

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RALUCA PAPADIMA,	§
	§ No. 80, 2008
Petitioner Below-	§
Appellant,	§
	§ APPEAL FROM DECISION OF
v.	§ THE BOARD OF BAR
	§ EXAMINERS OF THE
BOARD OF BAR EXAMINERS OF	§ DELAWARE SUPREME
THE DELAWARE SUPREME	§ COURT
COURT,	§
	§
Reviewer Below-	§
Appellee.	§

Submitted: April 11, 2008

Decided: May 6, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 6th day of May 2008, upon consideration of the briefs of the parties, it appears to the Court that:

(1) Raluca Papadima appeals from the January 24, 2008 decision of the Board of Bar Examiners denying her petition for partial certification of her qualifications to take the Delaware Bar Examination.¹ For the reasons that follow, we conclude that the Board correctly interpreted Supreme Court Rules 52(a) (4) and (5) and acted within its discretion when, after applying

¹ Although Papadima has not filed a formal application to take the Bar Examination, the Court has jurisdiction to hear this appeal since the Board's decision, which makes clear that her application would be denied, "affects [her] substantial rights." Supr. Ct. R. 52(f).

the plain language of the Rules to the undisputed facts, it denied Papadima's petition for partial certification of her qualifications to take the Bar Examination.

(2) The record reflects that Papadima is a citizen of Romania. After graduating from high school in 1998, she studied civil law for a total of four years at the Law School of the University of Bucharest in Romania and the Law School of the University of Paris 1 Pantheon-Sorbonne in France, receiving a joint degree in 2003. Papadima then continued her legal studies, receiving a master's degree from the University of Paris 2 Pantheon-Assas in 2004 and an LL.M. from Harvard Law School in 2006. Each LL.M. program was one year in length.

(3) Papadima has been a member of the Bucharest Bar since 2004, a member of the Paris Bar since 2006, and a member of the New York Bar since 2007. She currently is a member in good standing of all three Bars. Papadima spent several months in 2004-2005 practicing Romanian law with Linklaters LLP, a British law firm, in its Romanian office. After receiving her LL.M. from Harvard Law School in 2006, she worked at Latham & Watkins LLP, a New York law firm, from October 2006 until August 2007.

Most recently, Papadima is employed for a one-year clerkship in the Delaware Supreme Court, assigned to Justice Jack B. Jacobs.²

(4) The Board's decision cited the following reasons for its denial of Papadima's petition: a) under Supreme Court Rule 52(a) (4), neither the University of Bucharest nor the University of Paris, from which she received undergraduate law degrees, is approved by the American Bar Association; b) under Rule 52(a) (5), the LL.M. she received from Harvard Law School is not the equivalent of a juris doctor degree from an ABA-approved law school; and c) the Board does not have the authority to waive any of the Supreme Court Rules or grant exceptions to those Rules.

(5) In her appeal, Papadima argues that the Board erred in its interpretation of Rules 52(a) (4) and (5). She contends that her European law school degrees are the equivalent of a four-year American bachelor's degree, her LL.M. from Harvard, an ABA approved law school, is the equivalent of a J.D. from an ABA approved law school, and the Board had discretion to find, and should have found, that, taking her education and experience together, she had fulfilled the requirements of Rules 52(a) (4) and (5). In her reply brief, Papadima also argues that the Board improperly failed to request additional documentation from her that would have

² Justice Jacobs has entered his disqualification *sua sponte* in this matter. Papadima has not moved for the recusal of any other Justice.

supported her claim of “equivalent” undergraduate and law school credentials and failed to make any particularized findings of fact on the issue of “equivalency,” thereby abrogating its responsibilities under Rule 52(b).

(6) Supreme Court Rules 52(a) (4) and (5) (the “Rules”) provide as follows:

(a) *Requirements for admission.* No person shall be admitted to the Bar unless the applicant shall have qualified by producing evidence satisfactory to the Board:

...

(4) College or university. That the applicant has completed the pre-legal education necessary to meet the minimum requirements for admission to a law school that at the time of admission was listed on the American Bar Association list of approved law schools. In the event that the applicant was admitted to such a law school without having first received a baccalaureate degree or its equivalent from an accredited college or university (the method of such accreditation to be determined by the Board), the applicant shall supply to the Board a copy of the law school’s statement of considerations in the applicant’s file or other supporting statement from the law school, satisfactory to the Board, setting forth the basis for the law school’s decision to admit notwithstanding the absence of such a degree.

(5) Law school. That the applicant has been regularly graduated with a juris doctor degree or its equivalent from a law school which at the time of conferring such degree was listed on the American Bar Association list of approved law schools.

(7) An appeal from a decision of the Board is determined from the record of the matter before the Board and not by means of a hearing de novo.³ Our standard of review in a case where the facts upon which the Board based its decision were undisputed is whether the Board’s

³ Supr. Ct. R. 52(f).

construction of the Rules was reasonable and whether the Board acted within its discretion in applying the Rules to the applicant in question.⁴ Moreover, under settled rules of construction, the Rules must be interpreted so as to ascribe meaning to all of the words contained therein,⁵ any undefined words in the Rules must be given their ordinary, common meaning,⁶ and each section of the Rules must be read in light of every other section in order to produce a harmonious whole.⁷

(8) Papadima first argues that the Board abrogated its responsibility to determine whether her European civil law degrees were “equivalent” to an American bachelor’s degree. Rule 52(a) (4), when properly read in conjunction with Rule 52(a) (5), plainly requires an applicant to demonstrate that his or her pre-law education **meets the minimum requirements necessary for admission to an ABA approved law school for a juris doctor degree.** Contrary to Papadima’s argument, it is not the function of the Board to determine in every case whether an applicant has received the equivalent of a bachelor’s degree. Rather, **only when the applicant has been admitted to an ABA approved law school without first having**

⁴ *In re Huntley*, 424 A.2d 8, 12 (Del. 1980). To the extent that this standard, as subsequently enunciated in *In re Nenno*, 472 A.2d 815, 818-19 (Del. 1983), is unclear, we take this opportunity to clarify it.

⁵ *Oceanport Industries, Inc. v. Wilmington Stevedores, Inc.*, 636 A.2d 892, 900 (Del. 1994).

⁶ *Id.*

⁷ *Id.*

received a bachelor's degree or its equivalent is the Board to be supplied with the basis for the law school's admittance of the applicant. As the Board properly found, because Papadima has never applied to an ABA approved law school for a juris doctor degree, the Board was not authorized to consider whether her pre-law education met the requirements of the Rule.

(9) Papadima also argues that the Board abused its discretion in determining that she had not satisfied Rule 52(a) (5), which requires an applicant to demonstrate that he or she has been graduated with a juris doctor degree or its equivalent from an ABA approved law school. In particular, she contends that the Board was remiss in not requesting additional documentation from her regarding her European law school curriculum, her professional experience, and her exposure to American common law in order to assess her individual circumstances "as a whole." Not only does that argument contradict the plain language of Rule 52, which places the burden squarely on the applicant to supply all evidence in support of his or her application, it incorrectly assumes that, if the Board had only delved further into Papadima's education and experience, it would have come to a different conclusion. We disagree. The Board was within its

discretion, supported by the law school accreditation standards of the ABA,⁸ as well as scholarly opinion⁹ to conclude that Papadima's one-year LL.M. degree was not the functional equivalent of a three-year J.D. degree and, moreover, that Papadima's legal education in European civil law, her experience working for an American law firm for several months, plus her experience working as a law clerk for one year was insufficient to bridge the gap between her LL.M. degree and a J.D. degree.¹⁰ In the absence of any error or abuse of discretion on the part of the Board, its decision denying Papadima's petition for partial certification of her qualifications to take the Bar Examination must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the decision of the Board of Bar Examiners is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁸ "Statement of the Council of the Section of Legal Education and Admissions to the Bar"; "Chapter 3-Program of Legal Education," ABA Standards for Approval of Law Schools (2007-2008).

⁹ J. Richard Hurt, "Foreign-Trained Lawyers, American Graduate Legal Education and Bar Admissions: Should the LL.M. Satisfy the Educational Requirements to Practice Law?," The Bar Examiner 36 (Nov. 2000); The Delaware Bar in the Twentieth Century, p. 284 (Helen L. Winslow, et al. eds. 1994).

¹⁰ We reject Papadima's expansive interpretation of Rules 55.1 and 55.2. The intent of those Rules is to limit, not enlarge, the ability of foreign-trained attorneys to practice in Delaware. Moreover, we regard Papadima's arguments concerning the rules governing Bar admission in other jurisdictions, including the State of New York, to be of limited value in interpreting the Rules in this jurisdiction.