

In the Supreme Court of Iowa

CLERK SUPREME COURT

In the Matter of Adoption of)
Iowa Court Rules Implementing) Order
the Uniform Bar Examination)

By order dated August 4, 2015, the Iowa Supreme Court adopted the Uniform Bar Examination (UBE) as the examination for admission to the Iowa bar. The UBE will be the Iowa bar admissions examination beginning in February 2016. Upon adoption of the UBE, the court requested public comment on proposed amendments to Chapter 31 of the Iowa Court Rules incorporating the UBE into Iowa's bar admissions process.

The court appreciates receiving feedback on proposed rule amendments and has carefully considered the comments received on this matter.

The court now adopts the amendments to chapter 31 of the Iowa Court Rules governing admission to the bar. The amendments are necessary to accommodate UBE requirements and include the following:

- 1. Eliminating transfer and banking of Multistate Bar Examination (MBE) scores. The rules simplify the admission by examination process by having all applicants take the UBE.
2. Requiring that applicants take the MBE, the Multistate Performance Test (MPT), and the Multistate Essay Examination (MEE) in one exam administration to earn a UBE score that is transferable to another UBE jurisdiction.
3. Setting the fee for applying for admission by transferred UBE score at \$525 (same as the admission motion fee).
4. Requiring that a transfer applicant must have an LL.B. or a J.D. degree from an ABA-approved law school.
5. Providing that a transfer applicant must have a Multistate Professional Responsibility (MPRE) score of at least 80.

6. Allowing applicants to transfer a certified UBE score of at least 266 from one of the last four UBE administrations prior to the application date without a showing of legal practice.
7. Permitting attorney applicants to transfer a UBE score of at least 266 up to five years after the examination was taken if the attorney can prove a regular engagement in the practice of law for at least two of the three years immediately preceding the application.
8. Requiring a complete character and fitness investigation for each transfer applicant and can require the applicant to obtain an NCBE investigative report.
9. Providing automatic reviews for examinations in a score range of 260 to 265, but the Board will not conduct reviews after bar results are released.

The amendments to chapter 31 of the Iowa Court Rules are provided with this order. These amendments are effective immediately.

Dated this 15th day of October, 2015.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

CHAPTER 31
ADMISSION TO THE BAR

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CHAPTER 31
ADMISSION TO THE BAR

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Rule 31.3 Required examinations.

31.3(1) Iowa bar examination. ~~Beginning with the February 2009 administration of the Iowa bar examination, the~~ The provisions of this rule shall apply to the dates and content of the Iowa bar examination beginning with the February 2016, examination administration.

a. Written examinations for admission to the bar ~~shall will~~ be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.

b. The Iowa Bar Examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and examination shall consist consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. There shall be one ~~The three-hour MEE session component consisting consists of six essay questions, one the three-hour MPT session component consisting consists of two 90 minute performance tests, and the two MBE sessions component consisting consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores are no longer accepted. The MEE portion of the examination shall consist of questions from the following subjects:~~

- ~~(1) Business associations~~
 - ~~1. Agency and partnership~~
 - ~~2. Corporations and LLCs~~
- ~~(2) Conflict of laws~~
- ~~(3) Constitutional law (Federal)~~
- ~~(4) Contracts (including Uniform Commercial Code (Sales) (Art. 2))~~
- ~~(5) Criminal law and procedure~~
- ~~(6) Evidence (based on the Federal rules of evidence)~~
- ~~(7) Family law~~
- ~~(8) Federal civil procedure~~
- ~~(9) Real property~~
- ~~(10) Torts~~
- ~~(11) Trusts and Estates~~
 - ~~1. Decedents' estates~~
 - ~~2. Trusts and future interests~~
- ~~(12) Uniform Commercial Code—secured transactions (Art. 9)~~

c. ~~The MEE portion of the examination consists of questions from subjects the NCBE designates. Some MEE questions may include issues from more than one area of law. Conflict of laws issues are embedded in the other MEE topic areas. They do not appear as stand alone questions. Uniform Commercial Code issues may require the applicants to know the general principles and applicable definitions set forth in Art. 1. Complete subject matter outlines for the MEE are available on the NCBE web site of National Conference of Bar Examiners.~~

d. Applicants must achieve a combined, scaled score of 266 or above ~~in order to pass the examination. All passes and all failures~~ The bar examination results shall be on require a vote of at least four members of the board of law examiners admitted to practice law in Iowa.

31.3(2) *Multistate Professional Responsibility Examination.*

a. ~~Every~~ Each applicant for admission by examination to practice law in the state of Iowa must have on file with the assistant director examination results from earn a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners NCBE. The applicant's MPRE score must be on file with the board no later than April 1 preceding the July examination or November 1 preceding the February examination. Each applicant must obtain a scaled score of at least 80 in order to be admitted to practice law in Iowa. MPRE scores shall will only be accepted for three years after the date the MPRE is taken.

b. It is the responsibility of the applicant to ensure that a score report from the ~~National Conference of Bar Examiners NCBE~~ is sent to the ~~assistant director board~~ by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the bar examination may be addressed by the board, but a petition to post a score after the bar examination must be addressed by the supreme court.

Rule 31.4 Transfer and banking of MBE scaled scores. Admission by transferred UBE score.

31.4(1) UBE score transferability. Applicants may transfer any MBE scaled score they received in another jurisdiction from one of the last four administrations of the MBE immediately preceding the deadline for filing the application for the Iowa bar examination. Applicants must indicate their intent to transfer an MBE score on their bar application. The applicant's MBE score from a prior examination must be certified from the other jurisdiction or the National Conference of Bar Examiners by November 1 preceding the February examination and by April 1 preceding the July examination. Applicants may not transfer MBE scaled scores from a concurrent administration of the test. An applicant who has earned a UBE score in another jurisdiction may transfer the UBE score and file an application for admission by transferred UBE score at any time on or after December 1, 2015, provided:

- a. The transferred UBE score is NCBE-certified and is a combined, scaled score of 266 or above.
- b. The application includes a nonrefundable administrative fee of \$525.
- c. The applicant causes the NCBE to transfer the UBE score no later than three months after the application is filed.
- d. The applicant has received an LL.B. or a J.D. degree from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated. Proof of this requirement will be by affidavit of the law school's dean on an Iowa dean's affidavit form. The affidavit must be made before an officer authorized to administer oaths and having a seal.
- e. The applicant has earned a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the NCBE.
- f. The applicant has not been denied admission or permission to sit for a bar examination by any jurisdiction on character and fitness grounds.

31.4(2) Time limits for transferring a UBE score. Applicants may rely upon an MBE scaled score obtained on one of the last four Iowa bar examination administrations immediately preceding the deadline for filing the application for a subsequent bar examination. Applicants choosing to rely upon their prior MBE scaled score shall indicate their intention on the bar application form. A UBE score can be transferred to Iowa subject to the following time limits:

- a. Any applicant may transfer a qualifying UBE score without a showing of prior legal practice if the score was from a UBE administered within two years immediately preceding the transfer application filing date.
- b. An attorney applicant may transfer a qualifying UBE score up to five years after the examination was taken upon proof that the applicant regularly engaged in the practice of law for at least two years of the last three years immediately preceding the transfer application filing date. The board may require the applicant to provide a certificate of regular practice required for motion applicants under Iowa Court Rule 31.13(1)(b) that addresses the period of practice this rule requires.

31.4(3) Character and fitness investigation. Applicants who choose to rely on a transferred or banked MBE scaled score shall only be required to take the MPT and MEE portions of the bar examination. Such applicants will not be permitted to take the MBE portion of the examination. Applicants who fail to meet the above deadlines for indicating their intention to transfer or bank MBE scores will not be allowed to do so and must sit for all portions of the Iowa examination. It is the applicant's responsibility to ensure that the scaled MBE score is sent to the assistant director by the pertinent date indicated above.

- a. The board will investigate the moral character and fitness of any applicant for admission by transferred UBE score and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report on the applicant. The board may require that an applicant obtain, at applicant's expense, an investigative report from the NCBE

if, in the board's judgment, the application reveals substantial questions regarding the applicant's character or fitness to practice law. Any applicant obtaining an NCBE investigative report must pay the NCBE required fee in addition to the administrative fee. The board's decision to require an NCBE report is not subject to review.

b. The board may impose specific character and fitness or other conditions for admission on the applicant and will withhold recommendation of admission until those conditions are satisfied.

31.4(4) *Time for satisfying admission requirements.* Applicants for admission by transferred UBE score must satisfy all requirements for admission to the bar of this state within one year after the date of written notification to the applicant that the transfer application has been granted or of the conditions the board has imposed. The one-year period may be extended by the board upon the applicant's showing of good cause. The supreme court will make the final determination as to those persons who will be admitted to the practice in this state.

31.4(5) *Only certified UBE scores will be accepted.* The board will not accept transferred scores unless they are certified as UBE scores by the NCBE and will not address petitions to treat a noncertified score as a UBE score.

31.4(6) *Oath or affirmation before Iowa Supreme Court; exceptions.*

a. An applicant who is granted admission by transferred UBE score must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.

b. An applicant may file a petition seeking permission to be administered the lawyer's oath or affirmation in the jurisdiction in which the applicant is currently licensed or before a judge advocate general if the applicant is currently a member of one of the armed services of the United States. The petition must set forth in detail: the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice; the name, title, business address, and telephone number of the justice, judge, clerk of court, court administrator, or judge advocate general who will administer the lawyer's oath or affirmation; and the statute or court rule authorizing that person to administer an oath or affirmation.

c. If the supreme court grants the petition, the office of professional regulation will forward all required documents to the applicant. The applicant will be deemed admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

d. The applicant must take the lawyer's oath or affirmation from an Iowa justice, or file the completed paperwork from an out-of-state oath or affirmation, within one year after the date the application for admission is granted or the application will be deemed to be denied.

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Rule 31.6 Fee. Every applicant for admission to the bar upon examination ~~shall~~ must, as a part of the application, remit to the Iowa board of law examiners an application fee. For applicants not previously admitted to practice law in any other state or the District of Columbia, the fee ~~shall be is~~ \$425. For applicants previously admitted to practice law in another state or the District of Columbia, the fee ~~shall be is~~ \$525. This fee is not refundable and cannot be applied to a subsequent application. The full fee must be remitted within the deadline for filing the bar application under rule 31.5(2).

Rule 31.7 Affidavit of intent to practice.

a. All applicants for the Iowa bar examination ~~shall~~ must demonstrate a bona fide intention to practice law in Iowa or another UBE jurisdiction. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.

b. The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes.

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Rule 31.11 Automatic review.

31.11(1) *Score range for review.* An applicant whose combined, scaled score on the current examination is at least 260, but less than 266, ~~shall will~~ have an automatic review of the ~~written portion applicant's~~ written answers in the MEE and MPT components of the bar examination prior to release of the bar examination results. The board will not review any examination with a combined, scaled score that does not fall within this range, and the board will not conduct any review after release of the bar examination results.

31.11(2) *Procedures for automatic review.* The board ~~shall will~~ apply the following procedures ~~for applicants eligible~~ for an automatic review:

a. The attorney members of the board and any temporary examiners the board may designate will review the applicant's written answers. The answers ~~shall will~~ be submitted on an anonymous basis without oral argument or hearing. If it appears that an answer should receive a different score (whether higher or lower), that score will be used to determine the applicant's scaled score. The board ~~shall will~~ maintain a record of any changes made to the scoring of the individual questions on review.

b. Following its review, the board ~~shall will~~ recommend to the supreme court that the applicant be admitted to the practice of law in Iowa if the applicant's combined, scaled score after review is at least 266. An applicant whose combined, scaled score after review is 265 or below ~~shall will~~ be deemed to have failed the examination.

31.11(3) *Supreme court review.*

a. An unsuccessful applicant whose combined, scaled score on the bar examination is at least 260, but less than 266, may file a petition in the supreme court requesting review of the board's determination ~~in the supreme court~~. However, the board's decision regarding an applicant's score is final and will not be reviewed by the court absent extraordinary circumstances. "Extraordinary circumstances" would include issues such as the board's refusal to correct a clear mathematical error but would not include a claim that the board erred in the grade assigned to a particular answer.

b. The petition ~~shall~~ must be filed with the clerk of the supreme court and served upon the board. The petition must be filed within 20 days of the date the applicant's score is posted in the office of professional regulation and must be accompanied by a \$150 fee. ~~If no such petition is filed within the 20-day period, the board's determination shall not be subject to review.~~ The petition ~~for review shall~~ must identify in detail the extraordinary circumstances requiring supreme court review of the board's determination. If a petition is not filed within the 20-day period, the board's determination is not subject to review.

c. Upon request of the court, the board will transmit to the supreme court the complete record in the case. Unless the court orders otherwise, the court petition shall be deemed submitted for the court's review will review the petition on the record previously made. After consideration of the record, the court ~~shall~~ will enter its order sustaining or denying the petition. The order of the court ~~shall be~~ is conclusive. All documents submitted for the court's review, other than the applicant's petition, ~~will be~~ are confidential.

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Rule 31.13 Proofs of qualifications; oath or affirmation.

31.13(1) *Required certificates, affidavit, and fingerprint card.* The following proofs must be filed with the office of professional regulation to qualify an applicant for admission under rule 31.12:

a. A certificate of admission in the applicant's state of licensure.

b. A certificate of a clerk or judge of a court of record, or of a judge advocate general or an administrative law judge, that the applicant was regularly engaged in the practice of law in said state for at least five of the last seven years immediately preceding the date of the application. If, due to the nature of the applicant's practice, the applicant cannot obtain a certificate from a clerk, judge, judge advocate general, or an administrative law judge, the applicant ~~shall~~ must file a petition seeking leave to file an alternative certificate demonstrating good cause why the certificate cannot be obtained. If the supreme court grants the petition, the applicant ~~shall~~ must file an affidavit detailing the nature, dates, and locations of the applicant's practice, along with an affidavit of a supervising attorney or another lawyer attesting to the applicant's practice over that period.

c. A certificate of an applicant's good moral character from a judge or clerk of the Iowa district court or of a court where the applicant has practiced within the last five years.

d. A completed fingerprint card.