candidates already licensed in other jurisdictions where either the jurisdiction does not have reciprocity or the candidate does not qualify for reciprocal admission, candidates educated at non-Iowa law schools, and candidates educated at Iowa law schools who for any reason do not qualify for admission absent examination under rule 31.20. Recognizing the interests and needs of these groups, the Committee recommends that alternatives to the Iowa Basic Skills Course be investigated, including a programming track at the annual Bridge the Gap Seminar presented by the Young Lawyers Division of the Iowa State Bar Association, and on-line courses offered by the Iowa law schools.

6. Conclusion.

What the Committee is proposing – allowing the graduates of Iowa’s two law schools to substitute a series of requirements relating to their law school studies for the Iowa bar examination – is in one respect not a substantial change. The analysis indicates a difference in outcomes of less than 1% over the period of the past five years had the proposed rule been in effect. But in another important respect the change would be substantial. By allowing a significant reduction in law school student debt the new rule would have directly benefitted almost a thousand young lawyers over the same five year period. The change would have benefitted the state by lowering barriers to rural practice, to service in other historically underserved communities, and to public service. It would have made Iowa practice a more attractive option and would have assisted in the effort to create a more diverse bar and bench.

The Committee’s proposal is innovative, but it is not unprecedented. The neighboring state of Wisconsin has had what is being proposed for Iowa for generations, and their experience has been very positive. The relevant similarities between Wisconsin and Iowa strongly suggest that their experience could be translated to our state.

What the Committee is proposing would not be appropriate in every jurisdiction. It requires law schools with a history of educating students who pass the bar exam in consistently high numbers, law schools which have a close working relationship with the bench and bar. It requires a bar and bench deeply involved in the education and mentoring of new lawyers and concerned about easing impediments to serving historically underserved communities. It requires a Supreme Court that is willing to be innovative and progressive. What the Committee proposes would not work everywhere, but we believe it would be good for Iowa.

²⁰ Appendix A. Rule 31.20(3)d. (proposed).

Appendix A. Draft Rules Modifications for Admission Absent Examination

CHAPTER 31
ADMISSION TO THE BAR

Rule 31.1	Board of law examiners
Rule 31.2	Registration by law students
Rule 31.3	Required examinations
Rule 31.4	Transfer and banking of MBE scaled scores
Rule 31.5	Bar examination application—contents and deadlines
Rule 31.6	Fee
Rule 31.7	Affidavit of intent to practice
Rule 31.8	Degree requirement
Rule 31.9	Moral character and fitness
Rule 31.10	Preservation of anonymity
Rule 31.11	Automatic review
Rule 31.12	Admission of attorneys from other jurisdictions—requirements and fees
Rule 31.13	Proofs of qualifications; oath or affirmation
Rule 31.14	Admission pro hac vice before Iowa courts and administrative agencies
Rule 31.15	Permitted practice by law students
Rule 31.16	Registration of house counsel
Rule 31.17	Provision of legal services following determination of major disaster
Rule 31.18	Licensing and practice of foreign legal consultants
Rule 31.19	Certification and pro bono participation of emeritus attorneys
Rule 31.20	Admission absent examination
Rules 31.2021 to 31.24	Reserved
Rule 31.25	Forms

Form 1: Application for Admission Pro Hac Vice — District Court

Form 2: Application for Admission Pro Hac Vice — Supreme Court

Form 3: Registration statement for lawyer engaging in temporary practice following determination of major disaster

CHAPTER 31 ADMISSION TO THE BAR

[deletions in ~~strikeout~~, additions in red and underlined]

Rule 31.1 Board of law examiners. [no modifications]

Rule 31.2 Registration by law students.

31.2(1) Every person intending to apply for admission to the bar of this state by examination under rule 31.3 or absent examination under rule 31.20 shall, by November 1 of the year in which the person commences the study of law in an accredited law school, register with the Iowa board of law examiners on forms furnished by the board and pay the required fee of \$40. The board may designate data submitted as a confidential record. Any confidential data shall be segregated by the board and the assistant director from the portion of the registration filed as a public record.

31.2(2) If any person shall fail to so register, the board may, if it finds that a strict enforcement of this rule would work a hardship and that sufficient excuse exists for failing to comply with rule 31.2(1), waive the requirements of this rule as to the date of filing. Refusal of the board to waive such requirement shall be subject to supreme court review. If the registration is not on file by the November 1 registration deadline set forth in rule 31.2(1), but is on file by December 1 immediately preceding the registrant's July examination or July 1 immediately preceding the registrant's February examination, the registration fee will be \$150. If the registration is not timely filed, but is on file by April 1 immediately preceding the registrant's July examination or November 1 immediately preceding the registrant's February examination, the registration fee will be \$250. If the registration is not timely filed in the case of an applicant under rule 31.20, but is on file eight months prior to the applicant's graduation from law school, the registration fee will be \$150; if such registration is on file four months prior to the applicant's graduation, the fee will be \$250. This fee is not refundable and shall be in addition to the fee required under rule 31.6. The failure to file the registration by the November 1 deadline of rule 31.2(1) may result in delays in conducting the board's character and fitness investigation. The board will not expedite its character and fitness investigation because the registration form is not timely filed. The board may conclude the registrant should not be permitted to take the bar examination until the investigation is completed. The registrant will not be eligible for admission to the bar until the character and fitness process is completed.

31.2(3) Registration as a law student under this rule is not deemed an application for permission to take the bar examination or an application for admission under rule 31.20.

31.2(4) The registration shall be accompanied by letters prepared by three persons not related to applicant by consanguinity or affinity attesting to the registrant's good moral character. The letters must be signed and shall include contact information for the reference provider. The letters shall state how the reference knows the registrant, how long the reference has known the registrant, and the basis for concluding the registrant possesses good moral character.

31.2(5) The board shall review each registration and may require the personal presence of any registrant at such time and place as the board may prescribe for interview and examination concerning the registrant's character and fitness. The board may at any time find it advisable to make further inquiry into the character, fitness, and general qualifications of the registrant, and with regard to each registration, the board shall have all of the powers given it in respect to inquiry and investigation of candidates for admission to the bar.

[Court Order July 2, 1975; September 20, 1976; December 16, 1983—received for publication May 30, 1984; February 16, 1990, effective March 15, 1990; April 16, 1992, effective July 1, 1992; March 26, 1999 effective July 1, 1993; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 112); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; April 9, 2009; December 10, 2012; August 21, 2013]

Rule 31.3 Required examinations. [needs to be revised to track the UBE provisions]

31.3(1) *Iowa bar examination.* Beginning with the February 2009 administration of the Iowa bar examination, the provisions of this rule shall apply to the dates and content of the bar examination.

a. Written examinations for admission to the bar shall be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.

b. The examination shall consist of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). There shall be one three-hour MEE session consisting of six questions, one MPT session consisting of two 90-minute performance tests, and two MBE sessions consisting of 100 multiple-choice questions each. The MEE portion of the examination shall consist of questions selected by the board from the following subjects:

- (1) Business associations
 1. Agency and partnership
 2. Corporations and LLCs
- (2) Conflict of laws
- (3) Constitutional law (Federal)
- (4) Contracts (including Uniform Commercial Code (Sales) (Art. 2))

- (5) Criminal law and procedure
- (6) Evidence (based on the Federal rules of evidence)
- (7) Family law
- (8) Federal civil procedure
- (9) Real property
- (10) Torts
- (11) Trusts and Estates
 - 1. Decedents' estates
 - 2. Trusts and future interests
- (12) Uniform Commercial Code
 - 1. Negotiable instruments (Commercial Paper) (Art. 3)
 - 2. Secured transactions (Art. 9)

Some MEE questions may include issues from more than one area of law. Conflict of laws issues are embedded in the other MEE topic areas. They do not appear as stand-alone questions. Uniform Commercial Code issues may require the applicants to know the general principles and applicable definitions set forth in Art. 1. Complete subject matter outlines for the MEE are available on the website of National Conference of Bar Examiners.

c. Applicants must achieve a combined scaled score of 266 or above in order to pass the examination. All passes and all failures shall be on a vote of at least four members of the board of law examiners admitted to practice law in Iowa.

31.3(2) *Multistate Professional Responsibility Examination.* Every applicant for admission to practice law in the state of Iowa must have on file with the assistant director examination results from the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners no later than April 1 preceding the July examination or November 1 preceding the February examination, or four months prior to graduation for applicants under rule 31.20. Each applicant must obtain a scaled score of at least 80 in order to be admitted to practice law in Iowa. MPRE scores shall only be accepted for three years after the date the MPRE is taken.

It is the responsibility of the applicant to ensure that a score report from the National Conference of Bar Examiners is sent to the assistant director by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the examination (or prior to graduation for an applicant under rule 31.20) may be addressed by the board, but a petition to post a score after the examination (or after graduation for an applicant under rule 31.20) must be addressed by the supreme court.

[Court Order July 2, 1975; September 17, 1984; October 23, 1985, effective November 1, 1985; January 3, 1996; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 101); July 26, 1996; September 12, 1996; October 3, 1997; July 11, 2000; November 9, 2001, effective February 15, 2002; August 28, 2006; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012]

Rule 31.4 Transfer and banking of MBE scaled scores. [no modifications]**Rule 31.5 Bar examination application—contents and deadlines.**

31.5(1) The board of law examiners and the assistant director shall prepare such forms as may be necessary for application for examination. The application shall require the applicant to demonstrate the applicant is a person of honesty, integrity, and trustworthiness, and one who appreciates and will adhere to the Iowa Rules of Professional Conduct as adopted by the supreme court, together with such other information as the board and the assistant director determine necessary and proper.

31.5(2) Every applicant for admission to the bar shall make application, under oath, and upon a form furnished by the assistant director. The applicant shall file the application with the assistant director no later than April 1 preceding the July examination or November 1 preceding the February examination. An applicant who fails the Iowa bar examination and wants to take the next examination must file a new application within the above deadlines or within 30 days of the date the applicant's score is posted in the office of professional regulation, whichever is later. There shall be no waiver of these deadlines. If any changes occur after the application is filed that affect the applicant's answers, the applicant must amend the application. A new and complete application shall be filed for each examination for admission.

31.5(3) The board may designate portions of the data submitted for this purpose by the applicant or third parties as a confidential record. The board and the assistant director shall segregate that portion of the application data deemed confidential from the portion which is filed as a public record. In the event of a request for a hearing on character or fitness under rule 31.11(4) following an initial determination by the board, it may designate any additional information received at the hearing and all proceedings before the board as a confidential record.

[Court Order October 14, 1968; July 2, 1975; November 21, 1977; March 20, 1987, effective June 1, 1987; February 16, 1990, effective March 15, 1990; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 103); November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012]

Rule 31.6 Fee. Every applicant for admission to the bar upon examination or under rule 31.20 shall, as a part of the application, remit to the Iowa board of law examiners an application fee. For applicants not previously admitted to practice law in any other state or the District of Columbia, the fee shall be \$425. For applicants previously admitted to practice law in another state or the District of Columbia, the fee shall be \$525. This fee is not refundable and cannot be applied to a subsequent application.

[Court Order July 2, 1975; December 16, 1983—received for publication May 30, 1984; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993;

June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 113); October 11, 2001; November 9, 2001, effective February 15, 2002; August 21, 2013]

Rule 31.7 Affidavit of intent to practice. All applicants for the Iowa bar examination or for admission under rule 31.20 shall demonstrate a bona fide intention to practice law in Iowa. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.

The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes. [Court Order July 2, 1975; November 21, 1977; October 28, 1982; December 30, 1983; April 25, 1985; March 23, 1994, effective July 1, 1994; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 105); November 9, 2001, effective February 15, 2002]

Rule 31.8 Degree requirement. No person shall be permitted to take the examination for admission or be admitted under rule 31.20 without proof that the person has received the degree of LL.B. or J.D. from a reputable law school fully approved by the American Bar Association. Proof of this requirement shall be by affidavit of the dean of such law school, and shall show that the applicant has actually and in good faith pursued the study of law resulting in the degree required by this rule. The affidavit must be made before an officer authorized to administer oaths and having a seal.

If an applicant is a student in such a law school and expects to receive the degree of LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant shall be permitted to take the examination upon the filing of an affidavit by the dean of said school stating that the dean expects the applicant to receive such a degree within this time. No certificate of admission or license to practice law shall be issued until the applicant has received the required degree. If the applicant fails to obtain the degree within the 45-day period, the results of the applicant's examination shall be null and void.

[Court Order July 15, 1963; February 9, 1967; December 30, 1971; February 15, 1973; July 2, 1975; November 21, 1977; June 13, 1983; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 106); May 2, 1997; November 9, 2001, effective February 15, 2002]

Rule 31.9 Moral character and fitness.

31.9(1) The Iowa board of law examiners shall make an investigation of the moral character and fitness of any applicant and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report.

a. Immediately upon the filing of the application, the chair of the Iowa board of law examiners shall notify the president of a local bar association and the county attorney of the county in which the applicant resides of the filing of the application. If either of said officers is possessed of information which reflects adversely on the moral character or fitness of the applicant, such information shall be transmitted to the chair of

the board of law examiners not less than 60 days in advance of the holding of the examination.

b. The Iowa board of law examiners shall, subject to supreme court review, determine whether or not the applicant is of good moral character and fitness. In making its determination, the board shall consider the applicant's candor in the application process and in any interactions with the board or its staff.

31.9(2) *Denial of permission to take bar examination; denial of recommendation for admission.* When the board of law examiners determines that any person who registers or makes application should not be permitted to take a bar examination, that any person who makes application for admission under rule 31.20 should not be admitted, or that an applicant who has passed a bar examination should not be recommended for admission to practice law in Iowa, the board shall notify the applicant in writing of its determination.

a. The notice shall provide that the applicant is entitled to a hearing to challenge the determination upon filing a written request for hearing with the assistant director within 10 days after service of the notice.

b. The assistant director shall serve the notice on the applicant by mail to the address shown on the applicant's application.

c. If no request for hearing is filed, the board's determination shall be final and not subject to review.

d. If a request for hearing is filed, the chair of the board shall appoint an attorney member of the board to act as a hearing officer. The hearing officer shall promptly set a hearing, and the assistant director shall notify the applicant by mail at least 10 days before the hearing date of the time and place of hearing.

e. Not less than 10 days before the hearing date, the board shall furnish the applicant with copies of all document and summaries of all other information the board relied on in making its determination.

f. The clerk of court in the county where the hearing is held shall have authority to issue any necessary subpoenas for the hearing.

g. At the hearing, the applicant shall have the right to appear in person and by counsel. The board may be represented by the attorney general of the state of Iowa or a duly appointed assistant attorney general. The hearing shall be reported. The hearing officer shall take judicial notice of the information the board considered in the case and shall consider such additional evidence and arguments as may be presented at the hearing. At the hearing, the board shall first present any additional evidence or information that it deems necessary to the proceeding. Thereafter the applicant shall present evidence. The attorney for the board may offer rebuttal evidence at the

discretion of the hearing officer. In presiding at the hearing, the hearing officer shall have the power and authority administrative hearing officers possess generally.

h. Within 30 days after completion of the hearing, the hearing officer shall provide the board with a hearing transcript, exhibits, and findings of fact and conclusions of law. Based on this information, the board shall prepare and file its final determination with the assistant director. The assistant director shall, by mail, promptly notify the applicant of the board's final determination.

31.9(3) *Supreme court review.* Any applicant aggrieved by a final determination of the board made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the supreme court within 20 days of the mailing of notice of final determination. The petition must be accompanied by a \$150 fee. If no such petition is filed within the 20-day period, the board's determination shall not be subject to review. A petition for review shall state all claims of error and reasons for challenging the board's determination. The board shall transmit to the supreme court its files and complete record in the case. Unless the court orders otherwise, the petition shall be deemed submitted for the court's review on the record previously made. After consideration of the record, the court shall enter its order sustaining or denying the petition. The order of the court shall be conclusive. No subsequent application for admission by a person denied under rule 31.9(2) shall be considered by the board unless authorized by the court upon the applicant's motion accompanied by a prima facie showing of a substantial change of circumstances.

31.9(4) *Costs of review.* In the event an applicant or person who is registered petitions for review under rule 31.9(3) and is unsuccessful, the costs of the appeal shall be taxed against the unsuccessful applicant and judgment therefor may be entered in the district court of that person's county of residence, if an Iowa resident, or in the district court for Polk County if a nonresident.

31.9(5) *Failure to comply with support order.* The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who fails to comply with a support order.

a. Procedure. The Child Support Recovery Unit (CSRU) shall file any certificate of noncompliance that involves an applicant with the clerk of the supreme court. The procedure, including notice to the applicant, shall be governed by Iowa Ct. R. 35.20(1), except that the notice shall refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court shall schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing shall be governed by Iowa Ct. R. 35.20(2).

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance, or, if necessary, shall immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the clerk of the supreme court and the director of the office of professional regulation are authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify applicants subject to enforcement under Iowa Code chapter 252J or 598.

31.9(6) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the College Student Aid Commission.

a. Procedure. The College Student Aid Commission (the commission) shall file any certificate of noncompliance that involves an applicant with the clerk of the supreme court. The procedure, including notice to the applicant, shall be governed by Iowa Ct. R. 35.21(1), except that the notice shall refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court shall schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing shall be governed by Iowa Ct. R. 35.21(2).

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance, or, if necessary, shall immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the court.

31.9(7) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Centralized Collection Unit of the Department of Revenue (CCU).

a. Procedure. The CCU shall file any certificate of noncompliance that involves an applicant with the clerk of the supreme court. The procedure, including notice to the applicant, shall be governed by Iowa Ct. R. 35.22(1), except that the notice shall refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of the district court shall schedule a hearing to be held within 30

days of the date of filing of the application. All matters pertaining to the hearing shall be governed by Iowa Ct. R. 35.22(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court shall curtail any proceedings pursuant to the certificate of noncompliance, or, if necessary, shall immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the clerk of the supreme court and the director of the office of professional regulation are authorized to share information with the CCU for the sole purpose of allowing the CCU to identify applicants subject to enforcement under Iowa Code chapter 272D.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 104); December 20, 1996; November 25, 1998; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012]

Rule 31.10 Preservation of anonymity. [no modifications]

Rule 31.11 Automatic review. [no modifications]

Rule 31.12 Admission of attorneys from other jurisdictions—requirements and fees. [no modifications]

Rule 31.13 Proofs of qualifications; oath or affirmation. [no modifications]

Rule 31.14 Admission pro hac vice before Iowa courts and administrative agencies. [no modifications]

Rule 31.15 Permitted practice by law students. [no modifications]

Rule 31.16 Registration of house counsel. [no modifications]

Rule 31.17 Provision of legal services following determination of major disaster. [no modifications]

Rule 31.18 Licensing and practice of foreign legal consultants. [no modifications]

Rule 31.19 Certification and pro bono participation of emeritus attorneys. [no modifications]

Rule 31.20 Admission absent examination.

31.20(1) Admission absent examination. An applicant who meets the requirements of this rule may, in the discretion of the court, be admitted to the practice of law in this state without examination under rule 31.3(1).

31.20(2) Compliance with other rules. Applicants for admission under rule 31.20 shall comply with rules 31.2 (Registration by law students), 31.3(2) (Required examinations, Multistate Professional Responsibility Examination), 31.5 (Bar examination application, application for admission absent examination – contents and deadlines), 31.6 (Fee), 31.7 (Affidavit of intent to practice), 31.8 (Degree requirement), and 31.9 (Moral character and fitness), as provided in such rules.

31.20(3) Substantive requirements for admission absent examination. An applicant who has been awarded a juris doctor or comparable first professional degree in law from a law school located primarily in this state that is fully, not provisionally, approved by the American Bar Association may be admitted to the practice of law in this state by demonstrating to the board the following:

a. Total semester credits. Satisfactory completion of legal studies leading to the juris doctor or comparable first professional degree in law, including not less than 84 semester credits earned by the applicant for purposes of the degree awarded.

b. Qualified semester credits. The applicant must have satisfactorily completed at least 60 semester credits in regular law school courses among the subject matter areas generally known as: those subjects tested on the Uniform Bar Examination (UBE), which include business associations, conflict of laws, constitutional law, contracts, criminal law and procedure, evidence, family law, federal civil procedure, real property, torts, trusts and estates, and Uniform Commercial Code, and the additional subjects areas of professional responsibility and ethics, administrative law, creditor's rights, health law, insurance, intellectual property, legislation and legislative process, labor and employment law, practice and procedure (including Iowa and appellate practice and procedure), public utilities, taxation, trade regulation, and civil procedure, including in each case advanced courses in the listed subject areas.

c. Required semester credits. The applicant must have satisfactorily completed at least 30 semester credits in required regular law school courses in the subject matter areas generally known as: those subjects tested on the Multistate Bar Examination (MBE) which includes constitutional law, contracts, criminal law and procedure, ethics and professional responsibility, evidence, real property, torts, and the additional subjects of legal writing and legal research, civil procedure, and Iowa Practice and Procedure.

d. Required course in Iowa legal practice and procedure. The applicant must have satisfactorily completed a 2 semester credit course in Iowa legal practice and procedure.

e. Application of credits against multiple requirements. The applicant may use the same semester credits to satisfy one or more of the requirements of rules 31.20(3)a. through d.

f. Law school certifications. The dean of each law school qualified under rule 31.20(3) shall file with the board individual certificates for applicants who are their respective graduates listing the courses for such applicant which satisfy the requirements under the various subsections of rule 31.20(3).

Rules 31.2021 to 31.24 Reserved.