Rules for the Board of Law Examiners

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Rules for the Board of Law Examiners

Rule 1. General Requirements.

An applicant for admission to the practice of law must

(A) be 18 years old or older;

(B) possess good moral character; and

(C) have completed, before entering law school, at least 60 semester hours or 90 quarter hours toward an undergraduate degree from an accredited school or while attending an accredited junior or community college.

Rule 2. Admission by Examination.

(A) An application must be filed by November 1 for the February examination, or March 1 for the July examination. Late applications will be accepted until December 1 for the February examination, or May 1 for the July examination. An application must be accompanied by payment of the fee. All materials filed are confidential.

(B) Before taking the examination, an applicant must obtain a JD degree from a reputable and qualified law school that

(1) is incorporated in the United States, its territories, or the District of Columbia; and

(2) requires for graduation 3 school years of study for full-time students, and 4 school years of study for part-time or night students. A school year must be at least 30 weeks.

A law school approved by the American Bar Association is reputable and qualified. Other schools may ask the Board to approve the school as reputable and qualified. In the event the law school has ceased operations since an applicant's graduation, the request for approval may be made by the applicant. The Board may in its discretion permit applicants who do not possess a JD degree from an ABA-approved law school to take the examination based upon factors including, but not limited to, relevant legal education, such as an LLM degree from a reputable and qualified law school, and experience that otherwise qualifies the applicant to take the examination.

(C) The State Bar character and fitness committee will investigate each applicant. The applicant must disclose any criminal conviction which carries a possible penalty of incarceration in jail or prison that has not been reversed or vacated and comply with the committee's requirements and requests. The committee will report the results of its investigation to the Board. If the committee report shows that an applicant lacks the necessary character and fitness, the Board will review the application, record, and report. If the Board accepts the report, the applicant is entitled to a hearing before the Board and

may use the Board's subpoena power. The Board may permit an applicant to take the examination before the character and fitness committee reports. The Board will release the applicant's grade if character and fitness committee approval is obtained.

(D) Every applicant for admission must achieve a passing score, as determined by the board, on the Multistate Professional Responsibility Examination (MPRE) prepared and administered by the National Conference of Bar Examiners.

(E) The Board may permit an applicant entering the armed forces before the examination immediately following graduation to take an earlier examination. The applicant must have completed, before the examination, $2^1/_2$ years full-time or $3^1/_2$ years part-time study. The Board will release the applicant's grade when the school certifies the applicant's graduation.

(F) The applicant is responsible for meeting all requirements before the examination. The Board may act on information about an applicant's character whenever the information is received.

Rule 3. Examination Administration.

(A) The examination shall be the Uniform Bar Examination (UBE) as prepared and defined by the NCBE and administered on dates and under regulations set by NCBE. The UBE consists of:

(1) The Multistate Bar Examination (MBE)

(2) The Multistate Essay Examination (MEE)

(3) Two Multistate Performance Test items (MPT)

(B) The NCBE will grade the MBE. The Board or its agents will grade the MEE and the MPT, with the Board having final responsibility. The Board will adopt policies for grading that are consistent with the sound testing practices followed by all jurisdictions that administer the UBE. The policies shall include a provision for the NCBE to convert the raw scores on the written portion of the examination to the MBE scale by the methodology used for UBE jurisdictions. The Board will determine a method for selecting a passing score.

(C) To earn a portable UBE score that is transferable to other UBE jurisdictions, persons taking the UBE in Michigan shall sit for and take all components of the bar examination in a single administration.

(D) An applicant's raw bar examination score shall be provided to the NCBE to calculate scaled scores. Upon request by an applicant, the NCBE will certify and transfer the applicant's scaled score, scaled MBE score, and total UBE score to other UBE jurisdictions. The NCBE may also release to an applicant, upon request by the applicant, the applicant's scaled MBE score, scaled written score, and total UBE score.

Rule 3a. Michigan Law Component.

(A) Before being admitted to the practice of law in Michigan by UBE examination, by transferred UBE score, or on Application for Admission Without Examination, an applicant shall take any Michigan Law Component course required by the Board and provide proof of completion to the Board of Law Examiner's office.

(B) If a Michigan Law Component course is required by the Board, the course shall contain relevant Michigan-specific topics attorneys licensed in Michigan are reasonably expected to know as determined by the Board. The course shall be in the form prescribed by the Board.

(C) An applicant shall pay any fee determined by the Board that is associated with taking the Michigan Law Component.

Rule 4. Post-Examination Procedures; Appeal; Application for Re-Examination.

(A) Except where a mathematical or clerical error has been made, scores determined in accordance with these rules shall be final. In the unlikely event of a mathematical or clerical error, the Board shall issue a corrected score.

(B) The Executive Director will release examination results at the Board's direction. Any blue books will be kept for 3 months after results are released.

(C) An applicant who has failed and seeks to retake the UBE in Michigan shall file an Application for Reexamination. An applicant for re-examination may obtain an application from the Executive Director. The application must be filed at least sixty (60) days before the examination. If the applicant's character and fitness clearance is more than three (3) years old, the applicant must be approved by the State Bar Committee on Character and Fitness.

(D) A passing bar examination score is valid for three years.

Rule 4a. Admission by Transferred UBE Score.

(A) An applicant may apply for admission to the practice of law in Michigan by filing an application to transfer a UBE score if all of the following apply:

(1) The applicant earned a UBE score that meets or exceeds the minimum score required by the Board of Law Examiners.

(2) The score that the individual elects to use was achieved on a uniform bar examination administered within the 3 years immediately preceding the uniform bar examination in this state for which the individual would otherwise sit.

(3) The applicant has taken the MPRE prepared and administered by the NCBE and earned the scaled score required by the Board.

(4) The applicant has met all requirements of these rules, including successful completion of any Michigan Law Component.

(B) An applicant who desires to be admitted as a member of the Michigan bar shall file with the Board of Law Examiners an Application for Admission to the Practice of Law by Transferred UBE Score. The application shall include the following:

(1) An affidavit stating that the applicant has studied the Michigan Court Rules, the Michigan Rules of Professional Conduct, and the Michigan Code of Judicial Conduct.

(2) An application provided for use by the State Bar of Michigan Standing Committee on Character and Fitness for the purpose of conducting a character and fitness investigation of the applicant and the required fee;

(3) An application fee as prescribed by BLE Rule 6.

(C) An applicant under review shall have a continuing duty to update the information contained in the State Bar of Michigan Standing Committee on Character and Fitness application and to report promptly to the State Bar of Michigan Standing Committee on Character and Fitness all changes or additions to information in the application that occur prior to the applicant's admission to practice.

(D) An applicant under this section shall successfully complete any required Michigan Law Component within the time period required by the Board.

(E) An applicant under this section who has been approved for admission under this section shall be entitled to take the oath of office under Rule 15, section 3, of the Rules Concerning the State Bar of Michigan. An applicant under this section shall not engage in the practice of law in Michigan before approval and administration of the oath. An application under this section shall be considered withdrawn if the applicant does not take the oath of office within three years after being approved for admission to the practice of law in Michigan.

Rule 5. Admission Without Examination.

(A) Definitions. For purposes of this rule, the following definitions apply.

(a) "Full-time" is 21 or more hours per week.

(b) "Instructor" includes a clinical instructor. A clinical instructor is someone whose responsibilities include teaching and supervising law students in a clinic organized by an accredited law school.

(B) An applicant for admission without examination must

(1) qualify under Rules 1 and 2(B);

(2) be licensed to practice law in the United States, its territories, or the District of Columbia;

(3) be a member in good standing of the Bar where admitted;

(4) intend to practice law in Michigan, or to be a full-time instructor in a reputable and qualified Michigan law school; and

(5) have, after being licensed and for 3 of the 5 years preceding the application,

(a) actively practiced law as a principal business or occupation in a jurisdiction where admitted (the practice of law under a special certificate pursuant to Rule 5[F] or as a special legal consultant pursuant to Rule 5[G] does not qualify as the practice of law required by this rule);

(b) been employed as a full-time instructor in a reputable and qualified law school in the United States, its districts, or its territories; or

(c) been on active duty (other than for training or reserve duty) in the United States armed forces as a judge advocate, legal specialist, or legal officer. The judge advocate general (or a comparable officer) or delegate must certify the assignment and the inclusive dates.

The Board may, for good cause, increase the 5-year period. Active duty in the United States armed forces not satisfying Rule 5(B)(5)(c) may be excluded when computing the 5-year period.

(6) Complete any Michigan Law Component requirement set out in Rule 3a.

(C) An applicant must submit the National Conference of Bar Examiners' Request for Preparation of a Character Report along with other material required by the Board and payment of the fees.

(D) An applicant not satisfying Rule 5(B) will be notified and given an opportunity to appear before the Board. The applicant may use the Board's subpoena power.

(E) An applicant for whom a certificate of admission is issued must take the oath and become a member of the State Bar of Michigan within three years of the date the certificate is issued. Otherwise, the applicant must reapply.

(F) An attorney

(1) ineligible for admission without examination because of the inability to satisfy Rule 5(B)(5); and

(2) practicing law in an institutional setting, e.g., counsel to a corporation or instructor in a law school, may apply to the Board for a special certificate of qualification to practice law. The applicant must satisfy Rule 5(B)(1)-(3), and comply with Rule 5(C). The Board may then issue the special certificate, which will entitle the attorney to continue current employment if the attorney becomes an active member of the State Bar. The special certificate permits attorneys teaching or supervising law students in a clinical program to represent the clients of that clinical program. If the attorney leaves the current employment, the special certificate automatically expires; if the attorney's new employment is also institutional, the attorney may reapply for another special certificate.

(G) Special Legal Consultants.

(a) To qualify for admission without examination to practice as a special legal consultant one must:

(1) be admitted to practice in a foreign country and have actually practiced, and be in good standing, as an attorney or counselor at law or the equivalent in such foreign country for at least 3 of the 5 years immediately preceding the application; and

(2) possess the good moral character and general fitness requisite for a member of the bar of this state; and

(3) fulfill the requirements of MCL 600.934 and 600.937; and

(4) be a resident of this or another state of the United States, its territories or the District of Columbia and maintain an office in this state for the practice of law; and

(5) be over 18 years of age.

(b) In considering whether to license an applicant to practice pursuant to Rule 5(G), the Board may in its discretion take into account whether a member of the bar of this state would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in Rule 5[G][a][1]), if there is pending with the Board a request to take this factor into account from a member of the bar of this state actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a member to establish such an office.

(c) An applicant for a license as a special legal consultant shall submit to the Board:

(1) a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof and as to the good standing of such attorney or counselor at law or the equivalent, together with a duly

authenticated English translation of such certificate if it is not in English; and

(2) a letter of recommendation from one of the judges of the highest law court or intermediate appellate court of such foreign country, together with a duly authenticated English translation of such letter if it is not in English; and

(3) the National Conference of Bar Examiners questionnaire and affidavit along with the payment of the requisite fee and such other evidence of the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Rule 5(E)(a)(1)-(5) as the Board may require; and

(4) shall execute and file with the Executive Director of the State Board of Law Examiners, in such form and manner as the Board may prescribe,

(i) a duly acknowledged instrument in writing setting forth the special legal consultant's address in the state of Michigan and designating the Executive Director of the State Board of Law Examiners an agent upon whom process may be served, with like effect as if served personally upon the special legal consultant, in any action or proceeding thereafter brought against the special legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the special legal consultant within or to residents of the state of Michigan whenever after due diligence service cannot be made upon the special legal consultant at such address or at such new address in the state of Michigan as the special legal consultant shall have filed in the office of the Executive Director of the State Board of Law Examiners by means of a duly acknowledged supplemental instrument in writing; and

(ii) the special legal consultant's commitment to notify the Executive Director of the State Board of Law Examiners of any resignation or revocation of the special legal consultant's admission to practice in the foreign country of admission, or of any censure, suspension or expulsion in respect of such admission.

Service of process on the Executive Director of the State Board of Law Examiners shall be made by personally delivering to and leaving with the Executive Director, or with a deputy or assistant authorized by the Executive Director to receive such service, at the Executive Director's office, duplicate copies of such process together with a fee of $10.00. Service of process shall be complete when the Executive Director has been so served. The Executive Director shall promptly send one of such copies to the special legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such special legal consultant at the address specified by the special legal consultant as aforesaid.

(d) A person licensed to practice as a special legal consultant must maintain active membership in the State Bar of Michigan and must discharge the responsibilities of state bar membership and is authorized to render professional legal advice:

(1) on the law of the foreign country where the legal consultant is admitted to practice;

(2) may use the title "special legal consultant" either singly or in connection with the authorized title or firm name in the foreign country of the legal consultant's admission to practice, provided that in each case the name of such foreign country be identified.

Rule 6. Fees.

The fees are as follows:

(A) examination under the Uniform Bar Exam, $400 and an additional fee for the late filing of an application or transfer of an application for examination, $100; an application for re-examination, $300;

(B) application for admission by transferred UBE score, $400;

(C) application for recertification, $300;

(D) application for admission without examination, $800 plus the requisite fee for the National Conference of Bar Examiners' character report. Certified checks or money orders must be payable to the State of Michigan. Online bar examination payments for first time takers must be paid by credit card.

(E) Any fee for a Michigan law component as determined by the Board.

Rule 7. Exceptions.

An applicant may ask the board to waive any requirement except the payment of fees and the administration of the UBE. The applicant must demonstrate why the request should be granted.

Rule 8. Recertification.

An applicant for recertification shall file an application and other material required by the Board. After a hearing the Board shall either recertify the applicant or require that the applicant pass the examination described in Rule 3. An applicant may use the Board's subpoena power for the hearing. An applicant who is an inactive State Bar member or who had previously voluntarily resigned from the State Bar or who previously elected emeritus status, and who has been employed in another jurisdiction in one of the ways listed in Rule 5(B)(5) is entitled to recertification by the Board.