

H.B. 150 – Bar Exam Requirements

HB 150 was introduced in an attempt to address the growing number of students wishing to take the Bar Exam, but who have completed non-traditional educational programs and/or non-ABA approved law schools. While this is a legitimate and important issue for discussion, HB 150 is not an appropriate or desirable solution.

To be eligible to take the bar exam in Georgia, an applicant must have an undergraduate degree from an accredited institution and a J.D. degree from an ABA-approved law school. The Supreme Court of Georgia has established those standards and rules, and the bar admissions and exam process is administered by the Board of Bar Examiners, an agency of the Supreme Court.

The Supreme Court, the Board of Bar Examiners and the State Bar believe that legal education is very important to the development of the skills, abilities and values of prospective lawyers. Simply passing a bar exam, a test for minimal competency, does not assure the public that an applicant has all the training (in substantive law, in ethics and in practice skills) that is required and expected of a newly admitted lawyer. The practice of law is becoming more complicated and more demanding, thus justifying the requirement that applicants be better trained and more acclimated to the personal and professional demands placed upon them. Requiring an accredited undergraduate degree and an ABA-approved legal education assures future clients and the public that a newly admitted lawyer is well prepared to represent clients competently and ethically. The Bar Admissions rules exist solely to protect the public. The Supreme Court of Georgia has established rules that are explicit to the needs and expectations of Georgians. Making Georgia subject to the standards of other states, some of which have decided to admit foreign-trained lawyers or lawyers who did not attend any law school, much less an ABA-approved school, is not in the best interests of the people of Georgia.

H.B. 150 proposes to drastically lower the educational requirements for becoming a lawyer in Georgia by eliminating all educational requirements for taking the Georgia Bar.

The State Bar of Georgia supports the Board of Bar Examiners and the Supreme Court in their opposition to H.B. 150 on constitutional and practical grounds:

- 1) The Georgia Constitution and supporting case law vests the authority to regulate the practice of law in the judicial branch of government. Therefore, adoption of H.B. 150 would be a violation of the constitutionally imposed separation of powers. See *Wallace v. Wallace*, 225 Ga. 102 (1969), *Sams v. Olah*, 225 Ga. 497 (1969).
- 2) Practically, if the elimination of all educational requirements as proposed in H.B. 150 were approved, on average each year, an additional 2250 applicants would be eligible for admission to the bar in Georgia. (Georgia has approximately 1800 eligible applicants take the bar exam each year under current standards.)

- 3) If the standards of H.B. 150 were adopted, Georgia would be the only state in the U.S. to open its admissions policy to any successful bar exam taker from any other state regardless of the applicant's education or practical experience.
- 4) Adoption of H.B. 150 would make Georgia subject to the standards of every other state—when they change their standards, our standards would automatically change. Our applicants would only have to meet the lowest educational standard as established by any of the other 49 states.
- 5) The vast majority of states require the same or similar educational standards as Georgia—undergraduate degree from accredited institution and an ABA-approved law school.
- 6) Most other professions in Georgia are required by their state licensing board to have similar educational standards in order to sit for their respective exams. (Applicants for medical exam must graduate from an AMA-approved medical school; architects must graduate from AIA-approved school of architecture, etc.) If H.B. 150 were approved, barbers in Georgia would be required to meet higher educational standards than lawyers.