

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING THE RULES §
OF THE SUPREME COURT OF §
DELAWARE AND THE RULES §
OF THE BOARD OF BAR §
EXAMINERS TO AUTHORIZE §
DISCRETIONARY WAIVER OF §
EDUCATIONAL §
REQUIREMENTS FOR CERTAIN §
QUALIFIED APPLICANTS §

Before **SEITZ**, Chief Justice, and **VALIHURA, TRAYNOR, LEGROW,** and **GRIFFITHS**, Justices, constituting the Court *en banc*.

ORDER

This 12th day of September 2023, it appears to the Court that it is desirable to amend Rule 52 of the Rules of the Supreme Court of Delaware and Rule 31 of the Rules of the Board of Bar Examiners of the State of Delaware, and to adopt a new Rule 6 of the Rules of the Board of Bar Examiners, effective immediately.

(1) Supreme Court Rule 52(a)(4) and (a)(5) shall be amended to add the underlined text and to delete the strikethrough text as follows:

(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 graduation was listed on the American Bar Association list of approved law schools (“Approved Law School”). 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 an Approved Law School~~listed on the American Bar Association list of approved law schools.~~

(2) A new subsection (aaa) shall be added to Supreme Court Rule 52 as follows:

(aaa) *Waiver of Educational Requirements.* The Board may, upon petition by the applicant, waive the requirements of subsections (a)(4) and (5) of this Rule for an applicant who:

(1) is a member in good standing of the Bar of another state, and the Board finds, in its discretion, is qualified by reason of education and experience to take the Delaware Bar Examination (for the purposes of this section, "state" includes the District of Columbia and Puerto Rico); or

(2) has been regularly graduated with the combination of degrees in legal education that the Board, in its discretion, determines is substantially equivalent to a juris doctor degree from an Approved Law School, including both (A) a degree in legal education from an institution outside the United States, and (B) an LL.M. degree that meets the requirements of the Board Rules from a law school which at the time of conferring such degree was an Approved Law School.

(3) In place of former Board of Bar Examiners Rule 6, which had previously been deleted, a new Rule 6 shall be added, as follows:

Rule 6. Petitions pursuant to Supreme Court Rule 52(aaa).

(a) Any petition by an applicant for a waiver under Supreme Court Rule 52(aaa) shall comply with the form requirements of Board Rule 31 and be accompanied by:

(1) official, final transcripts from all undergraduate and post-graduate institutions the applicant attended;

(2) copies of all diplomas or degree certificates from all undergraduate and post-graduate institutions from which the applicant graduated;

(3) if applicable, proof the applicant is a member in good standing of the Bar of another state;

(4) if applicable, information sufficient to demonstrate compliance with subpart (b) of this Rule;

(5) all other documents or evidence on which the applicant relies in support of the petition for a waiver; and

(6) a certified translation of any document not in the English language.

(b) For an LL.M. degree from a law school which at the time of conferring such degree was an Approved Law School to qualify under Supreme Court Rule 52(aaa)(2), the applicant must have completed a minimum of 24 credit hours to obtain the degree, with a minimum of 12 credit hours from among the subjects tested on the Multistate Bar Exam or the subjects listed in Rule 12, except that the applicant may substitute up to 3 credit hours of Professional Responsibility in place of an equivalent number of credit hours of course work.

(c) Petitions shall be decided without a hearing, unless the Board directs otherwise.

(d) For the purposes of this Rule and Supreme Court Rule 52(aaa), “applicant” includes any person seeking a determination whether that person meets the requirements of Supreme Court Rules 52(a)(4) or (5) or 52(aaa), regardless of whether that person has filed an application pursuant to Supreme Court Rule 52(b).

(4) Board of Bar Examiners Rule 31 shall be amended to add the underlined text and to delete the strikethrough text as follows:

Rule 31. Form and content of petition for a hearing.

A petition for a hearing shall ~~consist of not more than 10 pages, shall be verified under oath and shall set forth with specificity the grounds upon which the applicant claims to be aggrieved and the remedy the applicant seeks. The~~A petition shall be submitted to the Board by email to the address identified for correspondence to the Board on the Board’s website, or by delivering two copies to the Board’s offices during regular business hours. All text, including text in footnotes, shall be in Times New Roman 14-point typeface. All text shall be ~~on paper measuring 8-¹/₂ by 11 inches with double spaced spacing of at least ¹/₄ inch between each line of text (except for headings, footnotes, and quotations of more than 50 words measured from the bottom of the preceding line to the top of the highest letters in the next line).~~ Side margins of petitions shall not be less than 1 inch. All typed matter must be of a size and type permitting not more than 11 characters or spaces per linear inch. Failure to comply with the requirements of this Rule may result in the denial of the petition.

(5) The Clerk of this Court is directed to transmit a certified copy of this Order to the clerk for each trial court in each county.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice