

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE 4-13.4	)	
OF THE RULES OF THE SUPREME	)	Case No. SC21-187
COURT RELATING TO ADMISSIONS	)	
TO THE BAR	)	
_____	)	

**FLORIDA BOARD OF BAR EXAMINERS' COMMENT ON  
PROPOSED AMENDMENTS TO RULE 4-13.4**

The Florida Board of Bar Examiners ("board") submits this comment in response to the notice of proposed amendments to Rule 4-13.4 of the Rules of the Supreme Court Relating to Admissions to the Bar.

The board is prepared to implement the proposed changes to Rule 4-13.4 as soon as they become effective. To that end, the board has developed a set of curricular criteria for qualifying LL.M. programs (the "Curricular Criteria") consistent with the proposed revision creating Rule 4-13.4(b)(1). See Ex. 1. This comment explains the board's reasoning for the Curricular Criteria.

**I. General Principles for Developing Curricular Criteria**

Several states offer a pathway for applicants with a qualifying LL.M. degree to take the bar exam. Those states have their own curricular criteria for qualifying LL.M. degrees, which the board used as a reference.

Because Florida is among the largest states in terms of number of bar applicants, the board focused on the curricular criteria in states with

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similar applicant numbers: California, New York, Texas, Massachusetts, and Georgia.

The LL.M. pathways in those five states have commonalities. The states require that applicants must have obtained a degree in law before entering the LL.M. program. They set a minimum total number of credit hours for a qualifying LL.M. program and require certain courses. They require LL.M. students to attend courses on campus. They set a time limit for completing the program.

Exhibit 2 is a table comparing the five states. The table shows that the differences in the five states' LL.M. criteria are minor. For instance, Georgia requires 26 credit hours while the other four states require 24. The board's Curricular Criteria fall within the range of criteria in the five states.

Further, the board limited its Curricular Criteria to items that were objective, such as number of credit hours or completion of credit hours in particular subjects. In doing so, the board decided against an approach used in some other states of assessing whether the quality of education at the applicant's university was equivalent to an ABA-accredited law school.<sup>1</sup>

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<sup>1</sup> See, e.g., N.Y. Bar Admiss. R. 520.6(b)(1)(i)(b), <https://bit.ly/3tCS8Ha> (applicant's legal education in another country must be "the substantial equivalent of the legal education provided by an American Bar Association approved law school in the United States"); New York Board of Law Examiners, Foreign Legal Education, <https://bit.ly/3tqxFFE> (providing information about submitting, and time

The Court has observed that a case-by-case determination of whether an applicant's education "is substantially equivalent to that from an ABA-accredited law school ... is extremely difficult and would require an inordinate amount of money and time." *Fla. Bd. of Bar Exam'rs re Mass. School of Law*, 705 So. 2d 898, 899 (Fla. 1998); see also *Fla. Bd. of Bar Exam'rs re Hale*, 433 So. 2d 969, 971-72 (Fla. 1983) (accord). The board agrees and therefore has drafted criteria that are easily verifiable.

## **II. Rationales for Specific Provisions in Curricular Criteria**

### **A. Program for Students Who Have a Law Degree**

LL.M. programs are typically for students who have obtained a J.D. or another degree in law that is required for legal practice, such as an LL.B. or an equivalent credential. See Law School Admission Council, LLM Degree Programs, <https://bit.ly/3dnCMRb>.

As with other states' requirements for qualifying LL.M. programs, the Curricular Criteria explicitly require that applicants applying under the proposed Rule 4-13.4(b)(1) have a degree in law before seeking an LL.M. degree. See Ex. 2. The Curricular Criteria use the phrase "degree in law" to account for differences in what the degree may be called in other

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frames for response for, "Foreign Evaluation" forms).

countries. A J.D. from a U.S. law school that is not accredited by the ABA would also satisfy the “degree in law” requirement.

#### B. On-Campus Instruction

States providing an LL.M. pathway commonly require that all, or a substantial part, of the LL.M. program instruction occur on an accredited law school’s campus. See Ex. 2. The definition of “accredited” used in the Curricular Criteria is the same as in Rule 4-13.2. This requirement helps ensure that the LL.M. program is closer to the educational experience at an ABA-accredited law school.

The Curricular Criteria include a footnote clarifying that the “on campus” requirement would not apply to LL.M. program courses held online because of the COVID-19 pandemic. See Ex. 1 ¶2 n.1.

Further, the Curricular Criteria explicitly allow for externships, clinics, and other experiential courses to count toward the 24-credit total, even if those courses involve some off-campus instruction. See Ex. 1 ¶6.

#### C. Total Credit Hours

The Curricular Criteria require a minimum of 24 credit hours, which is the most common figure for states offering an LL.M. pathway to taking the bar exam. See Ex. 2 (New York, Texas, and Massachusetts require 24

hours; California requires 20; Georgia requires 26). Twenty-four hours is also typical for LL.M. programs in U.S. legal studies at in-state law schools.<sup>2</sup>

#### D. Credit Hours in Specific Courses

The Curricular Criteria require: a two-hour course in professional responsibility; a two-hour course in legal research and writing; a two-hour course in U.S. legal studies or U.S. constitutional law; and nine credit hours in other subjects tested on the General Bar Examination.

Those requirements are in line with the other states with large numbers of bar applicants. See Ex. 2. Requiring credits in specific courses ensures that applicants have taken at least some courses in foundational subjects at ABA-accredited law schools before sitting for the General Bar Examination.

#### E. Time Limit to Complete LL.M. Program

Most states impose a time limit to complete the LL.M. program. See *id.* A full-time, 24-credit program can be completed in a year. Applicants

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<sup>2</sup> Barry University, American Legal Studies LL.M., <http://barry.edu/law/llm> (24 hours); Florida International University, LL.M. Program, <https://law.fiu.edu/academics/llm/> (24 hours); Florida State University, Degree Requirements, (24 hours); <https://law.fsu.edu/academics/academic-programs/llm-programs/llm-business-law/degree-requirements>; University of Miami, Courses and Requirements: U.S. and Transnational Law LL.M. for Foreign-Trained Lawyers, <https://bit.ly/3mgPXGN> (24 hours); *but see* University of Florida, LL.M. in U.S. Law, <https://bit.ly/3sBIXXI> (26 hours).

who have good cause why they cannot complete the program within two years can petition the board for a waiver.

Dated: April 30, 2021.

FLORIDA BOARD OF BAR EXAMINERS  
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# EXHIBIT 1

## **Exhibit 1**

### CURRICULAR CRITERIA FOR QUALIFYING LL.M. DEGREES

For an LL.M. degree to qualify under Rule 4-13.4(b)(1) of the Rules of the Supreme Court Relating to Admissions to the Bar, the program awarding the degree must meet the curricular criteria listed below. Applicants seeking to take the General Bar Examination under Rule 4-13.4(b)(1) shall submit to the board proof of compliance with the curricular criteria as the board may require.

1. As a condition of admission into the program, the applicant must have a degree in law.

2. The program must be attended on campus in the United States at an accredited law school.<sup>3</sup> To be accredited, the school must be approved or provisionally approved by the American Bar Association at the time of the applicant's completion of the LL.M. degree, or within 12 months of the applicant's completion of the LL.M. degree.

3. The program must consist of a minimum of 24 credit hours.

4. The program must include:

- a. a minimum of 2 credit hours in professional responsibility;
- b. a minimum of 2 credit hours in legal research and writing, which may not be satisfied by a research and writing requirement in a substantive law course;
- c. a minimum of 2 credit hours in American legal studies, the American legal system, or a similar course designed to introduce students to distinctive

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<sup>3</sup> This requirement does not apply to LL.M. program courses held online because of the COVID-19 pandemic.



aspects and fundamental principles of U.S. law, which may be satisfied by a course in U.S. constitutional law or U.S. or Florida civil procedure; and

- d. a minimum of 9 credit hours in subjects tested on the General Bar Examination, which are in addition to the requirements in 4(a)-4(c) above.

5. The program may be completed in a full or part-time program and must be completed within 24 months of the date that the applicant began the program. An applicant begins the program on the first day of the first semester or term of study in the program.

6. The program may include clinical courses, externships, and other experiential learning courses.

# EXHIBIT 2

## **Exhibit 2: LLM Curricular Criteria Comparison for Large Bar Admission States**

<b>State</b>	<b>Law Degree Requirement</b>	<b>On-Campus Requirement</b>	<b>Credit Hours</b>	<b>Credits in Required Courses</b>	<b>Time Limit</b>
California <sup>4</sup>	Yes	Yes	20	12 credits in subjects on the bar exam, including 3 in professional responsibility ("P.R.")	3 years
Georgia <sup>5</sup>	Yes	Yes	26	2 credits in Introduction to U.S. law 3 credits in legal research and writing 3 credits in U.S. constitutional law 3 credits in civil procedure 2 credits in P.R. 1 additional course in a bar exam subject 1 practical course (e.g., trial or appellate advocacy, negotiation)	3 years

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<sup>4</sup> State Bar of California, Guidelines for Applicants with a Foreign Law Degree, <https://bit.ly/3frFruT>.

<sup>5</sup> Ga. Bar Admiss. R. Part B § 4(c), <https://bit.ly/3x98BFt>; Supreme Court of Georgia, Office of Bar Admissions, Curricular Criteria for LL.M. Program for the Practice of Law in the United States, <https://www.gabaradmissions.org/criteriallm>.

State	Law Degree Requirement	On-Campus Requirement	Credit Hours	Credits in Required Courses	Time Limit
Massachusetts <sup>6</sup>	Yes	Yes	24	1 course in constitutional law 1 course in P.R. 3 additional courses in any of the following subjects: business organizations, commercial law, criminal law, property and estate planning, domestic relations, procedure (including evidence), and torts	None
New York <sup>7</sup>	Yes	Yes	24	2 credits in P.R. 2 in legal research and writing 2 credits in U.S. legal studies, U.S. constitutional law, or federal or New York civil procedure 6 credits in other bar exam subjects	2 years

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<sup>6</sup> Mass. Bar Admiss. R. VI.3.2(i)-(iii), <https://bit.ly/31zMWYh> (Massachusetts requires 24 credits for applicants from civil law countries and 15 credits for applicants from common law countries).

<sup>7</sup> N.Y. Bar Admiss. R. § 520.6(b)(1)-(3), <https://bit.ly/3aiyuJ8>.

<b>State</b>	<b>Law Degree Requirement</b>	<b>On-Campus Requirement</b>	<b>Credit Hours</b>	<b>Credits in Required Courses</b>	<b>Time Limit</b>
Texas <sup>8</sup>	Yes	Yes	24	2 credits in P.R. 2 in legal research and writing 2 credits in U.S. legal studies, U.S. constitutional law, civil procedure, or contracts 6 credits in other bar exam subjects	2 years

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<sup>8</sup> Tex. Bar Admiss. R. 13 §§ 5, 9, <https://ble.texas.gov/rule13>.