

The University of Arizona,
James E. Rogers College of Law
Arizona State University,
Sandra Day O'Connor College of Law
Phoenix School of Law

ARIZONA SUPREME COURT

In the matter of:)
)
PETITION TO AMEND RULE) Supreme Court No.
34, Rules of the Supreme Court)
)
)

I. Background and Purpose of the Proposed New Rule.

The changes proposed to Rule 34 would allow third year law students, subject to policies to be developed and applied by the school they attend, to take the Arizona bar exam in February of their third year. Students wishing to take the February bar during their third year would have to obtain a certification from the law school from which they expect to graduate that the student is currently enrolled in a course of study which, if satisfactorily completed, will result in graduation within 120 days following administration of the bar examination, and that the student otherwise satisfies the law school's certification requirements. The law school must be provisionally or fully approved by the American Bar Association.

Allowing third year law students to take the February bar exam would allow the applicants to receive the results of the bar exam in May – about five months earlier than they would receive their results if they take the July bar exam. This would allow those who pass the exam to begin work earlier, effectively reducing the cost of their legal education. It would also

allow them to compete at graduation for the many jobs which require bar admission, rather than having to wait until October for admission to the bar. Moreover, as Arizona and other states move to the Uniform Bar Examination (UBE), those students who take the Arizona bar in February may, so long as they meet the scoring criteria imposed by other UBE jurisdictions, be eligible to be admitted into the bars of those other jurisdictions months earlier than they otherwise would be able to.

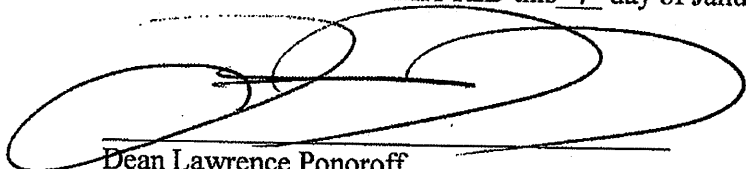
In addition, the proposed rule would permit students to sit for the July bar exam if they will graduate at the end of that summer. Those third year students who have completed almost all of their requirements for graduation but need an additional few credits could sit for the July bar exam and then finish their degree and graduate in August, allowing them to be certified in October, rather than taking the February exam and being certified the following May.

II. Contents of the Proposed Rule Amendments.

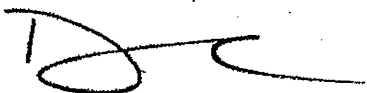
The proposed amendments to Rule 34 (see Appendix A) would authorize the Committee on Character and Fitness to allow an applicant to sit for the bar examination if the applicant presents a “certification from the law school from which the applicant expects to obtain a juris doctor that the applicant is currently enrolled in a course of study which, if satisfactorily completed, will result in graduation within 120 days following administration of the bar examination from a law school provisionally or fully approved by the American Bar Association.” A law school issuing such a certification would be required to have a policy in place that describes the conditions under which it would issue such a certificate. In developing these policies, each school can place appropriate limitations on students who will be eligible to take the bar exam in February, making sure that the students are in the best position to pass the bar examination and successfully complete their studies. Within 120 days of the administration

of the examination, the applicant would be required to provide evidence of graduation with a juris doctor. The 120-day window would allow enough time for the schools to process and post final grades and award the juris doctor. If the applicant failed to obtain the degree within 120 days of the exam, the results would be null and void for purposes of admission to practice in Arizona.

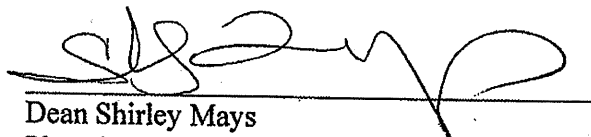
RESPECTFULLY SUBMITTED this 4th day of January, 2012.



Dean Lawrence Ponoroff
University of Arizona James E. Rogers College of Law



Dean Douglas J. Sylvester
Arizona State University Sandra Day O'Connor College of Law



Dean Shirley Mays
Phoenix School of Law

APPENDIX A

Supreme Court No.

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Rule 34. Application for Admission

(a) [No change in text.]

(b) Applicant Requirements and Qualifications.

1. No applicant shall be recommended for admission to the practice of law in Arizona by the Committee on Character and Fitness unless the Committee is satisfied that:

A. - F. [No change in text.]

2. The Committee on Character and Fitness may allow an applicant to sit for the bar examination, on a conditional basis, if the applicant presents to the Committee a certification from the law school from which the applicant expects to obtain a juris doctor that the applicant is currently enrolled in a course of study which, if satisfactorily completed, will result in graduation within 120 days following administration of the bar examination from a law school provisionally or fully approved by the American Bar Association. The issuing law school must have in place a policy that describes the conditions under which the school will agree to issue such a certification. 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 120 days following administration of the bar examination, the results of the applicant's examination shall be null and void for purposes of admission to the practice of law in the State of Arizona.

23. The Committee on Character and Fitness shall endeavor to complete its inquiries, some or all of which may be delegated to the National Conference of Bar Examiners, to be in a position to recommend for or against a successful Arizona uniform bar examinee's admission to the practice of law no later than the time the results of the Arizona uniform bar examination are available for examination applicants. This time limitation is aspirational only, and may be extended for further inquiry and formulation of a recommendation when the circumstances of a case so require.

(c) [No change in text.]

(d) Documents Required in Support of Application. The following must accompany every application:

1. subject to the exception made in paragraph (b)(1)(D) of this rule, the applicant's law school diploma, or other evidence satisfactory to the Committee on Character and Fitness showing the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation; provided that for applicants under paragraph (b)(2) of this rule, the applicant must provide within 120 days following administration of the bar examination the applicant's law school diploma, or other evidence satisfactory to the Committee on Character and Fitness showing the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;

2. – 6. [No change in text.]

(e) – (n) [No change in text.]