

H.B. 115 – Bar Exam Requirements

H.B. 115 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, H.B. 115 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.

The ABA is designated by the U. S. Department of Education as the sole accrediting authority nationally for legal education. The ABA has adopted high standards for accreditation, which not only protect the public but also assure students that they will receive a high quality legal education. Maintaining an accreditation process is both fiscally and administratively demanding. It is appropriate that Georgia and most other states rely upon ABA approval as the standard for educational eligibility. Each of the five law schools in Georgia are ABA-approved.

H.B. 115 proposes to lower the standards for becoming a lawyer in Georgia by drastically reducing the educational requirements for taking the Georgia Bar.

The State Bar of Georgia supports the Board of Bar Examiners in its opposition to H.B. 115 on constitutional and practical grounds:

- The Georgia Constitution and supporting case law vest the authority to regulate the practice of law in the judicial branch of government. Therefore, adoption of H.B.

115 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).

- Georgia has over 35,000 licensed lawyers. The net growth is 900 more lawyers every year. There are over 400 lawyers for every 100,000 Georgia residents. By comparison, there are 15,801 physicians in Georgia, with a ratio of 192 for every 100,000 Georgians. The state is not experiencing a shortage of lawyers.
- Practically, if the drastic reduction in educational requirements as proposed in H.B. 115 were approved, on average each year, an additional 700 applicants would be eligible for admission to the bar in Georgia. (Georgia has approximately 1900 applicants take the bar exam each year under current standards.)
- If the standards of H.B. 115 were adopted, Georgia would join the four states in the U.S. that open their admissions policies to any graduate of a non-ABA-approved law school who is a successful bar exam taker from any other state without additional legal education or practice requirements.
- Adoption of H.B. 115 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 for a J.D. degree as established by any of the other 49 states. Making Georgia subject to the standards of other states is not in the best interests of the people of Georgia.
- The vast majority of states require the same or similar educational standards as Georgia—undergraduate degree from accredited institution and a law degree from an ABA-approved law school.
- Most other professions in Georgia are required by their state licensing boards to have similar educational standards in order to sit for their respective exams. (Applicants for the medical exam must graduate from an AMA-approved medical school; architects must graduate from AIA-approved school of architecture, etc.) If H.B. 115 were approved, the educational requirement for lawyers would be drastically reduced. The negative effects of lowering Georgia's standards would be more, but less qualified, lawyers and more risk of substandard legal work at the expense of our citizens.
- The Bar Examiners and the Supreme Court have worked for five decades to strengthen the educational and fitness standards in Georgia. This was done solely for public protection. Lawyers safeguard citizens' lives and property. We need the best education, fitness and testing standards we can provide.