

An Introduction to Lawyer Admissions in the United States

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Prepared by Professor Laurel S. Terry (LTerry@psu.edu)



Admission as a lawyer in the United States (US) is handled on a [state](#) basis, rather than a national basis. The admissions requirements for each US state or territory (hereinafter “state”) are typically adopted by the highest [court](#) of each state (and/or an [entity](#) to which the court has delegated power). The homepage of the National Conference of Bar Examiners (NCBE) includes links to each state’s lawyer admissions webpage: <http://www.ncbex.org/>. In addition to publishing useful [articles](#), the NCBE publishes a summary of state admissions requirements in its annual [COMPREHENSIVE GUIDE TO BAR ADMISSIONS](#), <http://tinyurl.com/NCBE-Guide>. While some states have alternative admissions paths, with California the most notable example of this, the vast majority of domestically-educated applicants who are not licensed elsewhere in the US have met three admission requirements. They have:

- 1) received a JD degree from one of the [205](#) law schools [accredited](#) by the Council of the ABA Section of Legal Education and Admissions to the Bar. (With a few exceptions, this means that the applicant has attended a 3 year post-graduate law program following 4 years of college/university);
- 2) successfully [passed](#) that state’s bar examination, which is a written examination that lasts [2-2.5](#) days. (Approximately half of US states now use the NCBE’s “Uniform Bar Exam” or [UBE](#), which provides a [portable](#) score. The other states [use](#) at least one of the NCBE’s bar exam test [products](#)); and
- 3) satisfied the state’s [character and fitness](#) requirements. (Some states have the [NCBE](#) handle this issue.)

An applicant who completes the necessary paperwork, pays the required [fee](#), and satisfies these 3 requirements will receive a “law license” from that state. Approximately 2/3 of US states have [additional](#) requirements (such as Georgia’s “transition to practice” program), but generally speaking, lawyer admission does not include a “vocational” education stage that is similar to the “articling” requirements found in some countries. The education provided by the 205 ABA-accredited law schools has many commonalities, but the only [curricular](#) requirements are 6 credits of “experiential” education, two credits of legal ethics, and two writing experiences.

US states typically require lawyers who are licensed by that state to renew their law licenses annually. In some jurisdictions, the lawyer will have to file additional information regarding the lawyer’s compliance with [client protection rules](#), such as trust account rules, and [mandatory continuing legal education](#) requirements. Oregon is the only US state that requires lawyers to carry malpractice insurance, but a number of states require lawyers to [report](#) whether they have malpractice insurance.

US lawyers have limited mobility. If a lawyer wants to participate in litigation in a state in which the lawyer is not licensed, that lawyer can apply to the court for permission using a procedure called [pro hac vice](#). There are also [court rules](#) that authorize a lawyer to perform *temporary transactional work* in a jurisdiction in which the lawyer does not have a law license. Absent a law license from that state or this kind of authorization from the state to provide *temporary* services, the lawyer is said to be engaging in “unauthorized practice of law” or UPL. Thus, if a lawyer is providing continuous and systematic services in a state, rather than temporary services, subject to a [few exceptions](#), the lawyer will need to get a law license from that state. If a domestically educated applicant who is licensed in one US state wants to become licensed in additional or alternative state(s), he or she may be able to bypass the bar examination requirement and apply for [“admission on motion”](#) or take an [attorneys’ exam](#). Some states now have [a rule](#) that permits practice pending admission. (Up until now, this paragraph has described the situation for domestically-educated applicants. There are separate rules that apply to applicants who received their legal education outside the US. This map shows the methods by which foreign-educated lawyers can actively practice in the US and has links to information: <http://tinyurl.com/laurelterrymap>).

The US does not have a divided profession such as the division of barristers and solicitors in Ireland. A lawyer who is licensed by a US state may perform all activities in that state that are considered to be the “practice of law.” The lawyer is entitled to appear in front of all [state] courts in that state and do transactional and regulatory legal work in that state. (A separate application is required, however, in order to appear before the federal courts located in that state.) Unlike the situation in some countries, a licensed lawyer may work for a corporation as in-house counsel. US states license individual lawyers, rather than law firms; there is no requirement that a law firm register or obtain a license to practice law. A “foreign” law firm may have an office in a US state if the law firm hires locally-licensed lawyers.

If you would like additional information or citations related to any of these topics, please email me.