

**RULES OF THE SUPREME JUDICIAL COURT
3:01 ATTORNEYS**

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RULES OF THE BOARD OF BAR EXAMINERS

July 2010

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Section 1. Filing Requirements for Admission

- 1.1 *Admission by Written Examination.* Persons desiring admission to the bar of the Commonwealth by written examination shall apply by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:
- 1.1.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;
 - 1.1.2 Applicant's Statement;
 - 1.1.3 Authorization Form;
 - 1.1.4 Law School Certificate;
 - 1.1.5 Multistate Professional Responsibility Examination Score Report that sets forth a passing scaled score;
 - 1.1.6 Two (2) Letters of Recommendation for Admission; and
 - 1.1.7 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the applicant is admitted, if applicable.
- 1.2 *Admission by Motion.* Persons desiring admission to the bar of the Commonwealth by motion, pursuant to Rule 3:01, Section 6.1 or 6.2, shall apply by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:
- 1.2.1 Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;
 - 1.2.2 Applicant's Statement;
 - 1.2.3 Multistate Professional Responsibility Examination Score Report;
 - 1.2.4 National Conference of Bar Examiners Request for Preparation of a Character Report;
 - 1.2.5 For admission on motion pursuant to Section 6.1, three (3) letters of Recommendation for Admission from members of the bar of the Commonwealth or of the bar of the state, district or territory of the United States where the applicant is admitted or last practiced. At least one letter must be from a member of the bar of the state, district or territory of the United States where the applicant is admitted;
 - 1.2.6 For admission on motion pursuant to Section 6.2, three (3) letters of Recommendation for Admission from members of the bar of the Commonwealth or of the bar of the province or territory of Canada where the applicant is admitted or last practiced. At least one letter must be from a member of the bar of the province or territory of Canada where the applicant is admitted;
 - 1.2.7 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory, province or foreign country to which the applicant is admitted;
 - 1.2.8 Letter from the grievance or disciplinary entity of each state, district, territory, province or foreign country to which the applicant is admitted indicating that there are no charges pending against the applicant;
 - 1.2.9 For admission on motion pursuant to Section 6.1, proof of active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of petition for admission on motion.
 - 1.2.10 For admission on motion pursuant to Section 6.2, proof of active practice or teaching of law in a province or territory of Canada for five out of the past seven years immediately preceding the filing of petition for admission on motion.

1.3 *Referral to Board of Bar Examiners.* All petitions for admission shall be referred to the Board of Bar Examiners for a report as to the character, acquirements and qualifications of the applicant. See Rules V and VI of the Rules of the Board of Bar Examiners.

Section 2. Bar Examination

2.1 *Time and Place.* Law examinations shall be held at least twice a year in Massachusetts. The Board shall fix the times and places of the examinations and shall give due notice thereof.

Section 3. Qualifications for Taking Bar Examination

3.1 *Graduates of law schools in a state, district or territory of the United States.*

- 3.1.1 *High School.* Each applicant for admission by examination shall have been graduated from a public high school or its equivalent, or shall have received the equivalent education in the opinion of the Board.
- 3.1.2 *College.* Each applicant shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board.
- 3.1.3 *Law School.* Each applicant shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.

3.2 *Graduates of Foreign Law Schools.* Graduates of law schools in foreign countries must have a college and legal education that is, in the opinion of the Board, similar in nature and quality to that of graduates of law schools approved by the American Bar Association. Before permitting such an applicant to take the law examination, the Board in its discretion may, as a condition to such permission, require such applicant to take such further legal studies as the Board may designate at a law school approved by the American Bar Association.

Section 4. Public Notice of Bar Examination Results

4.1 *Notice and Publication.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of an applicant for admission, the Board shall prepare a list of names of those applicants who passed the written law examination (under Rule 3:01, § 3) and who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners may determine.

4.2 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under § 3.

Section 5. Disposition of Petitions for Admission

5.1 *Qualified Applicants.* The petitions for admission of those who pass the law examination and who are found by the Board of Bar Examiners to be of good moral character and of sufficient acquirements and qualifications may be allowed and the applicants may be admitted either (a) in open court upon subscription to the attorney's oaths, at such times and places as the Supreme Judicial Court shall appoint, or (b) by mail in accordance with procedures established by the Supreme Judicial Court and administered by the Clerk of the Supreme Judicial Court for Suffolk County.

5.2 *Admissions of Qualified Applicants within a Limited Time.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant for admission may be sworn and enrolled as an attorney within one year of the report to the Court (Rule 3:01, subsection 4.2) concerning the applicant, and, if not so sworn and enrolled, the applicant may, thereafter be sworn and enrolled only if he or she satisfies the Board of Bar Examiners as to his or her current legal knowledge, qualifications, and good moral character.

5.3 *Non-Qualified Applicants.* The petitions of those found not qualified shall be dismissed at the expiration of sixty days from the Board of Bar Examiners' report of non-qualification, unless within that period the Chief Justice of the Supreme Judicial Court, on application of the petitioner, shall order a hearing on the matter.

Section 6. Admission on Motion

6.1 *Persons admitted to practice in the United States.* A person who has been admitted as an attorney of the highest judicial court of any state, district or territory of the United States may apply to the Supreme Judicial Court for admission on motion as an attorney in this Commonwealth. Prior failure to pass the Massachusetts bar examination creates a rebuttable presumption against admission on motion. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on the applicant's compliance with the following conditions:

6.1.1 The applicant shall have been admitted in another state, district or territory of the United States for at least five years prior to applying for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of the petition for admission on motion.

6.1.2 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.1.3 Omitted

6.1.4 *Graduates of law schools in a state, district or territory of the United States.* The applicant shall have graduated from high school, or shall have received the equivalent education, in the opinion of the Board, completed work for a bachelor's degree at a college or university, or its equivalent, and graduated from a law school which at the time of graduation was approved by the American Bar Association or was authorized by a state statute to grant the degree of bachelor of laws or juris doctor.

Graduates of Foreign Law Schools. Graduates of law schools in foreign countries must have a college and legal education that is, in the opinion of the Board, similar in nature and quality to that of graduates of law schools approved by the American Bar Association.

6.1.5 The applicant shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed that examination in another jurisdiction.

6.2 *Graduates of Canadian law schools who are admitted to practice in Canada.* A person who has graduated from a law school in Canada, and who has been admitted as an attorney in the Law Society of any Canadian province or territory, may apply to the Supreme Judicial Court to be admitted on motion as an attorney in this Commonwealth. Prior failure to pass the Massachusetts bar examination creates a rebuttable presumption against admission on motion. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on the applicant's compliance with the following conditions:

6.2.1 The applicant shall have completed a college and legal education that is, in the opinion of the Board, similar in nature and quality to that of graduates of law schools approved by the American Bar Association.

6.2.2 The applicant shall have been admitted in a Canadian province or territory for at least five years prior to applying for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law in such province or territory for five out of the seven years immediately preceding the filing of the petition for admission on motion.

6.2.3 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.2.4 The applicant shall pass the Multistate Professional Responsibility Examination.

6.3 *Notice and Publication for Admission under Section 6.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of applicants for admission, the Board shall prepare a list of names of applicants who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners may determine.

6.4 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under § 6.

6.5 *Time Limitation for Enrollment.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant may be sworn and enrolled as an attorney within one year of the report to the Court. Failure to be so sworn and enrolled will result in dismissal of the application.

Section 7. Bar Examiners' Rules

7.1 The Board of Bar Examiners may, subject to the approval of the Supreme Judicial Court, make rules consistent with these rules.

Section 8. Subpoenas

8.1 Any member of the Board of Bar Examiners may summon witnesses to appear before the Board.

Section 9. Immunity.

9.1 The Board of Bar Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

9.2 Records, statements of opinion and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the Board of Bar Examiners, or to its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.

RULES OF THE BOARD OF BAR EXAMINERS

(as authorized by Rules of the Supreme Judicial Court 3:01, § 7)

Rule I. Petitions and Certificates

Every applicant for admission to the bar who desires to take a law examination shall file a petition with the proper clerk of the court at least 75 days before the law examination which he/she intends to take, together with such certificates as the Board shall prescribe, giving information as to age, residence, character, and general and legal education and proof of passing the Multistate Professional Responsibility Examination. For good cause shown, the Chairman of the Board may allow petitions or certificates to be filed after the time fixed.

Rule II. Time and Place of Law Examinations

Law examinations shall be held at least twice a year in Boston, and in such other place or places, if any as the Board shall designate. The exact times and places shall be fixed by the Board and due notice thereof shall be given.

Rule III. Subjects under Rule 3:01, § 3.

Applicants will be expected to be familiar with the law in the following fields:

| | |
|------------------------------------|--|
| Agency | Federal Rules of Civil Procedure |
| Business Organizations | Massachusetts Rules of Civil Procedure |
| Constitutional Law | Professional Responsibility |
| Contracts | Real Property (including Mortgages) |
| Criminal Law | Torts |
| Descent & Distribution of Estates | Trusts |
| Domestic Relations | Unfair or Deceptive Practices (G.L.c. 93A) |
| Evidence (including Federal Rules) | Uniform Commercial Code (articles 1-9) |
| Federal Jurisdiction | Wills |

The examinations will be conducted in part by written questions to be answered in writing and in part by printed questions to be answered by selections from answers supplied.

Rule IV. Applicants under Rule 3:01, § 6

Every applicant for admission as an attorney under Rule 3:01, § 6 of the Rules (Attorneys) of the Supreme Judicial Court shall obtain at his/her own expense and furnish to the Board a report by the National Conference of Bar Examiners of an investigation made by it of the moral character and professional experience and standing of such applicant. The Board may waive this requirement in any case in which it deems such a report to be unnecessary.

Rule V. Character and Fitness Standards for Admission

V.1 Report On Character & Fitness:

Pursuant to Supreme Judicial Court Rule 3:01 the Board of Bar Examiners shall report to the Court as to the character, acquirements and qualifications of each candidate for admission who has passed the written bar examination or who has filed a motion application.

The Board considers good character to embody that degree of honesty, integrity and discretion that the public and members of the bench and the bar have the right to demand of a lawyer. The Board considers sufficient acquirements and qualifications to be those that are necessary to demonstrate a lawyer's fitness to practice law. In evaluating character and fitness, the Board takes into consideration all available pertinent information as to past conduct of the candidate. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of a candidate may constitute a basis for denial of a recommendation for admission. Engaging in any conduct which would have subjected the candidate to discipline if he/she had already been a member of the bar will weigh strongly against a determination of good character and fitness. There shall be a rebuttable presumption that nondisclosure of a material fact on the candidate's application(s) to the bar, law school or undergraduate school is prima facie evidence of the lack of good character.

The Board considers the following attributes to be essential for all applicants seeking admission to the Massachusetts bar:

- The ability to reason, recall complex factual information and integrate that information with complex legal theories;
- The ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;
- The ability to use good judgment on behalf of clients and in conducting one's professional business;
- The ability to conduct oneself with respect for and in accordance with the law;
- The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a court or tribunal;
- The ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts, and others;
- The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- The ability to comply with deadlines and time constraints.

V.1.1 Relevant Conduct: The standards listed below should be used as guidance for candidates rather than a finite list of subjects considered by the Board. The revelation or discovery of information on any of the following will be treated as cause for further inquiry before the Board of Bar Examiners in deciding whether the candidate possesses the character and fitness to practice law:

- Unlawful conduct
- Academic misconduct
- Making of false statements, including omissions
- Misconduct in employment
- Acts involving dishonesty, fraud, deceit or misrepresentation
- Abuse of legal process
- Neglect of financial responsibilities
- Neglect of professional obligations
- Violation of a court order

- Evidence of mental or emotional instability
- Evidence of drug or alcohol dependency
- Denial of admission to the bar in another jurisdiction on character and fitness grounds
- Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction

The Board shall determine whether the current character and fitness of a candidate qualifies the candidate for admission. In considering the factors listed above, the Board will consider the following:

- The candidate's age at the time of the conduct
- The amount of time since the conduct
- The reliability of the information concerning the conduct
- The seriousness of the conduct
- The cumulative effect of conduct or information
- The evidence of rehabilitation
- The candidate's positive social contributions since the conduct
- The candidate's candor in the admissions process
- The materiality of any omissions or misrepresentations

V.1.2 Other Relevant Information: Until the attorney oath has been administered, candidates have a continuing duty to disclose promptly any changes that occur with respect to information given in response to questions in the application.

A candidate's failure or refusal to supply information deemed relevant by the Board or otherwise to cooperate with the Board may be grounds for denial of a recommendation for admission. Failure to respond in a timely manner, without good cause, to inquiries by the Board or to make a timely request for an extension of time to respond shall result in a declaration that the application for admission of the candidate has been abandoned.

V.1.3 Informal Oral Interview: When a candidate's record contains information that may cast doubt on his/her good character, he/she will be asked via written notice to appear before a member or members of the Board for an informal oral interview. The candidate will be given the opportunity to respond to the information and to demonstrate current good character and fitness. Following the interview, the Board will render a decision to either a) recommend the candidate for admission, or b) request additional information/action from the candidate, or c) request that the candidate appear for a formal hearing before the Board.

If the Board's decision is to recommend the candidate to the Court for admission, the Board will issue a report of qualification to the Court and notify the candidate. No further action will be taken on the applications of those whom the Board requests to supply additional information or take corrective action until after the Board's requests have been fulfilled. If the Board is unable to recommend the candidate to the Court for admission, the Board will provide the candidate with an opportunity for a formal hearing before the Board; establish the date, time and place of the hearing; and so notify the candidate.

V.2 Formal BBE Hearing Procedures: Formal hearings shall take place before members of the Board and be recorded by a stenographer. The candidate has the burden to convince the Board that it should recommend him or her to the Supreme Judicial Court for admission to the bar.

V.2.1 Notice of Hearing: A written notice shall be sent to the candidate requesting his or her appearance at a hearing before the Board of Bar Examiners. The notice shall contain the date, time and place of the hearing as well as the reason for the hearing. All hearings will take place at the offices of the Board of Bar Examiners unless otherwise designated.

V.2.2 Burden of Proof: The candidate shall have the burden to establish by clear and convincing evidence his or her current good character and fitness to be admitted to the practice of law in the Commonwealth.

Factors such as incarceration, probation, restrictions of parole still in effect, current unsatisfied judgments or unfulfilled sentences, while not determinative, generally are considered to indicate that the rehabilitation process has not been completed.

V.2.3 Investigation: Prior to a hearing, the Board may conduct a detailed investigation of facts and circumstances bearing on a candidate's character and fitness to practice law. A copy of any investigative report prepared for the Board shall be given to the candidate and his/her counsel.

V.2.4 Witnesses: The Board may authorize witness summonses either for counsel, for the Board or for the candidate.

V.2.5 Evidence: The candidate and counsel for the Board shall be provided the opportunity to present testimonial and documentary evidence at the hearing. Conformity to the legal rules of evidence shall not be necessary. The Board shall determine the admissibility, relevance and materiality of the evidence offered. Counsels for the Board and the candidate (or his/her counsel) have the right to call witnesses, request the issuance of witness summonses in accordance with V.2.4 and cross-examine witnesses. The Board shall have the discretion to question witnesses directly. The Board has the discretion to vary this procedure; provided that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.

V.2.6 Testimony: All testimony shall be given under oath.

V.2.7 Report and Recommendation: Following the conclusion of the formal hearing, the Board shall make its findings of fact and recommendation for or against the admission of the candidate. If the Board determines that it will recommend a candidate for admission, it shall file a report of qualification with the Clerk of the Supreme Judicial Court for Suffolk County and so notify the candidate. If the Board determines that it will not recommend a candidate for admission, it shall file a report of non-qualification with the Clerk of the Supreme Judicial Court for Suffolk County and notify the candidate.

V.2.8 Non-Qualified Candidates: Any candidate who is dissatisfied with the Board's recommendation concerning his or her character and fitness may, within sixty days after the Board's recommendation, request that the Chief Justice of the Supreme Judicial Court order a hearing on the matter. See S.J.C. Rule 3:01, Sec. 5.3.

V.3 Qualification:

The attorney oath will not be administered to any candidate prior to the Board of Bar Examiners' report of qualification to the court. In addition, qualification of a candidate may be revoked by the Board at any time prior to the administration of the oath on the receipt of information warranting further review.

The following are noteworthy Supreme Judicial Court decisions relevant to character and fitness:

Matter of Hiss, 368 Mass. 447 (1975)

Matter of Prager, 422 Mass. 86 (1996)

In Re Admission to Bar of Commonwealth, 431 Mass. 678 (2000)

In Re Admission to Bar of Commonwealth, 444 Mass. 393 (2005)

Rule VI. Foreign Law School Graduates

VI.1 Foreign law School Graduates - Requirements for Examination and Admission on Motion:

Graduates of law schools in foreign countries may be permitted to sit for the general bar examination and apply for admission on motion upon obtaining a prior determination of their education sufficiency from the Board of Bar Examiners. (See VI.7 below for a special rule on Canadian law schools)

VI.2 Request for Advanced Determination on Education:

Except for those qualified by VI.7, at least four months prior to making application all foreign educated attorneys who wish to obtain a determination of their eligibility to apply for admission either by exam or admission on motion in Massachusetts must submit a cover letter that describes the action sought from the Board, the reason for the request, and the following documentation:

Documentation Required:

In order for the Board to determine sufficiency, each foreign educated attorney shall supply the Board with the following documents written in or translated into English:

1. Official Transcripts: An official transcript from every college, university and law school (foreign or American) attended; this must include the courses taken, the grade for each course, the degree and date awarded, and the dates of attendance;
2. Diploma: Copies of all diplomas or degree certificates;
3. Course Descriptions: Descriptions of all courses, if not included in the transcripts, along with the method of study, i.e. classroom or long distance learning, etc.;
4. Certificate(s) of Admission: An official Certificate of Admission and Certificate of Good Standing from each jurisdiction to which the attorney is admitted; and
5. Resume: A resume detailing work history.

This documentation will not be returned to the applicant.

VI.3 Determination of Educational Sufficiency:

VI.3.1 In General. In making a determination of educational sufficiency, the Board of Bar Examiners takes into consideration the following:

- The jurisprudence in the country of the foreign law school
- The course of study that was completed at the foreign law school as compared to that offered in a law school approved by the American Bar Association (ABA)
- The attorney's pre-legal education as compared to that offered in a US high school and college or university
- The attorney's license to practice law in either a foreign or American jurisdiction
- The length and nature of prior legal practice or teaching, if any

- The applicant's familiarity with the American constitutional, common-law and statutory legal systems
- The applicant's successful completion of additional legal studies.

VI.3.2 Safe Harbor. A graduate of a foreign law school who meets the standards set forth below will be deemed to have satisfied the educational sufficiency requirement of Rule VI.1 above, and will not be required to take further legal studies. For purposes of this section VI.3.2, "foreign law school" does not include an institution whose program of study consists primarily of distance study, correspondence study or an on-line program.

i). Standards for graduates of law schools in countries with common-law tradition:

1. The applicant is admitted to the practice of law in a foreign country;
2. The applicant is in good standing at the bar in all jurisdictions where he or she is admitted; and
3. The applicant has successfully completed fifteen credit hours of courses in the categories listed below in Section VI.3.2.iii at a law school that is ABA accredited or authorized by a Massachusetts statute to grant the degree of bachelor of laws or juris doctor. The required credit hours must include a course in basic constitutional law and a course in professional responsibility. Distance study, correspondence study and on-line programs are not acceptable.

ii). Standards for graduates of law schools in countries with civil-law tradition:

1. The applicant is admitted to the practice of law in a foreign country;
2. The applicant is in good standing at the bar in all jurisdictions where he or she is admitted; and
3. The applicant has successfully completed an LLM program of at least twenty four credit hours at a law school that is ABA accredited or authorized by a Massachusetts statute to grant the degree of LLM, which program includes a course in basic constitutional law, a course in professional responsibility, and a minimum of one course from at least three of the **other** categories listed below in Section VI.3.2.iii. Distance study, correspondence study and on-line programs are not acceptable.

iii). List of categories for additional courses :

The categories listed below represent a consolidation of the subjects tested on the bar examination. They encompass a range of courses falling within the category.

1. Business Organization: to include bar exam subjects Agency, Business Organizations
2. Commercial Law: to include bar exam subjects Contracts and Uniform Commercial Code (articles 1-9)
3. Constitutional Law

4. Criminal Justice: to include bar exam subject Criminal Law
5. Property and Estate Planning: to include bar exam subjects Descent and Distribution of Estates, Real Property, Trusts and Wills
6. Domestic Relations
7. Procedural Law: to include bar exam subjects Evidence (including Federal Rules), Federal Jurisdiction, Federal Rules of Civil Procedure, and Massachusetts Rules of Civil Procedure
8. Professional Responsibility
9. Torts and Unfair or Deceptive Practices (G.L. c. 93A): to include bar exam subjects Torts and Unfair or Deceptive Practices (G.L.c. 93A)

VI.4 Method of Evaluation:

Each file is reviewed individually on its own merits. Upon completion of its review, the Board issues a determination that the foreign educated attorney a) must take further legal studies as the Board may designate at a law school accredited by the ABA or authorized by a Massachusetts statute to grant the degree of bachelor of laws or juris doctor; or b) is eligible to apply to sit for the bar examination; or c) is eligible to apply for admission on motion provided all other requirements are met.

VI.5 Burden of Proof:

The applicant has the burden to demonstrate that he or she has obtained an education similar in nature and quality to that of a graduate of a law school accredited by the American Bar Association.

VI.6 Appeals:

Applicants who are dissatisfied with the Board’s determination concerning their application may write a letter to the Board requesting a reconsideration of its decision.

Information regarding the process of appeal to the Supreme Judicial Court may be obtained by contacting an assistant clerk in the Clerk’s Office of the Supreme Judicial Court for Suffolk County.

VI.7 Canadian Law Schools:

Graduates of common law studies at Canadian law schools that are members of the Law School Admissions Council shall be permitted to sit for the general bar examination or apply for admission on motion on the same basis as graduates of law schools approved by the American Bar Association. A list of such law schools appears below:

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| Dalhousie University | University of Ottawa |
| McGill University | University of Saskatchewan |
| Queen’s University | University of Toronto |
| University of Alberta | University of Victoria |
| University of British Columbia | University of Western Ontario |
| University of Calgary | University of Windsor Faculty of Law |
| University of Manitoba | York University- Osgoode Hall Law School |
| University of New Brunswick | |

The following are Supreme Judicial Court decisions concerning foreign education equivalency:

Wei Jia v. Board of Bar Examiners, 427 Mass. 777 (1998)

Osakwe v. Board of Bar Examiners, 448 Mass. 85 (2006)

Yakah v. Board of Bar Examiners, 448 Mass. 740 (2006)