

CHAPTER 31
ADMISSION TO THE BAR

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CHAPTER 31
ADMISSION TO THE BAR

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Rule 31.3 Required examinations.

31.3(1) Iowa bar examination. ~~Beginning with the February 2009 2016 administration of the Iowa bar examination, the~~ The provisions of this rule shall apply to the dates and content of the Iowa bar examination beginning February 2016.

a. Written examinations for admission to the bar ~~shall~~ will 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 Iowa Bar Examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and examination shall consist consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. There shall be one The three-hour MEE session component consistings of six essay questions, one the three-hour MPT session component consisting consists of two 90 minute performance tests, and the two MBE sessions component consistings consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores will are no longer be accepted. The MEE portion of the examination shall consist of questions 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—secured transactions (Art. 9)~~

1 c. The MEE portion of the examination consists of questions from subjects the
2 NCBE. Some MEE questions may include issues from more than one area of
3 law. Conflict of laws issues are embedded in the other MEE topic areas. They
4 do not appear as stand alone questions. Uniform Commercial Code issues may
5 require the applicants to know the general principles and applicable definitions
6 set forth in Art. 1. Complete subject Subject matter outlines for the MEE are
7 available on the NCBE web site of National Conference of Bar Examiners.
8

9 d. Applicants must achieve a combined, scaled score of 266 or above in order
10 to pass the examination. All passes and all failures The bar examination
11 results shall must be on a vote of at least four members of the board of law
12 examiners admitted to practice law in Iowa.
13

14 **31.3(2) *Multistate Professional Responsibility Examination. Every***
15

16 a. Each applicant for admission by examination to practice law in the state of
17 Iowa must have on file with the assistant director examination results from
18 earn a scaled score of at least 80 on the Multistate Professional Responsibility
19 Examination (MPRE) administered by the National Conference of Bar
20 Examiners NCBE. The applicant's MPRE score must be on file with the board
21 no later than April 1 preceding the July examination or November 1 preceding
22 the February examination. Each applicant must obtain a scaled score of at
23 least 80 in order to be admitted to practice law in Iowa. MPRE scores shall will
24 only be accepted for three years after the date the MPRE is taken.
25

26 b. It is the responsibility of the applicant to ensure that a score report from
27 the National Conference of Bar Examiners NCBE is sent to the assistant
28 director board by the date indicated above. An applicant who cannot meet the
29 deadline for posting a passing MPRE score must file a petition asking for
30 permission to post a passing score after the deadline. The petition must state
31 why the score could not be timely posted and indicate when the applicant will
32 take the MPRE. A petition to post the score prior to the bar examination may
33 be addressed by the board, but a petition to post a score after the bar
34 examination must be addressed by the supreme court.

35 **Rule 31.4 Transfer and banking of MBE scaled scores. Admission by**
36 **transferred UBE score.**
37

38 **31.4(1) *UBE score transferability.*** Applicants may transfer any MBE scaled
39 score they received in another jurisdiction from one of the last four
40 administrations of the MBE immediately preceding the deadline for filing the
41 application for the Iowa bar examination. Applicants must indicate their intent
42 to transfer an MBE score on their bar application. The applicant's MBE score
43 from a prior examination must be certified from the other jurisdiction or the
44 National Conference of Bar Examiners by November 1 preceding the February
45 examination and by April 1 preceding the July examination. Applicants may
46 not transfer MBE scaled scores from a concurrent administration of the test.
47 An applicant who has earned a UBE score in another jurisdiction may transfer
48 the UBE score and file an application for admission by transferred UBE score
49 at any time provided:
50

51 a. The transferred UBE score is NCBE certified and is a combined, scaled
52 score of 266 or above.

1 b. The application includes a nonrefundable administrative fee of \$525.

2
3 c. The applicant causes the NCBE to transfer the UBE score no later than
4 three months after the application is filed.

5
6 d. The applicant has received a LL.B. or J.D. degree from a reputable law
7 school fully or provisionally approved by the American Bar Association at the
8 time the applicant graduated. Proof of this requirement will be by affidavit of
9 the law school's dean on Iowa's dean's affidavit form. The affidavit must be
10 made before an officer authorized to administer oaths and having a seal.

11
12 e. The applicant has earned a scaled score of at least 80 on the Multistate
13 Professional Responsibility Examination (MPRE) administered by the NCBE.

14
15 f. The applicant has not been denied admission or permission to sit for a bar
16 examination by any jurisdiction on character and fitness grounds.

17
18 **31.4(2) *Time limits for transferring a UBE score.*** ~~Applicants may rely upon an~~
19 ~~MBE scaled score obtained on one of the last four Iowa bar examination~~
20 ~~administrations immediately preceding the deadline for filing the application~~
21 ~~for a subsequent bar examination. Applicants choosing to rely upon their prior~~
22 ~~MBE scaled score shall indicate their intention on the bar application form. A~~
23 ~~UBE score can be transferred to Iowa subject to the following time limits:~~

24
25 a. Any applicant may transfer a qualifying UBE score without a showing of
26 prior legal practice if the score was from a UBE administered within four
27 examinations immediately preceding the transfer application filing date.

28
29 b. An attorney applicant may transfer a qualifying UBE score up to five years
30 after the exam was taken upon proof that the applicant regularly engaged in
31 the practice of law for at least two years of the last three years immediately
32 preceding the transfer application filing date. The board may require the
33 applicant to provide a certificate of regular practice required for motion
34 applicants under Iowa Court Rule 31.13(1)(b) that addresses the period of
35 practice this rule requires.

36
37 **31.4(3) *Character and fitness investigation.*** ~~Applicants who choose to rely on~~
38 ~~a transferred or banked MBE scaled score shall only be required to take the~~
39 ~~MPT and MEE portions of the bar examination. Such applicants will not be~~
40 ~~permitted to take the MBE portion of the examination. Applicants who fail to~~
41 ~~meet the above deadlines for indicating their intention to transfer or bank MBE~~
42 ~~scores will not be allowed to do so and must sit for all portions of the Iowa~~
43 ~~examination. It is the applicant's responsibility to ensure that the scaled MBE~~
44 ~~score is sent to the assistant director by the pertinent date indicated above.~~

45
46 a. The board will investigate the moral character and fitness of any applicant
47 for admission by transferred UBE score and may procure the services of any
48 bar association, agency, organization, or individual qualified to make a moral
49 character or fitness report on the applicant. The board may require that an
50 applicant obtain, at applicant's expense, an investigative report from the NCBE
51 if, in the board's judgment, the application reveals substantial questions
52 regarding the applicant's character or fitness to practice law. Any applicant
53 obtaining an NCBE investigative report must pay the NCBE required fee in

1 addition to the administrative fee. The board's decision to require an NCBE
2 report is not subject to review.

3
4 b. The board may impose specific character and fitness or other conditions
5 for admission on the applicant and will withhold recommendation of admission
6 until those conditions are satisfied.

7
8 **31.4(4)** Time for satisfying admission requirements. Applicants for admission
9 by transferred UBE score must satisfy all requirements for admission to the
10 bar of this state within one year after the date of written notification to the
11 applicant that the transfer application has been granted or of the conditions
12 the board has imposed. The one-year period may be extended by the board
13 upon the applicant's showing of good cause. The supreme court will make the
14 final determination as to those persons who will be admitted to the practice in
15 this state.

16
17 **31.4(5)** Only certified UBE scores will be accepted. The board will not accept
18 transferred scores unless they are certified as UBE scores by the NCBE and
19 will not address petitions to treat a noncertified score as a UBE score.

20
21 **31.4(6)** Oath or affirmation before Iowa Supreme Court; exceptions.

22
23 a. An applicant who is granted admission by transferred UBE score must
24 appear for admission by oath or affirmation before an Iowa Supreme Court
25 justice, unless the supreme court orders otherwise based upon the applicant's
26 satisfactory showing of exceptional circumstances.

27
28 b. An applicant may file a petition seeking permission to be administered
29 the lawyer's oath or affirmation in the jurisdiction in which the applicant is
30 currently licensed or before a judge advocate general if the applicant is
31 currently a member of one of the armed services of the United States. The
32 petition must set forth in detail: the exceptional circumstances that render the
33 applicant unable to appear for admission before an Iowa Supreme Court
34 justice; the name, title, business address, and telephone number of the justice,
35 judge, clerk of court, court administrator, or judge advocate general who will
36 administer the lawyer's oath or affirmation; and the statute or court rule
37 authorizing that person to administer an oath or affirmation.

38
39 c. If the supreme court grants the petition, the office of professional
40 regulation will forward all required documents to the applicant. The applicant
41 will be deemed admitted to the Iowa bar on the date the completed documents
42 are filed with the office of professional regulation.

43
44 d. The applicant must take the lawyer's oath or affirmation from an Iowa
45 justice, or file the completed paperwork from an out-of-state oath or
46 affirmation, within six months after the date the application for admission is
47 granted or the application will be deemed to be denied.

48
49

50 **Rule 31.6 Fee.** Every applicant for admission to the bar upon examination
51 ~~shall~~ must, as a part of the application, remit to the Iowa board of law
52 examiners an application fee. For applicants not previously admitted to

1 practice law in any other state or the District of Columbia, the fee ~~shall~~ is \$425.
2 For applicants previously admitted to practice law in another state or the
3 District of Columbia, the fee ~~shall~~ is \$525. This fee is not refundable and
4 cannot be applied to a subsequent application. The full fee must be remitted
5 within the deadline for filing the bar application under rule 31.5(2).

6
7 **Rule 31.7 Affidavit of intent to practice.**
8

9 a. All applicants for the Iowa bar examination ~~shall~~ must demonstrate a bona
10 fide intention to practice law in Iowa or another UBE jurisdiction. This showing
11 must be by affidavit made before an officer authorized to administer oaths and
12 having a seal.

13
14 b. The affidavit must include the applicant's designation of the clerk of the
15 supreme court as the applicant's agent for service of process in Iowa for all
16 purposes.

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18

19 **Rule 31.11 Automatic review.**
20

21 **31.11(1)** *Score range for review.* An applicant whose combined, scaled score
22 on the current examination is at least 260, but less than 266, ~~shall~~ will have
23 an automatic review of the ~~written portion~~ applicant's written answers in the
24 MEE and MPT component of the bar examination prior to release of the bar
25 examination results. The board will not review any examination with a
26 combined, scaled score that does not fall within this range, and the board will
27 not conduct any review after release of the bar examination results.
28

29 **31.11(2)** *Procedures for automatic review.* The board ~~shall~~ will apply the
30 following procedures ~~for applicants eligible~~ for an automatic review:
31

32 a. The attorney members of the board and any temporary examiners the
33 board may designate will review the applicant's written answers. The answers
34 ~~shall~~ will be submitted on an anonymous basis without oral argument or
35 hearing. If it appears that an answer should receive a different score (whether
36 higher or lower), that score will be used to determine the applicant's scaled
37 score. The board ~~shall~~ will maintain a record of any changes made to the
38 scoring of the individual questions on review.
39

40 b. Following its review, the board ~~shall~~ will recommend to the supreme court
41 that the applicant be admitted to the practice of law in Iowa if the applicant's
42 combined, scaled score after review is atleast 266. An applicant whose
43 combined, scaled score after review is 265 or below ~~shall~~ will be deemed to
44 have failed the examination.
45

46 **31.11(3)** *Supreme court review.*

47 a. An unsuccessful applicant whose combined, scaled score on the bar
48 examination is at least 260, but less than 266, may file a petition in the
49 supreme court requesting review of the board's determination ~~in the supreme~~
50 ~~court~~. However, the board's decision regarding an applicant's score is final and

1 will not be reviewed by the court absent extraordinary circumstances.
2 “Extraordinary circumstances” would include issues such as the board’s
3 refusal to correct a clear mathematical error but would not include a claim that
4 the board erred in the grade assigned to a particular answer.
5

6 b. The petition ~~shall~~ must be filed with the clerk of the supreme court and
7 served upon the board. The petition must be filed within 20 days of the date
8 the applicant’s score is posted in the office of professional regulation and must
9 be accompanied by a \$150 fee. ~~If no such petition is filed within the 20-day~~
10 ~~period, the board’s determination shall not be subject to review.~~ The petition
11 for review ~~shall~~ must identify in detail the extraordinary circumstances
12 requiring supreme court review of the board’s determination. If a petition is not
13 filed within the 20-day period, the board’s determination is not subject to
14 review.
15

16 c. Upon request of the court, the board will transmit to the supreme court
17 the complete record in the case. Unless the court orders otherwise, the court
18 ~~petition shall~~ will review the petition ~~bedeemed submitted for the court’s review~~
19 on the record previously made. After consideration of the record, the court
20 ~~shall~~ will enter its order sustaining or denying the petition. The order of the
21 court ~~shall be~~ is conclusive. All documents submitted for the court’s review,
22 other than the applicant’s petition, ~~will be~~ are confidential.
23

24
25

26 **Rule 31.13 Proofs of qualifications; oath or affirmation.**
27

28 **31.13(1)** *Required certificates, affidavit, and fingerprint card.* The following
29 proofs must be filed with the office of professional regulation to qualify an
30 applicant for admission under rule 31.12:
31

32 *a.* A certificate of admission in the applicant’s state of licensure.
33

34 *b.* A certificate of a clerk or judge of a court of record, or of a judge advocate
35 general or an administrative law judge, that the applicant was regularly
36 engaged in the practice of law in said state for at least five of the last seven
37 years immediately preceding the date of the application. If, due to the nature
38 of the applicant’s practice, the applicant cannot obtain a certificate from a
39 clerk, judge, judge advocate general, or an administrative law judge, the
40 applicant ~~shall~~ must file a petition seeking leave to file an alternative
41 certificate demonstrating good cause why the certificate cannot be obtained. If
42 the supreme court grants the petition, the applicant ~~shall~~ must file an affidavit
43 detailing the nature, dates, and locations of the applicant’s practice, along
44 with an affidavit of a supervising attorney or another lawyer attesting to the
45 applicant’s practice over that period.
46

47 *c.* A certificate of an applicant’s good moral character from a judge or clerk of
48 the Iowa district court or of a court where the applicant has practiced within
49 the last five years.

50 *d.* A completed fingerprint card.