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COMMENT TO BE FILED REGARDING
PENDING SUPREME COURT RULE
PETITION R-14-0011

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This comment is suggested to clarify a provision of Rule 34, relating to educational qualifications of exam applicants.

Purpose of Comment

Supreme Court Rule 34(b)(1)(D) relates to examination applicant requirements and qualifications, and currently states, “The applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation; provided that this requirement shall not apply to an examination applicant who has been actively engaged in the practice of law in some other state or states for at least five of the last seven years prior to filing an application for admission to practice in Arizona; and....”

This requirement should be clarified to conform to intent, which sets the minimum educational requirement of a juris doctor degree for every applicant but requires only those with a non-ABA accredited juris doctor degree to practice law for a minimum of five years in other states in order to qualify for the Arizona Uniform Bar Examination. This clarification would insure that all applicants have demonstrated minimum educational requirements.

Contents of the Proposed Comment

The proposed amendment could modify the educational requirements of examination applicants to clarify that a juris doctor degree is required of all applicants prior to sitting for the Arizona Uniform Bar Examination. Applicants with a juris doctor degree from a non-ABA accredited law school must practice law in other states for at least five years in order to qualify for the Arizona Uniform Bar Examination.

The rule, as proposed, could be modified to read:

“(b)(1)(D)

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:
 - D. the applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation; provided that ~~this requirement~~ the requirement of American Bar Association approval shall not apply to the juris doctor degree held by an examination applicant who has been actively engaged in the practice of law in some other state or states for at least five of the last seven years prior to filing an application for admission to practice in Arizona; and”

No other modifications are suggested for Rule 34.

Conclusion

The comment will clarify educational standards of examination requirements.

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