

**STATE OF MINNESOTA
In Supreme Court

FILE NO. ADM-10-8008**



**Petition of the Minnesota State Board
of Law Examiners for Amendment
of the Rules of Admission to the Bar**

**PETITION FOR
RULE AMENDMENT**

TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

Petitioner, the Minnesota State Board of Law Examiners (“Board”), recognizes that the world is increasingly connected and that foreign-educated graduates have the potential to increase the diversity of the bar and greatly enhance Minnesota’s legal community. In 2021, the Board petitioned the Court for modest changes to Rule 4A(3) to permit licensure in Minnesota of non-ABA graduates, including foreign-educated graduates, who were already licensed in other U.S. jurisdictions and who had at least five years of practice experience. The Board advised the Court that it would continue to study this issue. Although the Board has continued its review in the last five years, the Board has focused its limited staffing resources on prioritizing the significant changes to the Uniform Bar Examination and exploration of alternative, non-exam pathways to licensure.

In the summer of 2025, the Minnesota Hispanic Bar Association (MHBA) approached the Board with a proposal to expand the educational requirements to include a pathway for foreign-educated lawyers who have obtained a U.S. LL.M. degree and who were properly licensed in the country in which they obtained their legal education. The Board engaged in conversations with the MHBA and the three Minnesota law schools, researched licensure pathways in other jurisdictions, and discussed a potential modification to the MHBA proposal that would balance the Board’s duty to protect the public with the

responsibility to encourage diversity in the bar. After receiving and carefully considering input, the Board determined to propose additional educational pathways for admission.

Accordingly, the Board respectfully petitions this Court to amend Rule 4 of the Rules for Admission to the Bar (“Rules”). A copy of the proposed changes is attached as Exhibit A. In support of its Petition, the Board states the following:

1. The Minnesota Supreme Court has exclusive and inherent power to regulate the practice of law in Minnesota. Minn. Stat. § 481.01 (2019); *Sharood v. Hatfield*, 210 N.W.2d 275, 279 (Minn. 1973).
2. Under the supervision of the Court, the Board is responsible for ensuring that lawyers who are admitted to the Bar in Minnesota have the competence as well as the character and fitness required to maintain the trust and confidence of clients, the public, the legal system, and the legal profession. Rule 1 of the State of Minnesota Rules for Admission to the Bar (2021).

BOARD HISTORY INVOLVING NON-ABA GRADUATES

3. In 2009, four non-ABA graduates filed a Petition before the Court seeking to amend Rule 4A(3) to permit graduates of non-ABA-accredited law schools, who have been admitted to practice in another U.S. jurisdiction, to sit for the Minnesota bar examination. This Court ordered the Board to examine the issues raised by the petition, to conduct a survey of the rules of other states, and to seek input from the Minnesota legal community, the public, and other interested parties. This Court further asked that if the Board determined that a degree from an ABA-accredited law school should not be the educational standard, the Board should consider what other means of legal study should be permitted and whether applicants may provide other proof of adequate legal education. This Court asked that the Board file a report including findings, conclusions, and a recommendation concerning any proposed amendments to the current Rules.

4. Following the Board's extensive study, in its 2010 Report, the Board provided the Court with the various complexities of evaluating foreign legal education and practice and guidance on how other jurisdictions address the issue.
5. Minnesota has traditionally had high educational standards for those seeking admission to the bar. In *In re Hansen*, 275 N.W.2d 790, 798 (Minn. 1978), this Court emphasized that Minnesota "rel[ies] primarily on the 'educational process'" and employs the bar examination to identify "the small number who are unfit to practice law despite their exposure to educational environments of high quality."

This Court stated:

Clearly, it is reasonable for Minnesota to require proof that an applicant's legal education was of high quality as a general prerequisite for admission to the bar. Similarly, it is neither arbitrary nor capricious for us to measure the quality of legal education with the same standards as those utilized by the ABA. *Id.* at 796.

6. This Court has rarely granted a waiver of these high educational standards. *Dolan v. State Board of Law Examiners*, 483 N.W.2d 64 (1992); See also *In re Busch*, 313 N.W.2d 419 (Minn. 1981); *In re Hansen*, 275 N.W.2d 790 (Minn. 1978). This Court does not undertake a substantive evaluation of law schools but relies instead upon the ABA's expertise and accreditation process.
7. Based upon its extensive study, Minnesota case law, and Minnesota's history of requiring high educational standards, the Board recommended in its 2010 Report that an ABA-accredited education was the appropriate prerequisite for sitting for the Minnesota bar examination. In 2011, following a public comment period, the Court amended Rule 4A(3) to include a provision for graduates of non-ABA-accredited U.S. law schools to sit for the Minnesota bar examination if they had been licensed and practiced for five of the last seven years in another U.S. jurisdiction. The Court did not expand the options for foreign-educated graduates to sit for the bar examination. The Board advised the Court that it would continue to review the issue.

THE BOARD'S 2019-2020 STUDY

8. Between 2010 and 2019, the legal landscape changed both in the U.S. and globally. Numerous jurisdictions, including Minnesota, adopted the Uniform Bar Examination (UBE). The Board received inquiries from foreign-educated graduates on their ability to seek admission in Minnesota, with the bulk of the requests arising from individuals who had not obtained the requisite score for admission in the jurisdiction in which they sat for the exam, but who had received a 260 or higher and wanted to use that score for admission in Minnesota.
9. In addition to monitoring the types and quantity of inquiries from foreign-educated graduates, the Board received a request from interested stakeholders to consider allowing foreign-educated graduates to sit for the bar after completing a one-year LL.M. program in the U.S. instead of a three-year ABA-accredited J.D. degree.
10. The Board again commenced a study of this issue, reviewed how other jurisdictions handled the matter, held a public hearing and solicited broad feedback by posting potential language for expansion of Rule 4A(3) to the Board's website for comment. The Board's proposal sought to expand the provision allowing graduates of non-ABA-accredited U.S. law schools to sit for the Minnesota bar examination if they had been licensed and practiced for five of the last seven years in another U.S. jurisdiction to allow foreign-educated graduates on the same basis. The Board also proposed allowing anyone licensed to practice in another jurisdiction to apply in Minnesota under any rule type after 10 years.
11. As the Board noted in its 2021 Petition to the Court, it received both support and criticism for the proposed expansion. The Minnesota State Bar Association provided its support for the Board's proposed changes to the Rules. Additionally, general counsel from 3M Company, Mayo Clinic, Target, and U.S. Bank, together with Faegre Drinker Biddle & Reath LLP, stated that the proposed amendments to Rule 4(A) represented a positive step toward improving the diversity and vitality of the Minnesota legal market. Opponents noted that the Board's proposed rule did not benefit enough foreign-educated graduates, outside of those employed by large

law firms and corporations and advocated for acceptance of an LL.M. degree as sufficient legal training in the U.S. to apply for admission in Minnesota.

12. Ultimately, the Board remained concerned that there is no international accreditor of foreign legal education and no nationally recognized standard or accreditor for LL.M. programs. The Board determined that while it continued to study this issue, it would not hold up moving forward with its proposed expansion, and filed the 2021 Petition, which the Court put out for public comment and adopted in 2022.

CURRENT PETITION

13. In the summer of 2025, the MHBA submitted correspondence to the Board requesting that the Board file a Petition allowing foreign-educated lawyers with an LL.M. degree to sit for the bar exam if the LL.M. met certain criteria and if the LL.M. graduate was licensed in the country where they obtained their prior legal education.
14. The Board held a meeting with the three Minnesota law schools, members of the MHBA, and other interested parties to gather information, then sent the matter to the Board's Rules Committee for further discussion. The Rules Committee reviewed the Rules from other jurisdictions with pathways for admission of foreign-educated graduates.
15. The Board noted that the same concerns that existed in 2021 exist today, in that there is wide variance between foreign countries in how lawyers are educated and licensed. Additionally, there remains no nationally recognized standard for an LL.M. or other educational program that would offer training on the fundamental aspects of U.S. law or the U.S. legal system and no entity that accredits LL.M. programs. There are hundreds of LL.M. programs in the United States with a wide range of topics, including banking, environmental law, criminal law, human rights,

technology law and more, with most LL.M. programs being a year in duration instead of the three years required for J.D. programs.¹

16. The Board determined that a comprehensive approach to licensure of foreign-educated attorneys should include more than a one-year LL.M. The Board wrestled with what additional requirements would provide the Board with the same level of assurances a three-year J.D. program provides.
17. The Board notes there are provisions in ABA Standard 505 that allow for foreign credits to count towards a J.D. degree and there are provisions that allow for LL.M. credits to count towards the J.D., but those cannot exceed one-third of the total credits required. Accordingly, if a foreign-educated lawyer has completed an LL.M. program, they would need to be admitted into a J.D. program and complete their degree, which would take another two years.
18. The Board agrees that experienced, foreign-educated lawyers who come to the United States and decide to stay should have a pathway that does not require an additional two years of education following successful completion of the LL.M. if alternative requirements are met. The Board agreed that the HCBA's proposal to require licensure in the foreign jurisdiction provided some additional assurance. Additionally, the Board noted that if a foreign-educated graduate was licensed in another U.S. jurisdiction that it made sense to also allow them to pursue this pathway. The Board determined that a combination of licensure in either the foreign country or another U.S. jurisdiction, at least one year of practice in either the foreign country or another U.S. jurisdiction, and an LL.M. degree that focuses on U.S. law, would provide the Board with assurances of competence that—paired with passing the bar exam in Minnesota—adequately protects the public.
19. The Board understands based on feedback received that there may be opposition to the requirement of a year of practice. The Board carefully weighed and discussed this requirement and determined that it is an appropriate alternative to individual

¹ [LLM Degree in the USA \(438 courses\) | LLMStudy.com](#) (last visited 3/25/26)

assessment of foreign-educated programs, a task the Board has neither the expertise nor the time to review. The Board acknowledges that based on the information that has been provided to the Board, many foreign-educated graduates engage in programs of great vigor. However, there is not a cost-effective and efficient way to determine this universally, and absent a standardized accreditation process for foreign law school programs to equate the program to an ABA-accredited J.D. program, one year of practice seems to be a fair substitute.² This approach is consistent with the one taken by the Court in 2011, when it began allowing non-ABA U.S. J.D. graduates to sit for the bar exam if they satisfied a practice requirement.

20. An LL.M. program is not a J.D. program, and it is reasonable to require additional standards for LL.M. graduates. For those LL.M. graduates who are not licensed in the country where they obtained their prior legal education or who do not have legal practice experience, completing the J.D. program remains an option.
21. The Board recognizes that different U.S. jurisdictions have different requirements and the Board did not want to create a rule that would preclude an LL.M. graduate admitted in another U.S. jurisdiction with one or more years of U.S. practice experience the opportunity to sit for the bar exam if that opportunity will exist for foreign licensure and foreign practice. Accordingly, the Board's proposed rule would allow such an applicant.
22. Not every jurisdiction includes a pathway for foreign-educated graduates. Of the jurisdictions that allow foreign-educated graduates to apply for admission, the requirements are varied: many require that the legal education be in English common law; some require an LL.M.; others require the jurisdiction to evaluate the legal education and deem it to be equivalent.³ The Board carefully reviewed and considered the approaches taken by other jurisdictions in considering this proposal.

² The Board notes that there are programs that purport to evaluate credentials for foreign education and that some jurisdictions, such as California, permit such an evaluation.

³ National Conference of Bar Examiners 2026 Comp Guide. <https://reports.ncbex.org/charts/chart-4/> (last visited 3/24/25)

BOARD'S CURRENT PROPOSAL

23. The Board recommends amending Rule 4A to permit foreign-educated lawyers to sit for the bar examination in Minnesota if they meet the following additional requirements:

- a. They are admitted to practice law in either the foreign country they obtained their degree or another U.S. jurisdiction;
- b. They have at least one year of practice experience (in either the foreign country or the U.S.); and
- c. They obtain “Qualifying LL.M. Degree in U.S. Law” defined as “an LL.M. degree that is designed to provide foreign lawyers with a minimum of 24 credit hours of instruction on principles of U.S. law at a law school whose J.D. program is accredited by the ABA and in which the course work is taken under the same standards and conditions as those required of candidates in the J.D. program. A qualifying LL.M. degree in U.S. law must include: (1) a course in American law; (2) a minimum of 2 credit hours in the ethical rules and responsibilities of the United States legal profession and its members; and (3) at minimum of at least 8 additional credit hours in courses that principally focus on the substantive areas of law tested by the National Conference of Bar Examiners on the Uniform Bar Examination.

24. The Board is also recommending the Court combine and simplify Rules 4A(3)(b) and 4A(3)(c) to provide an opportunity to apply for admission in Minnesota after five years of practice in another U.S. jurisdiction. In doing so, the Board would allow those whose educational components another jurisdiction considered reasonable the opportunity to apply in Minnesota under any Rule type after five years of practice instead of 10. This could include foreign education, law office study, or non-ABA U.S. law schools. While *In re Hansen* makes clear that the Court

requires competence, the Board believes that the five years of legal practice can effectively provide the Court with the same assurances. This would also eliminate the provision that allows for application after 10 years of mere licensure, instead requiring five years of practice.

25. In its recently filed Petition, the Board also recommended removing LL.B. from 4A(3)(a). The ABA has not accredited LL.B. programs since the early 1970s, and the provision creates significant confusion from foreign-educated applicants who have an LL.B. from outside of the United States. The Board has also included this proposed change in the recommended amendment.

26. Thus, the Board is recommending that Rule 4A be amended to state as follows:

RULE 4. GENERAL REQUIREMENTS FOR ADMISSION

A. Eligibility for Admission. The applicant has the burden to prove eligibility for admission by providing satisfactory evidence of the following:

(3) One of the following:

(a) Graduation with a J.D. ~~or LL.B.~~ degree from a law school that is provisionally or fully approved by the American Bar Association;

(b) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia and engaged in the lawful practice of law for at least 1000 hours per year in one or more of the activities listed in Rule 7A(1)(c) for at least 60 of the 84 months preceding the application; or

(c) (i) graduation with an LL.B. or post-secondary degree from a foreign program of legal education accreditation by the proper authority in the foreign jurisdiction; (ii) admission to practice law in a foreign jurisdiction or U.S. jurisdiction as a lawyer, solicitor, barrister, counselor of law, or equivalent; (iii) engagement in the practice of law for at least 1000 hours per year in one or more of the activities listed in Rule 7A(1)(c) for at least 1 year in either the foreign country or the United States; and (iv) a qualifying LL.M. degree in U.S. law as defined in Rule 2A(14).

~~(b) (i) a bachelor's degree from an institution that is accredited by an agency recognized by the United States Department of Education or foreign equivalent;~~

~~(ii) a J.D. degree or equivalent from a law school attended following completion of undergraduate studies;~~

~~(iii) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia in 60 of the previous 84 months; and~~

~~(iv) the applicant has been engaged, as principal occupation, in the practice of law for 60 of the previous 84 months in one or more of the activities listed in Rule 7A(1)(c); or~~

~~(e) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia for at least 10 years.~~

(4) Passing score on the written examination under Rule 6 or qualification under Rules 7A, 7B, 7C, 8, 9, or 10. An applicant eligible under Rule 4A(3)(~~bc~~) but not under Rule 4A(3)(a) or 4A(3)(~~eb~~) must provide satisfactory evidence of a passing score on the written examination under Rule 6 and is not eligible for admission under Rules 7A, 7B, 7C, 8, 9, or 10;

27. The Board is grateful for the thoughtful analysis and careful consideration of so many stakeholders, in particular the Minnesota Hispanic Bar Association.

28. For these reasons, the Board respectfully requests that the Court revise the Rules and adopt the proposed amended Rules attached to this Petition as **Exhibit A**.

Respectfully submitted,

Dated: 5/8/26

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NOTE: Changes are shown against Minnesota Rules for Admission to the Bar, dated October 1, 2021.

RULE 2. DEFINITIONS AND DUE DATE PROVISIONS

A. Definitions. As used in these Rules:

(14) “Qualifying LL.M. Degree in U.S. Law” means, for the purposes of 4A(3)(c), an LL.M. degree that is designed to provide foreign lawyers with a minimum of 24 credit hours of instruction on principles of U.S. law at a law school whose J.D. program is accredited by the ABA and in which the course work is taken under the same standards and conditions as those required of candidates in the J.D. program. A qualifying LL.M. degree in U.S. law must include: (1) a course in American law; (2) a minimum of 2 credit hours in the ethical rules and responsibilities of the United States legal profession and its members; and (3) a minimum of at least 8 additional credit hours in courses that principally focus on the substantive areas of law tested by the National Conference of Bar Examiners on the Uniform Bar Examination.

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(3) One of the following:

(a) Graduation with a J.D. ~~or LL.B.~~ degree from a law school that is provisionally or fully approved by the American Bar Association;

(b) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia and engaged in the lawful practice of law for at least 1000 hours per year in one or more of the activities listed in Rule 7A(1)(c) for at least 60 of the 84 months preceding the application; or

(c) (i) graduation with an LL.B. or post-secondary degree from a foreign program of legal education accredited by the proper authority in the foreign jurisdiction; (ii) admission to practice law in a foreign jurisdiction or U.S. jurisdiction as a lawyer, solicitor, barrister, counselor of law, or equivalent; (iii) engagement in the practice of law for at least 1000 hours per year in one or more of the activities listed in Rule 7A(1)(c) for at least 1 year in either the foreign country or the United States; and (iv) a qualifying LL.M. degree in U.S. law as defined in Rule 2A(14).

~~(b) (i) a bachelor’s degree from an institution that is accredited by an agency recognized by the United States Department of Education or foreign equivalent;~~

EXHIBIT A

~~(ii) a J.D. degree or equivalent from a law school attended following completion of undergraduate studies;~~

~~(iii) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia in 60 of the previous 84 months; and~~

~~(iv) the applicant has been engaged, as principal occupation, in the practice of law for 60 of the previous 84 months in one or more of the activities listed in Rule 7A(1)(c); or~~

~~(c) the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia for at least 10 years.~~

(4) Passing score on the written examination under Rule 6 or qualification under Rules 7A, 7B, 7C, 8, 9, or 10. An applicant eligible under Rule 4A(3)(~~bc~~) but not under Rule 4A(3)(a) or 4A(3)(~~eb~~) must provide satisfactory evidence of a passing score on the written examination under Rule 6 and is not eligible for admission in Minnesota under Rules 7A, 7B, 7C, 8, 9, or 10;