No. 20180806-SC

IN THE
SUPREME COURT OF THE STATE OF UTAH

IN RE: MARY DOE AND JANE DOE,
Petitioners.

BRIEF OF AMICUS CURIAE UNIVERSITY OF UTAH, S.J. QUINNEY COLLEGE OF LAW IN SUPPORT OF PETITIONERS

Anthony C. Kaye
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, Utah 84111-2221

Attorneys for Petitioners Mary Doe and Jane Doe

Elizabeth A. Wright
General Counsel
UTAH STATE BAR
645 South 200 East
Salt Lake City, Utah 84111

Attorney for Petitioner Utah State Bar

Troy L. Booher (9419)
ZIMMERMAN BOOHER
Felt Building, Fourth Floor
341 South Main Street
Salt Lake City, Utah 84111
tbooher@zbappeals.com
(801) 924-0200

Attorneys for Amicus Curiae University of Utah, S.J. Quinney College of Law

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Current and Former Parties

Petitioners

Mary Doe and Jane Doe
Represented by Anthony C. Kaye, Ballard Spahr LLP

Utah State Bar
Represented by Elizabeth A. Wright, General Counsel, Utah State Bar

Amicus Curiae

University of Utah, S.J. Quinney College of Law
Represented by Troy L. Booher, Zimmerman Booher

Counsel for the following amicus and/or other interested parties are set forth on the certificate of service:

- Ad Hoc Coalition of Utah Law Professors
- American Bar Association
- American Civil Liberties Union
- Latino Justice Amici: LatinoJustice PRLDEF, The Dream Bar Association, Sergio C. Garcia, Cesar Adrian Vargas, Jose Manuel Godinez-Samperio, Karla Q. Perez Ramirez, Denia C. Perez, Marisol Conde-Hernandez, Parthiv Patel, Kelsey C. Burke, and Jackeline Saavedra-Arizaga
- Parr Brown Gee & Loveless, P.C.
- United States Department of Justice
- Utah Attorney General's Office
- Utah Minority Bar Association
- Utah State Office of Legislative Research and General Counsel

Parties Below Not Parties to the Appeal

Not applicable.

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Identification of Amicus Curiae and Statement of Interest in the Issue Presented

The S.J. Quinney College of Law was the first law school in the State of Utah. It has existed for over 100 years and remains the only public law school in Utah. As expressed in its Mission Statement, the College of Law has a duty to serve the State of Utah, as well as the University of Utah and the nation at large.

As Utah's only public law school, a particularly important component of the College of Law's mission is to prepare its graduates to practice law in Utah and to ensure their eligibility to do so. The College of Law fulfils this mission by ensuring that all of its students who graduate in good standing and are qualified to practice law are eligible to sit for the Utah Bar exam.

Consistent with the policy of the University of Utah, the College of Law considers for admission candidates who have been granted Deferred Action for Childhood Arrivals (DACA) status. The College of Law applies the same admission standards to DACA candidates as it applies to all other candidates. The College of Law's admissions process includes a rigorous screening process to ensure that students have the requisite character and fitness to practice law and pass the bar exam in Utah or elsewhere.

After applying this process, the College of Law has admitted DACA candidates, and DACA students have successfully completed the program and graduated with a Juris Doctorate degree. Once candidates become students, the College of Law ensures that all students have the requisite character and fitness

to practice law in Utah before they sit for the Utah Bar Exam. The College of Law reviews the character and fitness of each candidate based on their conduct and performance throughout law school in addition to the information considered in the admissions process. If the College of Law has any reason to believe that a Bar Exam candidate lacks the requisite character and fitness to practice law, or if the College of Law has any other information that may be relevant to the Utah State Bar's assessment of character and fitness, those factors are reported to the Bar as part of the Bar Exam application process.

DACA graduates are treated in the same way as all other candidates in this process. Those granted DACA status are required to demonstrate to the federal government that they came to the United States as children prior to their sixteenth birthday. There is therefore no presumptive reason to believe that DACA graduates lack the requisite character and fitness and other qualifications to sit for the Utah Bar Exam or to practice law in Utah based on their DACA status.

Introduction

This court has been asked to amend its Rules of Professional Practice to specify that DACA graduates are eligible to obtain a bar license. It is legal for DACA recipients to live in Utah, attend law school in Utah, and work in Utah. But under federal law, DACA graduates currently cannot obtain a Utah bar license. Under that same federal law, however, Utah can "opt out" of the prohibition and allow DACA graduates to become eligible for bar licenses. This court should promulgate a rule to opt out of the federal prohibition.

DACA graduates have the same character and fitness as other graduates. DACA graduates have the same skills to practice law as other graduates. Therefore, DACA graduates have the same potential to serve clients and Utah's system of justice as other graduates. Therefore, if this court can opt out of the federal prohibition on DACA graduates from obtaining bar licenses, this court should do so.

Under federal law, individual states may decide whether to allow DACA graduates to obtain bar licenses. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the Act) prohibits states from conferring certain benefits—including professional licenses—to undocumented immigrants. But states may opt out of this prohibition by "an enactment of a State law" that expressly permits undocumented immigrants to be eligible for state benefits.

Under the Utah Constitution, only this court has the power to enact such a state law to opt out of the federal prohibition. Article VIII of the Utah

Constitution provides to this court the exclusive authority to regulate the legal profession and decide who is eligible to obtain a bar license. This court exercises its exclusive authority to regulate the legal profession by promulgating the rules governing admission to the Utah State Bar. Those rules are the state laws governing bar admission, and when this court promulgates those rules, they become "an enactment of State law" capable to opting out of the federal prohibition. While the phrase "enactment of a State law" also refers to legislative enactments, it is broad enough to encompass any enactments of law, including those adopted by courts pursuant to their constitutional authority to do so.

To the extent the Act's language is ambiguous on this point, this court should apply the doctrine of constitutional avoidance and decline to read "enactment of State law" as requiring a legislative act.

First, if only state legislatures had the authority to opt out, then the Act would violate equal sovereignty. The Act would treat sovereigns differently based upon how they exercise sovereign authority. States like Utah that exercise their sovereign prerogative to authorize courts to govern the legal profession may not opt out, while other states that allocate this lawmaking authority to different branches of government can.

Second, for similar reasons, the Act also would violate state sovereignty under the Tenth Amendment. The Act would dictate to states from which branch

of government a state law must originate to opt out of the Act. Congress cannot dictate how states distribute their sovereign authority.

This court therefore has the power to make DACA graduates eligible to obtain a bar license. It should do so because DACA graduates are no different than other graduates.

Statement of the Issue

Whether a new rule set forth in the Rules of Professional Practice would constitute "an enactment of State law" under 8 U.S.C. § 1621(d) and, if so, whether it would be appropriate for the court to enact a new rule declaring that DACA graduates are eligible to obtain a bar license.

Background

DACA is a Department of Homeland Security policy. Under DACA, the Department exercises discretion not to remove certain undocumented immigrants who were brought to the United States, as minors, by their parents. DHS, *Memorandum from Janet Napolitano* (June 15, 2012)[1].

Undocumented immigrants may benefit from the DACA policy only if they satisfy five requirements:

> (i) were brought to the United States before the age of sixteen,
>
> (ii) have continuously resided in the United States for at least five years prior to June 2012,

[1] *Available at* https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf.

> (iii) enrolled in school, graduated from high school, or are a current or former member of the U.S. military,
>
> (iv) never committed a felony or significant misdemeanor, and
>
> (v) are under the age of thirty one.

The immigrants who benefit from the DACA policy are commonly referred to as DACA recipients. *Id*. DACA recipients can receive work authorization which can be renewed every two years, along with their DACA status. *Id*.; 8 C.F.R. § 274a.12(c)(14).

Since DACA was formally announced almost seven years ago, over 800,000 people have become DACA recipients. USCIS, Deferred Action for Childhood Arrivals (DACA) Quarterly Report (Fiscal Year 2018, 4th Quarter, July 1-Sept. 30, 2018).[2] Approximately 9,000 of those DACA recipients live in Utah. USCIS, *Approximate Active DACA Recipients* (July 31, 2018).[3]

The petitioners here are two of the DACA recipients who live in Salt Lake City. Both are graduates of Utah law schools and members of the California State Bar. Yet both are prohibited from obtaining bar licenses in Utah under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 8 U.S.C. § 1621.

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[2] *Available at* https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2018_qtr4.pdf.

[3] *Available at* https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_Population_Data_July_31_2018.pdf

Under the Act, states may not provide "State or local public benefits" to certain undocumented immigrants. 8 U.S.C. § 1621(a), (c). Professional licenses, including bar licenses, are state benefits. *Id.* § 1621(c)(1)(A). Thus, under the Act, states may not admit undocumented immigrants to their respective state bars.

States can, however, opt out of this federal prohibition. The Act allows states to make undocumented immigrants "eligible" for benefits—including a bar license—"through the enactment of a State law" that meets certain conditions. *Id.* § 1621(d).

Here, the petitioners have asked this court to opt out of the federal rule by promulgating a rule that would expressly make DACA graduates eligible to obtain a bar license in Utah. Under the petitioners' proposed rule, a DACA graduate may be admitted to the Utah bar if he or she: (i) otherwise qualifies for admission, (ii) was brought to the United States as a minor and has resided in the United States since that time, and (iii) has received documented employment authorization from immigration authorities. (Pet. at App'x. A).

The College of Law offers additional support for the petitioners' argument that this court has the authority to opt out of the federal rule. It also provides additional reasons why, from its perspective and for the benefit of the state as a whole, this court should exercise its authority to do so.

Summary of the Argument

Like many states, Utah has given to its judiciary the exclusive authority to govern the legal profession, including the promulgation of a rule allowing DACA graduates to be eligible to obtain a bar license.

The issue is whether such an action by this court would be ineffective under the applicable federal law. Federal law prohibits states from providing certain benefits to certain undocumented workers. 8 U.S.C. § 1621(a), (c). But states can opt out of this prohibition with "the enactment of a State law. . . which affirmatively provides for such eligibility." 8 U.S.C. § 1621(d).

This court's rules governing the practice of law are the only enactments of state law that can satisfy the federal statute. When a state court is given exclusive authority over the regulation of lawyers, that court "is exercising the State's entire legislative power with respect to regulating the Bar, and its members are the State's legislators for the purpose of issuing the Bar Code." *Supreme Court of Va. v. Consumers Union of U.S.*, 446 U.S. 719, 734 (1980). This court is therefore enacting state law though its rules. And because this court is enacting state law, this court could opt out of the federal prohibition by promulgating a rule that affirmatively makes DACA graduates are eligible to obtain a bar license.

To the extent the federal statute is ambiguous on this point, this court should construe the ambiguity to provide this court authority under the doctrine of constitutional avoidance. Construing the federal statute to consider a rule duly adopted by a state supreme court pursuant to its state constitutional authority as

an "enactment of a state law" is reasonable. If the statute cannot be so construed, however, it is unconstitutional in two ways.

First, under the "fundamental principle of equal sovereignty," Congress may not treat states differently with regard to their sovereignty unless it targets an insidious and pervasive problem such as racial discrimination in voting rights, and then only to the extent necessary to redress that problem. *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 544-47 (2013). There is no such problem here that would justify treating states that vest the authority to govern the practice of law with courts differently than states that vest that authority with the legislative branch. The federal statute violates the principle of equal sovereignty if it does not permit Utah to opt out because of how Utah employs it sovereignty.

Second, under the Tenth Amendment the federal government cannot dictate to state governments how they make laws. *Erie R.R. Co. v. Tompkins*, 304 U.S. 64, 71-79 (1938). In particular, federal courts do not differentiate statutes from common law based upon which branch of government creates the state law. They have the same status. This court's rules governing the practice of law also have the same status as a statute doing the same.

This court has authority to opt out of the federal prohibition. It should opt out and make DACA graduates eligible to obtain a bar license. They are just as fit to practice law as are other graduates. They should have the same opportunity to practice law and to serve their clients and the State of Utah.

Argument

The rules of this court regulating the practice of law are enactments of state law contemplated in the opt-out provisions of 8 U.S.C. § 1621(d). The College of Law urges this court to promulgate the rule proposed by the petitioners and allow DACA recipients to become eligible for Utah bar licenses.

There are no policy reasons to exclude DACA recipients from the Utah State Bar. To the contrary, their exclusion under current Utah law is harmful to the College of Law, DACA recipients, and also the Utah legal community.

1. The Act Allows this Court to Opt Out of the Federal Prohibition

Under the Act, DACA recipients are ineligible to receive state benefits—including bar licenses—unless their state opts out of the prohibition. The Act states that DACA recipients are "not eligible for any State or local public benefit." 8 U.S.C. § 1621(a). It defines *benefits* to include professional licenses. *Id.* § 1621(c)(A).

The Act also permits a state to allow a DACA recipient to become eligible for state benefits "through the enactment of a State law . . . which affirmatively provides for such eligibility." *Id.* § 1621(d). Here, the question is whether this court may enact that state law, or whether only the Utah Legislature may do so. In a variety of other contexts, the Utah Legislature is responsible for enacting state law. But under the Utah Constitution, this court—and only this court—may enact Utah law governing the legal profession.

The rules promulgated by this court that govern the legal profession are enactments of state law under the Act. Thus, as a matter of statutory interpretation, this court may opt out of the federal prohibition because this court can enact state law with regard to the legal profession.

The analysis begins with an interpretation of the phrase "enactment of a State law" as used in the Act. When interpreting a federal statute, this court seeks to interpret it as would the United States Supreme Court. *Raab v. Utah Ry. Co.*, 2009 UT 61, ¶ 32 n.35. Indeed, a state supreme court, "like any other state or federal court, is bound by [the U.S. Supreme] Court's interpretation of federal law." *James v. City of Boise, Idaho*, 136 S. Ct. 685, 686 (2016).

The United States Supreme Court has not yet interpreted the phrase "enactment of a State law" or any of the other relevant sections of the Act. But the court has held that judicially-created law (like the rules promulgated by this court) are included within the definition of *state law*. *Erie R.R. Co. v. Tompkins*, 304 U.S. 64, 71-79 (1938) (overruling the holding in *Swift v. Tyson*, 16 Pet. 1 (1842) that federal courts only need to apply the "positive statutes" because those are the laws of the state, not the common law created by the states' supreme courts). Indeed, "State law" is the "body of law in a particular state consisting of the state's constitution, statutes, regulations, and common law." Black's Law Dictionary (10th ed. 2014). This court can enact state law.

Indeed, with respect to Utah laws governing the legal profession, *only* this court can enact state law. This is true because the Utah Constitution gives this court the exclusive power to govern the legal profession. Under article VIII, section 4, "[t]he Supreme Court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law." Utah Const. art. VIII, § 4.

The resulting rules promulgated by this court are enactments of state law pursuant to state constitutional authority and therefore constitute an exercise of legislative power just like any statute enacted by the Utah Legislature. As the United States Supreme Court has acknowledged, where a state supreme court is given exclusive authority over the regulation of lawyers, that court "is exercising the State's entire legislative power with respect to regulating the Bar, and its members are the State's legislators for the purpose of issuing the Bar Code." *Supreme Court of Va. v. Consumers Union of U.S.*, 446 U.S. 719, 734 (1980). This court has the authority to enact a rule and opt out of the federal prohibition.

This court is not alone in its authority to enact state law governing the legal profession. In other states where the authority to govern the legal profession is vested exclusively in the state supreme court, the supreme court (not the legislature) is the entity with the authority to opt-out of the Act.

The Pennsylvania Constitution, for example, vests in the Pennsylvania Supreme Court the power to "prescribe general rules" governing the "admission

to the bar." Pa. Const. art. V, § 10. The Pennsylvania Supreme Court therefore has the exclusive authority to govern admission to the bar in that state. *Appeal of Murphy*, 393 A.2d 369, 371 (Pa. 1978).

Pursuant to that authority, the Pennsylvania Supreme Court recently amended its rule regarding bar admissions to make DACA recipients eligible for admittance to the bar. Order amending rule 202 of the Pennsylvania Bar Admissions Rules, Pa. C. O. 0012 (2019) (attached at Add. C). The Pennsylvania Supreme Court, not the Pennsylvania Legislature, had the authority to enact the requisite state law.

The same is true in Utah. Because this court, not the Utah Legislature, has the exclusive authority to regulate the legal profession, this court has the power to enact state law to allow DACA recipients to become members of the Utah bar. The Act therefore unambiguously allows this court to opt out of the federal prohibition.

2. If Only Legislatures Could Opt Out, the Act Would Be Unconstitutional

If a statute has two reasonable readings, federal courts presume that Congress drafted the statute "in light of constitutional limitations." *Rust v. Sullivan,* 500 U.S. 173, 191 (1991). Thus, to the extent the Act is ambiguous with regard to whether state supreme courts can "enact" state law, this court should interpret *enactment* to include rules promulgated by state supreme courts.

To read the Act otherwise would generate serious constitutional concerns. First, if only state legislatures can enact state law to opt out of the federal prohibition, then the Act would violate the principle of equal sovereignty because it would discriminate among states based upon how the states employ their sovereign authority. Second, the Act would violate the Tenth Amendment by dictating to the states which branch of state government can enact a state law that satisfies section 1621(d).

This court should read the Act in a manner that avoids constitutional concerns. And if the court cannot do so, it should hold that the Act's prohibition on state supreme court's enacting state law violates the United States Constitution and is therefore unenforceable.[4]

2.1 If Only Legislatures Could Opt Out, the Act Would Violate Principles of Equal Sovereignty

If the Act allows only a legislative enactment to opt-out of the Act, then the Act would operate disparately among the states with regard to their exercise of sovereignty and thereby violate the principle of equal sovereignty among the states. Some states, like Utah, constitutionally delegate exclusive authority over the legal profession to the judiciary.[5] Because the legislatures in those states are prohibited from enacting laws regulating the legal profession—including the

[4] This court's opinion would of course be subject to review by the United States Supreme Court. *Cooper v. Aaron*, 358 U.S. 1, 18-19 (1958).

[5] *E.g.* Pennsylvania Constitution art. V, § 10(c); *Appeal of Murphy*, 393 A.2d at 371 (admission to practice of law is an exclusive function of the Pennsylvania Supreme Court).

issuance of bar licenses—those states will be unable to avail themselves of section 1621(d). This leads to an unequal treatment of the states based upon how the state exercises its sovereign authority in allocating power among its branches of government.

Under the United States Constitution, states enjoy not only sovereignty, but the "fundamental principle of *equal* sovereignty." *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 544 (2013) (emphasis in original) (internal quotation marks omitted). Under the principle of equal sovereignty applied in *Shelby County*, federal law may not treat states differently in a way that effects their sovereignty—i.e., dictating when or how states can enact their own laws—without a showing that such a disparate treatment is "sufficiently related to the problem it targets." *See Northwest Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193, 203 (2009); *See also Shelby Cty.*, 570 U.S. at 542. Here, there is no problem to target.

The principle is fundamental. "[T]he constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized." *Coyle v. Smith*, 221 U.S. 559, 580 (1911). Thus, a federal law can depart from the principle of equal sovereignty only if it does so intentionally to target an "insidious and pervasive" problem that sufficiently justifies the law's "disparate geographic coverage." *Northwest Austin*, 557 U.S. at 203, 221.

But where, like here, a statute arguably lends itself to two interpretations—only one of which would violate the principle of equal sovereignty—the constitutional reading governs. For example, in *Northwest Austin*, section 5 of the Voting Rights Act required some states[6] to get federal preclearance if they wanted to change their election processes. 557 U.S. at 196, 198-99. The court was concerned such a drastic remedy—particularly because the Act was treating states differently—was no longer justified because voter discrimination had declined significantly since the Voting Rights Act was passed. *Id.* at 201-04.

To avoid the constitutional problem, the court resolved the case on statutory grounds. *Id*. 205-06. States and "political subdivisions" of states could apply to "bail out" of the section 5 requirements under section 4. *Id*. at 199. The question was whether the district seeking to "bail out" section 5 requirements was a "political subdivision" under the language of section 4. *Id.* 206-07. Even though *political subdivision* was defined in section 4, the court adopted a broader definition so that the district would fit within the definition. *Id.* 206, 211. This allowed the court to avoid the constitutional concern that section 5 violated equal sovereignty. *Id*. 205.

Here, the language of the Act does not treat the states differently if construed properly to allow any branch of state government with authority to do

[6] The Voting Rights Act applied to states that had used a literacy test or other forbidden device as a voter qualification in the 1964 Presidential election and had less than 50% voter registration or turnout. *Northwest Austin*, 557 U.S. at 198-99.

so to enact a state law. But reading the Act to allow only legislatures (not state supreme courts) to opt out of the federal prohibition would treat states differently in a very significant and detrimental way. Some states could opt out, but other states (like Utah) could not.

There is no "insidious and pervasive evil" here (or any problem at all) that merits treating states differently under federal law. And there is no relationship between the problem being solved by the statute (ensuring that states intend to confer benefits to DACA recipients) and the "disparate geographic coverage" (resulting from the constitutional delegation of the governance of the legal profession to the judiciary). Instead, the "disparate geographic coverage" is happenstance. *Northwest Austin*, 557 U.S. at 203.

Thus, interpreting the Act to allow only legislatures to opt out of the federal prohibition would violate the principle of equal sovereignty among the states. To the extent the Act is ambiguous, this court should adopt a broader reading that allows a court rule to constitute the enactment of a state law. By doing so, this court can avoid the constitutional concerns that would result from reading the Act to provide the benefit of opting out to some states, but not Utah.

2.2 If Only Legislatures Could Opt Out, the Act Would Violate the Tenth Amendment

If this court interprets the Act as requiring that only a legislative enactment were sufficient to opt-out of the Act, then the Act would also violate state sovereignty under the Tenth Amendment. This is true because, by mandating

that states enact state law only through legislatures effectively forces states to have one branch of government exercise authority that the state prefers a different branch to exercise.

Under the Tenth Amendment, "Congress may not exercise power in a fashion that impairs the states' integrity or their ability to function effectively in a federal system." *Fry v. United States*, 421 U.S. 542, 547 n.7 (1975). The petitioners have cited the applicable line of federal opinions holding that Congress may not require states, either through compulsion or coercion, to govern according to Congress' instructions. (Pet. at 12-16.[7])

The College of Law agrees with the petitioners that, to the extent the Act is ambiguous, this court should interpret the Act to allow state courts to opt out of the federal prohibition. The alternative reading would violate state sovereignty under the Tenth Amendment because it would allow Congress to dictate how a state allocates its lawmaking power among the state's branches of government.

The United States Supreme Court was faced with a similar question of statutory interpretation in *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938). The court interpreted the Rules of Decision Act, which gave effect to "[t]he laws of the several States." *Id.* at 71. The question was whether the phrase included law

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[7] *New York v. United States*, 505 U.S. 144, 162 (1992) (Congress may not coerce states into adopting a particular regulatory scheme regarding nuclear waste); *Gregory v. Ashcroft*, 501 U.S. 452, 465-55 (1991) (interpreting a federal statute contrary to its plain language to avoid interfering with state government officers).

declared by state supreme courts or was instead limited to states' legislative enactments. *Id.*

The court held that "[t]he laws of the several States" includes law declared by state supreme courts. *Id.* at 78-79. The court explained that this interpretation was required under the principle of state sovereignty. *Id.* Indeed, if the court were to interpret the statute to give effect only to legislative acts, then Congress (through the statute) would have effectively decided which branch of state government may decide a particular issue of state law. *Id.* at 79.

The narrow reading would therefore violate the Tenth Amendment because Congress may not dictate how a state allocates its lawmaking power among the state's branches of government. *Id.* at 78-79. The court was clear: "whether the law of the state shall be declared by its Legislature in a statute or by its highest court in a decision is not a matter of federal concern." *Id.* at 78.

Here, to the extent the Act is ambiguous, this court should resolve the ambiguity in favor of a reading that upholds state sovereignty under the Tenth Amendment, just as the *Erie* court did. Under the correct reading, the Act treats equally laws enacted by state supreme courts. Under the alternative reading, Congress has dictated which branch of state government (the legislative branch) can enact the requisite state law for purposes of opting out of the federal prohibition. The court should decline to adopt such a reading. *Id.*; *Northwest Austin*, 557 U.S. at 205; *Utah Dep't of Transp. v. Carlson*, 2014 UT 24, ¶ 23.

3. This Court Should Opt Out of the Federal Prohibition

This court should promulgate a rule to allow DACA recipients to become eligible for admission to the Utah bar. DACA recipients who attend the College of Law are subject to rigorous procedures to ensure their fitness to practice law—the same as all other students. And admitting DACA recipients to the Utah bar would benefit the College of law and the Utah legal community.

3.1 The College of Law Ensures the Fitness of Law Students

Consistent with applicable ABA accreditation standards,[8] the College of Law employs rigorous procedures to ensure that all admitted students (i) possess the requisite character and fitness to study law and (ii) have the requisite qualifications and character and fitness to be admitted to the bar of any state. The College of Law applies these standards to all students.

These standards and procedures reduce, if not eliminate, any concern that a DACA graduate of the College of Law is unfit to practice law. To provide this court that confidence, the College of Law describes its procedures below.

[8] ABA Section of Legal Education and Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools § 501(b) (2018-2019) (hereinafter "ABA Standards") (attached at Add. D) (requiring that law schools "only admit applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar").

3.1.1 Procedures to Ensure Eligibility of Law School Candidates

In addition to information about academic background and performance, test scores, and other considerations, the College of Law application requires all applicants to answer the following questions:

1. Have you ever been enrolled at any other law school?

2. Have you ever been convicted of a crime or are charges pending against you? Juvenile felonies must be reported as well as drug and alcohol related offenses. A conviction includes a plea of guilty or nolo contender, a plea in abeyance in its period of probation, or a verdict or finding of guilt regardless of whether a sentence was imposed, or the conviction has been expunged from your records. You are not required to report minor traffic offenses or misdemeanor juvenile offenses.

3. Have you ever been dropped, suspended, warned, placed on academic or disciplinary probation, disciplined, expelled, or requested or advised to withdraw from any post-secondary school, college, university, professional school, or law school?

4. Have you ever been disciplined in connection with any misconduct matter related to any educational, personal, professional, military, business, or employment behavior or activity? Being disciplined includes, but is not limited to, being sanctioned, placed on probation, suspended, dismissed, resigning in lieu of termination, surrendering a professional license, or having a civil judgment obtained against you.

University of Utah S.J. Quinney College of Law, Fall 2019 JD Application, at 17 (attached at Add. E).

If the candidate answers "yes" to any of the above questions, the candidate must provide a detailed account of the circumstances underlying the response. The statement must include all relevant details, including the date(s), facts, location, and disposition of the matter. A "yes" response does not lead to automatic denial of the application, but the information provided is evaluated carefully in the admissions process. Factors considered in determining whether the information provided precludes admission include the magnitude of the offense or misconduct, the sanction or actions taken against the candidate, the completion of the terms of any conviction or sanctions, the time that has elapsed since the offense occurred, and the sincerity with which the candidates has taken responsibility for the offense or misconduct.

Also in compliance with applicable ABA accreditation standards,[9] all candidates are informed that, in addition to the bar examination, there are character and fitness and other qualifications for admission to the bar in every U.S. jurisdiction. Candidates are informed that they are independently responsible for determining the eligibility requirements for each jurisdiction in which they intend to seek admission.

[9] ABA Standards § 504(a) (requiring law schools to include a statement in its admissions application notifying applicants of their responsibility to determine the character and fitness and other requirements for admission to the bar in states in which they intend to practice).

3.1.2 Procedures to Ensure Eligibility During Law School

In compliance with applicable ABA accreditation standards,[10] the College of Law takes additional steps to emphasize the importance of character and fitness to all of its students beginning with its Introduction to Law program (orientation week) and throughout law school.

One session of Introduction to Law, which has been taught by Third District Court Judge Richard McKelvie in recent years, specifically addresses issues of professional ethics and civility. At the end of Introduction to Law week, students are required to attend a ceremony where a Utah Judge (federal or state) reinforces the duty of professional ethics and civility, and students swear to uphold the University of Utah Student Code, the Utah Standards of Professionalism and Civility, and the Utah Rules of Professional Conduct, and to respect and obey the Constitutions of the United States and the State of Utah. Each student is also required to sign an Oath and Certification that states as follows:

> I certify that I understand my obligation and agree to observe the Student Code, the Utah Standards of Professionalism and Civility and the Utah Rules of Professional Conduct as they apply to my professional, educational, and personal activities as a law student. I further acknowledge that I have an ongoing obligation to report to the College of Law any arrests, charges or convictions (excluding minor traffic violations) or other

[10] ABA Standards § 504(b) (requiring that law schools "as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness, and other requirements for admissions to the bar in each jurisdiction in which they intend to seek admission to the bar.").

> behavioral activities or misconduct, including but not limited to academic misconduct, which could negatively affect my character and fitness to practice law.

All students are also required, as a condition of graduation, to pass a course in professional ethics entitled Legal Profession.[11]

Moreover, the College of Law admonishes entering students that they have an obligation to correct any intentional or unintentional errors or omissions in their original application as it relates to character and fitness and the application questions quoted above. The College of Law advises students that the Utah State Bar or other jurisdictions might consider failure to report such conduct fully and accurately in their law school application, or to correct such errors or omissions promptly on admission to law school, as an independent case of misconduct that might disqualify them from the practice of law.

Whenever a student corrects an error or omission in his or her application, the College of Law reviews the new information to determine if it would have materially affected the initial admission decision. Based on that analysis, the College of Law decides whether to revoke the admission decision or to take other appropriate disciplinary action. This helps to ensure the completeness, accuracy, and integrity of the application process.

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[11] ABA Standards § 303(a)(1) (requiring completion of "one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members").

During law school, the College of Law monitors and enforces student conduct in compliance with University regulations and procedures to ensure due process[12] while still ensuring appropriate standards of conduct. Where student conduct may violate behavioral mandates of the University's Student Code, the Associate Dean for Student Affairs may refer the matter to the University's Student Behavior Committee.

Where student conduct may violate academic standards in the Student Code, the Associate Dean for Student Affairs works with College of Law faculty in an effort to seek an informal solution and appropriate remedial action. If an informal resolution is not reached or is not appropriate, the College of Law Administration may impose an appropriate sanction (such as grade reduction, additional requirements to complete the course, formal sanctions in the student's academic record, or in severe enough cases, academic dismissal). In such cases, a student may file an appeal with the College of Law's Academic Appeals Committee. A written copy of the resolution may be placed in the student's file and reported to the Utah State Bar (or the appropriate regulatory body for any other jurisdiction to which the student applies to practice), as described below.

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[12] *See* University of Utah Policy 6-400, Code of Student Rights and Responsibilities, available at https://regulations.utah.edu/academics/6-400.php. Additional information and information for law students is available in the S.J. Quinney College of Law Student Handbook, *available at* http://law.utah.edu/students/student-handbook/. The Student Handbook includes information on the College of Law's Honor Code, Oath and Certification, the Student Code of Rights and Responsibilities, and information on the Unauthorized Practice of Law.

3.1.3 Procedures to Certify Student Eligibility to Sit for the Bar

The College of Law also plays a key role in the process for ensuring that all candidates for the Utah Bar Exam (and candidates for admission to the practice of law in other jurisdictions) have the requisite character and fitness to practice law. The College reviews the character and fitness of each candidate based on their conduct and performance throughout law school in addition to the information considered in the admissions process. If the College of Law has any reason to believe that a bar exam candidate lacks the requisite character and fitness to practice law, or if the College of Law has any other information that may be relevant to the Utah State Bar's assessment of character and fitness, those factors are reported to the Bar as part of the bar exam application process. DACA graduates are treated in the same way as all other candidates in this process.

In particular, the College of Law's Associate Dean for Student Affairs (currently Dean Barbara Dickey) completes the Utah State Bar's Dean Certifications and Character and Fitness forms (or the equivalent forms and procedures in other jurisdictions). She reports all behavioral or disciplinary matters contained in a student's file to the Bar along with copies of any relevant documents. In addition, as she deems appropriate and relevant, the Associate Dean reports any behavioral or disciplinary matters of which she has personal knowledge that may not appear in the student file. The Utah State Bar is able to seek additional information from the College of Law as it deems necessary and appropriate to conduct its character and fitness evaluation of candidates.

3.1.4 Similar Procedures at Other Schools

Any change in the eligibility of DACA candidates to practice law in Utah will apply to DACA graduates from all ABA-accredited law schools.[13] But the rigorous standards and procedures are the same at those other law schools.

All ABA accredited law schools undergo a rigorous review process to obtain accredited status. See generally ABA Standards for Approval of Law Schools, Rules of Procedure for Approval of Law Schools, Rule 22 (governing initial application for provisional or full approval). Moreover, ABA accredited law schools must undergo rigorous periodic site visits and re-accreditation evaluations to ensure continued compliance with the ABA accreditation standards. *See id.* Rule 4. The ABA Section of Legal Education and Admissions to the Bar also conducts routine interim monitoring of accreditation status through mandatory annual questionnaires to ensure ongoing compliance with all of the standards and requirements discussed above and has a process through which individuals can file complaints regarding any accredited law school's alleged noncompliance with the standards. *See id.* Rules 5, 37-43.

Therefore, there is ample reason to have confidence that other ABA-accredited law schools employ and implement the kinds of standards and

[13] Graduates from unaccredited law schools are not eligible to sit for the Utah State Bar. Utah Supreme Court Rules of Professional Practice, Rules 14-703 (student applicants), 14-704 (attorney applicants), 14-705 (admission by motion). These rules allow admission only to applicants who are graduates from an "approved law school," which is defined as a school having provisional or full approval from the ABA. *Id*. Rule 14-701(e).

procedures as the College of Law uses to ensure that all of its graduates, including those with DACA status, possess the requisite character and fitness and are otherwise qualified to practice law.

3.2 DACA Recipients Are Fit to Practice Law

In its admissions process, consistent with the policy of the University of Utah as a whole, the College of Law does not require information about whether an applicant is a DACA recipient or is DACA-eligible, but it does request information about nationality.[14] In any event, DACA candidates and other candidates who are not U.S. citizens are considered for admission according to the same criteria and the same high standards as all other candidates. Any future DACA candidates will continue to be considered for admission according to the same criteria and the same high standards as all other candidates, including the rigorous screening for character and fitness.

Neither the College of Law nor the University track the DACA status of students in their databases. However, the College of Law invariably learns more about the immigration status of admitted students in a number of ways, such as the financial aid process, and procedures to assist with student visas and other aspects of immigration status. Thus, the College of Law knows that it has

[14] In particular, the application requires information on citizenship (non-resident alien, U.S. citizen, or U.S. permanent resident), along with pertinent information such as visa type and number, permanent resident number, and permanent country. *See* University of Utah S.J. Quinney College of Law, Fall 2019 JD Application, at 12.

admitted DACA candidates in the past, and that DACA students have successfully completed the program and graduated with a Juris Doctorate. The same is true for other immigration statuses. As a result, the College of Law has some information, presented below, regarding the number of cases involving DACA and other international students in which it has had to take disciplinary action or to report character and fitness issues to the Bar.

Associate Dean Barbara Dickey has served as the Dean of Student Affairs for the College of Law since 1999, nearly two decades. DACA status, however, has only existed since 2012.[15] Dean Dickey reports that, since 2012: (i) she has reported no DACA student to the Student Behavior Committee; (ii) no faculty member, student, or other person at the College of Law has accused a DACA student of academic dishonesty; and (iii) she has not given a negative character and fitness report for a DACA student to the Utah State Bar or to any other state bar regulatory authority.

Moreover, to the extent that previous international students since 1999 may have had an immigration status similar to that of DACA students before the DACA program began, Dean Dickey reports that, since 1999: (i) she has reported no international student to the Student Behavior Committee; (ii) no faculty member, student, or other person at the College of Law has accused an

[15] U.S. Citizenship and Immigration Services, Consideration of Deferred Action for Childhood Arrivals (DACA), *available at* https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca.

international student of academic dishonesty; and (iii) she has not given a negative character and fitness report for an international student to the Utah State Bar or to any other state bar regulatory authority.

Based on this information, the College of Law has confidence that DACA graduates (and other graduates who are not born or naturalized U.S. citizens) are equally likely to possess the requisite character and fitness and to have all other qualifications necessary to practice law in Utah as other College of Law graduates.[16]

3.3 Excluding DACA Recipients Hurts the College and the State

The College of Law was the first law school in the State of Utah, has been in existence for over 100 years, and remains the only public law school in the State of Utah. As such, as expressed in its adopted Mission Statement,[17] the College of Law has a duty to serve the State of Utah as well as the University of

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[16] The College of Law has taken disciplinary actions and reported character and fitness issues to the Utah State Bar for students who are U.S. citizens during this period. Because of the much larger number of students in that category, however, we are not implying or asserting that DACA or other international students are inherently less likely to have character and fitness issues than other students. We argue only that all available information suggests that they are at least equally likely to possess the character and fitness necessary to practice law.

[17] "The mission of the University of Utah S.J. Quinney College of Law is to excel in professional legal education; to advance knowledge through high quality legal and interdisciplinary scholarship; to serve the University, the State of Utah, our nation, and the international community; and to improve the human and global condition. It is the law school's further mission to maintain and advance our national presence as a preeminent institution of legal education, while recognizing our special obligation as the state law school to the Utah community and the Utah State Bar." *Available at* https://law.utah.edu/students/student-handbook/mission-statement/.

Utah and the nation at large. It also seeks to provide its students with as high quality a legal education as possible in the most affordable way, thus allowing its graduates to pursue as wide a range of legal employment opportunities as possible. This helps College of Law graduates to serve the legal needs of a broader spectrum of the population.

Fulfilling this mission requires the College of Law to take steps to ensure that all of its students who graduate in good standing and are otherwise qualified to practice law are eligible to sit for the Utah Bar exam should they choose to practice in Utah, as described in detail above. Although many of its students elect to practice law in other jurisdictions, a large percentage of the College of Law's graduates prefer to practice law in Utah. As the state's only public law school, a particularly important component of its mission is to prepare its graduates to practice law in Utah and to ensure their eligibility to do so. Of the DACA graduates from the College of Law, at least one has successfully passed the bar examination in another jurisdiction and one has elected not to sit yet for a bar exam.

The College of Law also has a longstanding goal of admitting classes of students that are diverse across a wide range of dimensions, such as geography, educational background, prior professional and other experience, gender, sexual orientation, and race and ethnicity, in addition to considering academic achievement and other measures of academic potential. This serves multiple

goals. It helps to diversify the backgrounds and perspectives of individuals in the legal profession. It enriches the breadth, quality, and nature of the classroom environment, producing attorneys who can understand and address a wider range of interests and perspectives. Recently, the Dean's Diversity Council at the College of Law established a more specific goal of a student body that, on average, reflects Utah's general population, because that is the population whose legal needs the College of Law's alumni will help to serve. This goal is supported by the recently formed Utah Center for Legal Inclusion ("UCLI"), co-chaired by former Chief Justice Christine Durham and attorney Fran Wikstrom.[18]

The current policy of excluding DACA graduates from admission to the Utah State Bar prevents the College of Law from meeting these missions as completely and effectively as possible. Knowing they are not eligible to sit for the Utah State Bar,[19] some DACA students, even those who reside in Utah, are likely to seek admission to law schools in jurisdictions that allow them to be licensed. Although law graduates can, and often do, practice in states other than those in which they attend law school, applicants increasingly consider the advantage of studying in a state in which they intend to practice, because of opportunities for employment and networking during law school. This is particularly true given

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[18] *See* http://www.utahcli.org/.

[19] As noted above, ABA standards require the College of Law to put candidates for admission on notice that they should investigate the admissions requirements for any jurisdiction in which they might practice. ABA Standards § 504(a). The College would do so even absent this requirement as a matter of fairness to its applicants.

the recent decline in the legal employment markets nationally,[20] which has made law school applicants increasingly more attuned to local employment opportunities in selecting law schools. The College of Law already faces increasingly fierce competition for applicants given the extremely sharp decline in law school applications and applicants in recent years.[21] Factors such as ability to practice law in the state in which a student attends law school can impair the law school's competitiveness for both resident and non-resident students.

Some DACA students, therefore, may elect to attend law schools outside of Utah. However, this choice may be at the expense of obtaining the highest quality legal education at the most affordable cost. Because many DACA students come from families with limited income and accumulated savings, the cost of law school is a particularly important consideration. By attending law school out-of-state, those students lose the resident tuition benefits that allow the College of Law to provide Utah residents an excellent value in legal education. A more affordable legal education and, in turn, lower resulting debt on graduation, allows resident graduates to seek a broader range of lower-compensation

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[20] *See* National Association of Law Placements, Employment Trends 1985-2015 (documenting 8.2% decline in jobs requiring bar admission from 2001 to 2015).

[21] *See* Law School Admission Council, Archive: 2011-2015 All-Term Applications by Law School Region (documenting 37% decline in law school applications nationally between 2011-2015, from 549,050 to 347,838); Law School Admission Council, Archive: 2011-2015 Permanent Residence of All-Term Applications by State (documenting 32% decline in law school applicants nationally between 2011-2015, from 77,662 to 54,043).

employment options. Many of those legal jobs serve the neediest portions of Utah's population who otherwise lack access to legal services.

Additionally, any resulting decline in the diversity of the College of Law's student body caused by the current DACA policy deprives the entire law school student body of educational and personal exposure to students of diverse life backgrounds and unique life experience that would contribute to the vibrancy of class discussion and discourse outside the classroom. DACA and other international students provide unique perspectives on a wide range of legal issues, contributing to the College's ability to teach all of its students to analyze legal issues from diverse perspectives. This is one of the most important goals of any good law school.

Incentives for DACA and other diverse students to attend law school out of state also reduces the likelihood that they will return to Utah to practice. The current policy prevents DACA graduates from doing so entirely for jobs that require bar admission. DACA graduates who do attend law school in Utah are likely to leave to seek bar passage-required jobs in other jurisdictions. This impedes ongoing efforts by the College of Law, UCLI, and other organizations to diversify Utah's legal profession. It deprives the community at large of the opportunity to be served by a legal profession that matches the rapidly evolving demographics of the state. Attorneys with diverse language skills and cultural backgrounds are of great benefit to the State and its growing immigrant

communities and communities of color. Incentivizing DACA and other international students to attend law school or to practice law out of state also deprives the State of the direct tax revenues and the direct and indirect economic productivity those individuals otherwise would provide.

For all of these reasons, the existing policy prohibiting DACA law graduates from the practice of law in Utah is detrimental to the College of Law, the clients those graduates otherwise would serve, and the State of Utah and the community at large. It also imposes serious limitations on the students themselves in their careers and economic welfare.

Conclusion

This court's rules governing the practice of law are enactments of state law and therefore satisfy the opt-out provisions of 8 U.S.C. § 1621(d). This court should promulgate the rule proposed by the petitioners and allow DACA recipients to become eligible for Utah bar licenses.

There are no policy reasons to exclude DACA recipients form the Utah State Bar. To the contrary, their exclusion under current Utah law is harmful to the College of Law, DACA recipients, and also the Utah legal community.

DATED this 26th day of March, 2019.

ZIMMERMAN BOOHER

/s/ Troy L. Booher
Troy L. Booher
Attorneys for Amicus Curiae University of Utah, S.J. Quinney College of Law

Certificate of Compliance

I hereby certify that:

1. This brief complies with the word limits set forth in Utah R. App. P. 24(g)(1) because this brief contains 8,717 words, excluding the parts of the brief exempted by Utah R. App. P. 24(g)(2).

2. This brief complies with Utah R. App. P. 21(g) regarding public and non-public filings.

DATED this 26th day of March, 2019.

/s/ Troy L. Booher

Certificate of Service

This is to certify that on the 26th day of March, 2019, I caused two true and correct copies of the Brief of Amicus Curiae University of Utah, S.J. Quinney College of Law in Support of Petitioners to be served via first-class mail, postage prepaid, with a copy by email, on:

Anthony C. Kaye (kaye@ballardspahr.com)
Ballard Spahr LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221
Attorneys for Petitioners Mary Doe and Jane Doe

Elizabeth A. Wright (elizabeth.wright@utahbar.org)
General Counsel
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111
Attorney for Petitioner Utah State Bar

D. Carolina Nunez (nunezc@law.byu.edu)
Kif Augustine-Adams (adamsk@law.byu.edu)
J. Reuben Clark Law School
Brigham Young University
Provo, UT 84602
Attorneys for Ad Hoc Coalition of Utah Law Professors

Peggy Hunt (hunt.peggy@dorsey.com)
Christopher Martinez (martinez.chris@dorsey.com)
Benjamin Machlis (machlis.ben@dorsey.com)
Dorsey & Whitney, LLP
111 South Main Street, Suite 2100
Salt Lake City, UT 84111
Attorneys for Amicus Curiae American Bar Association

John M. Mejia (jmejia@acluutah.org)
ACLU Foundation of Utah, Inc.
355 North 300 West
Salt Lake City, UT 84103
Attorneys for American Civil Liberties Union

Alan L. Sullivan (asullivan@swlaw.com)
William Daniel Green (dgreen@swlaw.com)
Snell & Wilmer, L.L.P.
15 West South Temple, Suite 1200
Salk Lake City, UT 84101
Attorneys for Latino Justice Amici

Jose Perez (jperez@latinojustice.org)
Latino Justice PRLDEF
115 Broadway, 5th Floor
New York, NY 10006
Attorney for Latino Justice Amici

Stephen E. W. Hale (shale@parrbrown.com)
David C. Reymann (dreymann@parrbrown.com)
Stephen C. Mouritsen (smouritsen@parrbrown.com)
LaShel Shaw (lshaw@parrbrown.com)
Jason R. Perry (jperry@parrbrown.com)
Parr Brown Gee & Loveless, P.C.
101 South 200 East, Suite 700
Salt Lake City, UT 84111
Attorneys for Amicus Curiae Parr Brown Gee & Loveless, P.C.

Daniel Tenny (daniel.tenny@usdoj.gov)
Appellate Staff, Civil Division, Room 7215
U.S. Department of Justice
Office of Legal Counsel
950 Pennsylvania Ave., NW
Washington, DC 20530-0001
Attorneys for Amicus Curiae U.S. Department of Justice

Stanford Purser (spurser@agutah.gov)
Office of the Utah Attorney General
320 Utah State Capitol
PO Box 142320
Salt Lake City, UT 84114-2320
Attorneys for Utah Attorney General's Office

Paul C. Burke (pburke@rqn.com)
Brett L. Tolman (btolman@rqn.com)
Brittany Merrill (bmerrill@rqn.com)
Jugraj Dhaliwal (rdhaliwal@rqn.com)
Ray Quinney & Nebeker P.C.
36 South State Street, Suite 1400
Salt Lake City, UT 84111
Attorneys for Amicus Curiae Utah Minority Bar Association

Robert H. Rees (rrees@le.utah.gov)
Utah State Office of Legislative Research and General Counsel
210 House Building
State Capitol Complex, #W210
Salt Lake City, UT 84114
Attorneys for Utah State Office of Legislative Research and General Counsel

/s/ Troy L. Booher

Addendum A

United States Code Annotated
Title 8. Aliens and Nationality (Refs & Annos)
Chapter 14. Restricting Welfare and Public Benefits for Aliens
Subchapter II. Eligibility for State and Local Public Benefits Programs

8 U.S.C.A. § 1621

§ 1621. Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits

Effective: October 28, 1998
Currentness

(a) In general

Notwithstanding any other provision of law and except as provided in subsections (b) and (d), an alien who is not--

(1) a qualified alien (as defined in section 1641 of this title),

(2) a nonimmigrant under the Immigration and Nationality Act [8 U.S.C.A. § 1101 et seq.], or

(3) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C.A. § 1182(d)(5)] for less than one year,

is not eligible for any State or local public benefit (as defined in subsection (c)).

(b) Exceptions

Subsection (a) shall not apply with respect to the following State or local public benefits:

(1) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition (as defined in section 1396b(v)(3) of Title 42) of the alien involved and are not related to an organ transplant procedure.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

(4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance

provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(c) "State or local public benefit" defined

(1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term "State or local public benefit" means--

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

(2) Such term shall not apply--

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect;

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C.A. § 1101 et seq.] qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General; or

(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.

(3) Such term does not include any Federal public benefit under section 1611(c) of this title.

(d) State authority to provide for eligibility of illegal aliens for State and local public benefits

A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.

CREDIT(S)

(Pub.L. 104-193, Title IV, § 411, Aug. 22, 1996, 110 Stat. 2268; Pub.L. 105-33, Title V, §§ 5565, 5581(b)(1), Aug. 5, 1997, 111 Stat. 639, 642; Pub.L. 105-306, § 5(b), Oct. 28, 1998, 112 Stat. 2927.)

Notes of Decisions (6)

8 U.S.C.A. § 1621, 8 USCA § 1621
Current through P.L. 116-5. Title 26 current through 116-9.

End of Document

Addendum B

Secretary

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

June 15, 2012

MEMORANDUM FOR: David V. Aguilar
Acting Commissioner, U.S. Customs and Border Protection

Alejandro Mayorkas
Director, U.S. Citizenship and Immigration Services

John Morton
Director, U.S. Immigration and Customs Enforcement

FROM: Janet Napolitano
Secretary of Homeland Security

SUBJECT: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children

By this memorandum, I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation's immigration laws against certain young people who were brought to this country as children and know only this country as home. As a general matter, these individuals lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

The following criteria should be satisfied before an individual is considered for an exercise of prosecutorial discretion pursuant to this memorandum:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
- is not above the age of thirty.

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here.

As part of this exercise of prosecutorial discretion, the above criteria are to be considered whether or not an individual is already in removal proceedings or subject to a final order of removal. No individual should receive deferred action under this memorandum unless they first pass a background check and requests for relief pursuant to this memorandum are to be decided on a case by case basis. DHS cannot provide any assurance that relief will be granted in all cases.

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.
- USCIS is instructed to implement this memorandum consistent with its existing guidance regarding the issuance of notices to appear.

2. With respect to individuals who are **in** removal proceedings but not yet subject to a final order of removal, and who meet the above criteria:

- ICE should exercise prosecutorial discretion, on an individual basis, for individuals who meet the above criteria by deferring action for a period of two years, subject to renewal, in order to prevent low priority individuals from being removed from the United States.
- ICE is instructed to use its Office of the Public Advocate to permit individuals who believe they meet the above criteria to identify themselves through a clear and efficient process.
- ICE is directed to begin implementing this process within 60 days of the date of this memorandum.
- ICE is also instructed to immediately begin the process of deferring action against individuals who meet the above criteria whose cases have already been identified through the ongoing review of pending cases before the Executive Office for Immigration Review.

3. With respect to the individuals who are **not** currently in removal proceedings and meet the above criteria, and pass a background check:

- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

above criteria and are at least 15 years old, for a period of two years, subject to renewal, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.

- The USCIS process shall also be available to individuals subject to a final order of removal regardless of their age.
- USCIS is directed to begin implementing this process within 60 days of the date of this memorandum.

For individuals who are granted deferred action by either ICE or USCIS, USCIS shall accept applications to determine whether these individuals qualify for work authorization during this period of deferred action.

This memorandum confers no substantive right, immigration status or pathway to citizenship. Only the Congress, acting through its legislative authority, can confer these rights. It remains for the executive branch, however, to set forth policy for the exercise of discretion within the framework of the existing law. I have done so here.

Janet Napolitano

Addendum C

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	NO. 790
	:	
ORDER AMENDING RULE	:	SUPREME COURT RULES
202 OF THE PENNSYLVANIA	:	
BAR ADMISSION RULES	:	DOCKET

ORDER

PER CURIAM

AND NOW, this 8th day of February, 2019, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment at 48 Pa.B. 6385 (October 6, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 202 of the Bar Admission Rules is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective immediately.

Additions to the rule are shown in bold and are underlined.

Rule 202. Admission to the Bar

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

An applicant who is an undocumented immigrant who has current Deferred Action for Childhood Arrivals (DACA) status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States shall be eligible for admission to the Pennsylvania Bar provided that all other requirements of these Rules are otherwise satisfied. This Rule satisfies the requirements of Section 1621(d) of Title 8 of the United States Code. This Rule shall apply to all applications pending at the time of its adoption and thereafter.

Addendum D

ABA STANDARDS
and
RULES OF PROCEDURE
for
APPROVAL OF LAW SCHOOLS

2018–2019

AMERICAN BAR ASSOCIATION
Section of Legal Education and Admissions to the Bar

CHAPTER 3

Program of Legal Education

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.

(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

(1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;

(2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and

(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.

(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s); and

(2) student participation in pro bono legal services, including law-related public service activities.

Interpretation 303-1

A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 304(a) and 304(b)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

Interpretation 303-2

Factors to be considered in evaluating the rigor of a writing experience include the number and nature of writing projects assigned to students, the form and extent of individualized assessment of a student's written products, and the number of drafts that a student must produce for any writing experience.

Interpretation 303-3

Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition,

lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4

Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.

Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

(a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:

(1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;

(2) develop the concepts underlying the professional skills being taught;

(3) provide multiple opportunities for performance;

(4) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;

(5) provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

(6) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.

(b) A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.

(c) A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.

(d) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other

CHAPTER 5

Admissions and Student Services

Standard 501. ADMISSIONS

(a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, its mission, and the objectives of its program of legal education.

(b) A law school shall only admit applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.

(c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

Interpretation 501-2

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

Interpretation 501-3

A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.

Standard 502: EDUCATIONAL REQUIREMENTS

(a) A law school shall require for admission to its J.D. degree program a bachelor's degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education.

(b) Notwithstanding subsection (a), a law school may also admit to its J.D. degree program:

(1) an applicant who has completed three-fourths of the credits leading to a bachelor's degree as part of a bachelor's degree/J.D. degree program if the institution is accredited by an accrediting agency recognized by the United States Department of Education; and

(2) a graduate of an institution outside the United States if the law school assures that the quality of the program of education of that institution is equivalent to that of institutions accredited by an accrediting agency recognized by the United States Department of Education.

(c) In an extraordinary case, a law school may admit to its J.D. degree program an applicant who does not satisfy the requirements of subsections (a) or (b) if the applicant's experience, ability, and other qualifications clearly demonstrate an aptitude for the study of law. For every such admission, a statement of the considerations that led to the decision shall be placed in the admittee's file.

(d) Within a reasonable time after a student registers, a law school shall have on file the student's official transcripts verifying all academic credits undertaken and degree(s) conferred.

Interpretation 502-1

Official transcript means: 1) a paper or electronic transcript certified by the issuing institution and delivered directly to the law school; or 2) a paper or electronic transcript verified by a third-party credential assembly service and delivered directly to the law school. With respect to electronic copies, it is sufficient for transcripts to be maintained at the law school or off-site by a third-party provider as long as the law school has access to the documents on demand.

Interpretation 502-2

The official transcripts for any student admitted as a transfer student shall include verification of any academic credits undertaken at any other law school attended.

Standard 503. ADMISSION TEST

A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

Interpretation 503-1

A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.

Interpretation 503-2

This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.

Interpretation 503-3

(a) It is not a violation of this Standard for a law school to admit no more than 10% of an entering class without requiring the LSAT from:

(1) Students in an undergraduate program of the same institution as the J.D. program; and/or

(2) Students seeking the J.D. degree in combination with a degree in a different discipline.

(b) Applicants admitted under subsection (a) must meet the following conditions:

(1) Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1), or for purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and

(2) Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.

Standard 504. QUALIFICATIONS FOR ADMISSION TO THE BAR

(a) A law school shall include the following statement in its application for admission and on its website:

> **In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.**

(b) The law school shall, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness, and other requirements for admission to the bar in each jurisdiction in which they intend to seek admission to the bar.

Rules of Procedure for Approval of Law Schools

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(b) Denial of full approval; or

(c) Withdrawal of provisional or full approval.

II. Information

Rule 4: Site Evaluations

(a) A site evaluation of a law school or of a program is a comprehensive examination of the law school or program conducted by one or more persons qualified to conduct site evaluations who:

(1) Review documents relating to the law school or program;

(2) Perform an on-site evaluation of the law school or program; and

(3) Prepare a factual report to be used by the Council for purposes of making decisions or recommendations relating to accreditation status of the law school or program.

(b) Site evaluations of law schools shall be conducted according to the following schedule:

(1) A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every tenth year thereafter.

(2) A site evaluation of a provisionally approved law school shall be conducted in accordance with subsection (g) below.

(3) A site evaluation shall be conducted upon application by a law school for provisional approval.

(c) The Council may order additional site evaluations of a law school when special circumstances warrant.

(d) In extraordinary circumstances, a site evaluation of a law school may be postponed. In such cases, the postponement shall be at the discretion of the Managing Director in consultation with the chair of the Council and shall not exceed one year.

(e) When a site evaluation of a law school is required under the Standards or these Rules, the Managing Director shall make the following arrangements:

(1) Schedule the site evaluation during the regular academic year, at a time when classes in the program of legal education are being conducted.

(2) Appoint a qualified site evaluation team of sufficient size to accomplish the purposes of the site evaluation, and appoint a chair of the site evaluation team;

(3) Provide the site evaluation team all relevant documents relating to the accreditation history and Council action regarding the law school;

(4) Provide the site evaluation team with any third-party comments received by the Managing Director's Office regarding the law school's compliance with the Standards;

(5) Provide the site evaluation team all complaints received under Rule 38 and not previously dismissed; and

(6) Provide the site evaluation team with any necessary or appropriate directions or instructions.

(f) In connection with a site evaluation of a law school, the Managing Director shall direct the law school to provide the following documents to the site evaluation team before the site evaluation:

(1) All completed forms and questionnaires, as adopted by the Council; and

(2) In the case of a law school applying for provisional or full approval, the completed application for provisional or full approval.

(g) Site evaluations for provisionally approved law schools shall be conducted as follows:

(1) In years two and four, and upon application for full approval, the law school shall be inspected in accordance with the rules for site evaluation of fully approved law schools.

(2) The Council has the discretion to order a site evaluation in any other year. The Council may direct that the additional site evaluation be limited in scope.

(h) Following a site evaluation, the site evaluation team shall prepare a written report on facts and observations that will enable the Council to determine compliance with the Standards or other issues relating to the accreditation status of the law school. A site evaluation report shall not contain conclusions regarding compliance with Standards or make recommendations for action by the Council.

(i) The Managing Director shall review the report submitted by a site evaluation team and ensure that it complies with (h). The Managing Director shall then transmit the report to the president and the dean in order to provide an opportunity to make factual corrections and comments. The law school shall be given at least 30 days to prepare its response to the report, unless the law school consents to a shorter time period. The 30 day period shall run from the date on which the Managing Director transmits the report to the law school.

(j) Following receipt of the law school's response to the site evaluation report, the Managing Director shall forward a copy of the report with the law school's response to the Council and the site evaluation team.

(k) Site evaluations regarding foreign programs shall be conducted as provided under the:

(1) Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States;

(2) Criteria for Approval of Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools.

Rule 5: Interim Monitoring of Accreditation Status

(a) The Council shall monitor the accreditation status of law schools on an interim basis between site evaluations. In its interim monitoring of a law school's accreditation status, the Council shall use a law school's annual questionnaire submissions, other information requested by the Council, and information otherwise deemed reliable by the Council for its review.

(b) In conducting interim monitoring of law schools, the Council shall consider at a minimum:

(1) Resources available to the law school;

(2) Efforts and effectiveness in facilitating student career placement;

(3) Bar passage; and

(4) Student admissions including student credentials, size of enrollment, and academic attrition.

Rule 6: Acquisition of Additional Information by the Council

At any time in carrying out their responsibilities under the Standards and Rules, the Council, or the Managing Director in consultation with the Chair of the Council, may require a law school to provide information or respond to an inquiry.

Rule 7: Submission of Information

In any case in which the Council or the Managing Director requests information from a law school pursuant to Rule 6, the law school shall be given a date certain to provide the information.

Rule 8: Appointment of a Fact Finder

(a) One or more qualified persons may be appointed as fact finders for the specific purpose of gathering information to enable the Council to determine a law school's compliance with a Standard. A fact finder may be required at any time at the direction of the Council or Managing Director, and may be required under Rules 24(c) and 25(e) in connection with a law school's application for acquiescence in a substantive change; under Rule 24(d) to assess compliance subsequent to the effective date of acquiescence in a substantive change; under Rule 28(b) in connection with a request for a variance; and under Rule 38(b) in connection with a complaint.

(b) The appointment of a fact finder shall include the following:

(1) A statement of the Standards, Rules, or other requirements to which the appointment relates;

(2) A statement of questions or issues for determination by the fact finder;

(3) A statement of relevant documents or information provided to the fact finder; and

(4) A date by which the fact finding report shall be submitted.

(c) The fact finder shall prepare a written report on facts and observations that will enable the Council to determine compliance with a Standard or any other issue before the Council, or determine appropriate action in response to an actual or potential violation of a Standard. A fact-finding report

VI. Applications

Rule 22: Application for Provisional or Full Approval

(a) A law school seeking provisional or full approval shall file with the Managing Director a written notice of intent to seek approval.

(1) The notice shall be filed no later than March 15 in the academic year prior to the academic year in which the law school will apply for approval and shall indicate the law school's preference for a fall or spring site evaluation visit.

(2) Upon receipt of written notice of a law school's intent to seek provisional or full approval, the Managing Director shall arrange for a site evaluation as provided under Rule 4.

(3) A law school may not apply for provisional approval until it has completed the first full academic year of operating a full-time program of legal education.

(4) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.

(5) Upon notice to the Managing Director of its intent to seek provisional approval, a law school seeking provisional approval shall comply with Standard 102(f) regarding communication of its status.

(b) The application for provisional or full approval is due at least eight weeks prior to the scheduled site evaluation visit and must contain:

(1) A letter from the dean certifying that the law school has completed all of the requirements for seeking provisional or full approval or that the law school seeks a variance from specific requirements of the Standards and that the law school has obtained the concurrence of the president in the application;

(2) All completed forms and questionnaires, as adopted by the Council;

(3) In the case of a law school seeking provisional approval, a copy of a feasibility study that evaluates the nature of the educational program and goals of the law school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the law school, including relation to the resources of a parent institution, if any;

(4) A copy of the self-study;

(5) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(6) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;

(7) A request that the Managing Director schedule a site evaluation at the law school's expense; and

(8) Payment to the Section of any required fee.

(c) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.

(d) A law school shall disclose whether an accrediting agency recognized by the United States Secretary of Education has denied an application for accreditation filed by the law school, revoked the accreditation of the law school, or placed the law school on probation. If the law school is part of a university, then the law school shall further disclose whether an accrediting agency recognized by the United States Secretary of Education has taken any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the law school shall provide the Managing Director with information concerning the basis for the action of the accrediting agency.

Rule 23: Reapplication for Provisional or Full Approval

(a) If the Council denies an application for provisional or full approval or withdraws provisional or full approval, or if a law school withdraws an application for provisional or full approval, a law school shall not reapply until it is able to certify that it has addressed the reasons for the denial, removal, or withdrawal, explain how it has done so, and is able to demonstrate that it is operating in compliance with the Standards.

(b) Any notice and reapplication must be filed within the schedule prescribed by Rule 22.

Rule 24: Application for Acquiescence in Substantive Change

(a) Substantive changes requiring application for acquiescence include:

(1) Acquiring another law school, program, or educational institution;

(2) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;

(3) Transferring all, or substantially all, of the program of legal education or assets of the approved law school to another law school or university;

(4) Merging or affiliating with one or more approved or unapproved law schools;

(5) Merging or affiliating with one or more universities;

(6) Materially modifying the law school's legal status or institutional relationship with a parent institution;

(7) A change in control of the law school resulting from a change in ownership of the law school or a contractual arrangement;

(8) A change in the location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school;

(9) Establishing a branch campus;

(10) Establishing a separate location other than a branch campus;

(11) A significant change in the mission or objectives of the law school;

VIII. Complaints Regarding Noncompliance with Standards

Rule 37: Complaints in General

(a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency's accreditation standards. This is the process for the Council with regard to law schools having J.D. programs approved by the Council.

(b) The process for Complaints under these Rules is designed to bring to the attention of the Council, and the Managing Director facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards.

(c) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. Neither the Council nor the Managing Director will intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The Council will, as a part of this process, provide no individual relief for any person, nor will it order any specific action by a law school with respect to any individual.

(d) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site evaluation within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site evaluation.

Rule 38: Submission of Complaints

(a) Any person may file with the Managing Director a written complaint alleging non-compliance with the Standards.

(1) Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.

(2) Complaints must be in writing using the form "Complaint Against an ABA Approved Law School" and must be signed. The form shall be available both online and from the Office of the Managing Director.

(3) Anonymous complaints will not be considered.

(4) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the law school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.

(b) The Complaint must provide the following information:

(1) A clear and concise description of the nature of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the allegation that the law school is out of compliance with the Standards referenced in the complaint.

(2) The Standards and Interpretations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred.

(3) A description of the steps taken to exhaust the law school's grievance process and the actions taken by the law school in response to the complaint as a result of prescribed procedures.

(4) Disclosure of any other channels the complainant is pursuing, including legal action.

(5) A release authorizing the Managing Director's Office to send a copy of the complaint to the dean.

(c) If the person filing the complaint is not willing to sign a release authorizing the Managing Director's Office to send a copy of the complaint to the dean, the matter will be closed. If the Managing Director concludes that extraordinary circumstances so require, the name of the person filing the complaint may be withheld from the law school.

Rule 39: Disposition of Complaints

(a) The Managing Director, upon receiving a complaint submitted in accordance with Rule 37 and not dismissed, shall proceed as follows:

(1) The Managing Director shall acknowledge receipt of the complaint within 14 days of its receipt.

(2) The Managing Director shall determine whether the complaint alleges facts that raise issues relating to an approved law school's compliance with the Standards. This determination shall be made within six weeks of receiving the complaint. If the Managing Director concludes that the complaint does not raise issues relating to an approved law school's compliance with the Standards, the matter will be closed.

(3) If the Managing Director determines that the complaint may raise issues relating to an approved law school's compliance with the Standards, the Managing Director will send the complaint to the law school and request a response within 30 days. The Managing Director may extend the period for response if, in the judgment of the Managing Director, there is good cause for such an extension.

(4) The Managing Director will review any response to a complaint within 45 days of receipt. If the response establishes that the law school is not out of compliance with respect to the matters raised in the complaint, the Managing Director will close the matter.

(b) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, the Managing Director, in consultation with the Chair of the Council, may appoint a fact finder to investigate the issues raised by the complaint and the law school's response.

(c) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, then the Managing Director shall refer the complaint, along with the law school's response, the fact-finder's report, if any, and any other relevant information, to the Council for further action in accordance with these Rules.

Rule 40: Notice of Disposition of Complaint

The Managing Director will promptly notify the person submitting a complaint of the final disposition of the complaint. The notification shall not include a copy of the law school's response, if any, and shall not include a copy of any written decision of the Council.

Rule 41: Appeal of Managing Director's Disposition of Complaint

There is no appeal to any body of a conclusion by the Managing Director that a complaint does not raise issues under the Standards.

Rule 42: Review of Complaint Process

To ensure the proper administration of this complaint process, the Council shall periodically review the written complaints received in the Managing Director's Office and their disposition.

Rule 43: Record of Complaints

The Managing Director's Office shall keep a record of the complaints under Part VIII of these Rules for a period of ten years.

IX. Transparency and Confidentiality

Rule 44: Confidentiality of Accreditation Matters

Except as otherwise provided in these Rules or Internal Operating Practices, all matters relating to the accreditation of a law school, including any proceedings, hearings or meetings of the Council, shall be confidential.

Rule 45: Communication of Decisions and Recommendations

When a law school is the subject of a decision or recommendation in accordance with these Rules, the Managing Director shall promptly inform the dean and the president of the decision or recommendation, in writing.

Addendum E

Application Instructions

University of Utah S.J. Quinney College of Law
Application Instructions for Entering JD Candidates
(U.S. Citizens, Permanent Residents, and Resident Aliens)

ACADEMIC PREPARATION FOR LAW SCHOOL

No specific pre-law curriculum is required for admission to the S.J. Quinney College of Law. Generally, you should seek rigorous courses from instructors who insist upon high standards of performance. Many undergraduate courses and majors can help you develop the specific skills you will need to succeed in law school and in your career. In particular, you should take courses that develop written and spoken communication, reading and comprehension, logic and analytical thinking, and problem-solving. It is critical that you master English and learn efficient study skills. A helpful resource is the "Thinking About Law School" page at the Law School Admission Council website at www.LSAC.org.

ENTERING JD APPLICANTS

First-year students must attend full-time and begin study in the fall semester. All applicants must take the Law School Admission Test (LSAT) and register for the Credential Assembly Service (CAS) administered by the Law School Admission Council (LSAC). Materials submitted in connection with your application file become the property of the S.J. Quinney College of Law and cannot be returned, copied, or forwarded elsewhere. We require applications to be electronically transmitted through the LSAC electronic application service. This service allows you to complete and electronically transmit applications for all ABA-approved law schools. With the electronic processing service, you will transmit both your application materials and our $60 application fee through the CAS.

BACCALAUREATE DEGREE REQUIREMENT

You may apply before you receive your undergraduate degree. However, before you matriculate, you must provide official transcripts showing that you have been awarded a baccalaureate degree from a college or university whose accreditation is recognized by the U.S. Department of Education, or be the foreign equivalent of a U.S. baccalaureate degree.

DIVERSE ADMISSION CRITERIA REVIEW

Admission to the S.J. Quinney College of Law is highly competitive; however, no candidate is accepted or rejected solely on a numerical basis. The range of grades and test scores of accepted candidates is broad. Factors such as breadth and difficulty of academic background, extracurricular and community activities, leadership ability, advanced degrees of study, geographic and language background, and significant work experience or life-broadening activities are also considered. You may disclose important diversity factors such as your age, gender, racial or ethnic identity, disadvantaged socioeconomic or educational background, sexual orientation, non-traditional cultural background, or other similar information.

APPLICATION DEADLINES

All applications completed and submitted by March 10 will be reviewed during the regular admission process. All materials necessary to complete the application must be received by March 10. We do, however, recommend that your file be complete by January 15. Applications submitted or completed after the deadlines will be reviewed only if circumstances allow. It is the candidate's responsibility to make sure the application file is complete.

APPLICATION FEE

The nonrefundable $60 application fee is required. The fee must be paid using a credit card or debit card and is submitted as part of the LSAC electronic application processing service.

USE OF SOCIAL SECURITY NUMBER AND DATE OF BIRTH

The University of Utah S.J. Quinney College of Law confidentially maintains your Social Security number and date of birth for routine uses. Disclosure of this information is voluntary, but failure to provide it may result in confusion regarding your identity and could lead to a delay in the processing of your application. Additionally, if you are accepted for admission, there may be a delay or loss of federal and state financial aid, tax credits, student loan deferments, veteran's benefits, and other benefits under law. A separate University of Utah identification number will be assigned to you during the application process.

APPLICATION FORM

Providing your Social Security number, date of birth, and the information requested in the Personal Background and Miscellaneous sections of the application form is voluntary. You must respond to all other questions, and then digitally sign and date the form. Please answer the questions asked on the application form in the space provided and use additional pages or electronic attachments only when necessary. Failure to answer required questions may delay the processing of your application. Reapplicants must submit a new application. In connection with many state bar licensing requirements, copies of law school applications are provided to the state bar as part of the character and fitness evaluations of bar applicants. Because the requirements of each state bar vary considerably, you are encouraged to obtain the specific requirements from the bar organization of each state in which you intend to practice law.

LAW SCHOOL ADMISSION COUNCIL ACCOUNT NUMBER

The Law School Admission Council issues individual account numbers to candidates when they register for services such as the LSAT or the Credential Assembly Service. You may obtain your LSAC account number by going to their website, www.LSAC.org.

LAW SCHOOL ADMISSION TEST

All candidates must take the LSAT. LSAT scores from tests taken before September 2013 will not be accepted for candidates seeking admission in fall 2019. January 2019 LSAT scores will meet our completion deadline.

CREDENTIAL ASSEMBLY SERVICE

You also must register for the Credential Assembly Service. As part of the CAS report, the candidate must submit transcripts from all U.S. colleges or universities ever attended, regardless of credits being transferred or applied toward degree requirements. This includes college or university transcripts from high school concurrent enrollment programs. It is the candidate's responsibility to ensure that transcripts from each U.S. college or university ever attended are sent to the Credential Assembly Service. Applicants who are reapplying must submit a new Credential Assembly Service report. Once your Credential Assembly Service file is complete, please allow one to three weeks for the College of Law to receive and process your Credential Assembly Service report in preparation for Admission Committee review. For additional information on the LSAT and the Credential Assembly Service, visit the LSAC website,www.LSAC.org.

PERSONAL STATEMENT

Candidates are required to submit a personal statement. The personal statement is also viewed as a document demonstrating your writing ability; therefore, the personal statement must be written by you. The Admission Committee's goal is to assemble an intellectually stimulating community of students composed of individuals who have diverse backgrounds and perspectives. In addition to outstanding academic ability, we seek students whose life experiences, backgrounds, and interests will enhance our educational community. This includes, but is not limited qualities such as leadership, maturity, organization, knowledge of other languages and cultures, sincere commitment to community service, a history of overcoming disadvantage, extraordinary accomplishment, or success in a previous career. The subject matter of your personal statement is up to you, and although there are no length requirements, most statements average two to three typed, double-spaced pages. The personal statement should let the Admission Committee know more about you as a person, and should address the above qualities if that information is not presented in other areas of your application. Issues addressed in your personal statement may include what background, experiences, and events (positive or negative) have affected you. You may address what perspectives and experiences you will bring to classroom discussions and the law school community or what your motivations are for seeking a legal education.

LETTER(S) OF RECOMMENDATION

You are required to have one, but may have up to three letters of recommendation submitted on your behalf. Letters of recommendation should come from people who know you well and have had the opportunity to observe you performing the skills listed on our Letter of Recommendation Form. Letters may be submitted in two ways: (1) they may be sent directly to the S.J. Quinney College of Law from the recommender, accompanied by a completed S.J. Quinney College of Law Letter of Recommendation Form; or (2) they may be sent through the LSAC Letter of Recommendation Service. To use this service, follow the directions for submitting letters outlined on LSAC's website. An S.J. Quinney College of Law Letter of Recommendation Form is not required when using the LSAC Letter of Recommendation Service.

APPLICANTS EDUCATED OUTSIDE THE UNITED STATES

The S.J. Quinney College of Law requires that your foreign transcripts be submitted through the Credential Assembly Service. If you completed any postsecondary academic work outside the U.S. (including its territories) or Canada, you must use this service for the evaluation of your foreign transcripts. The one exception to this requirement is if you completed the foreign work through a study-abroad, consortium, or exchange program sponsored by a U.S. or Canadian institution, and the work is clearly indicated as such on the home campus transcript. This service is included in the Credential Assembly Service registration fee. An International Credential Evaluation will be completed by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and will be incorporated into your Credential Assembly Service Law School Report. To use the Credential Assembly Service for your international documents, follow the online instructions for registering for the service. Be sure to print out a Transcript Request Form for each institution and send it promptly to them. More time is usually required to receive foreign transcripts. Questions about foreign transcripts and the Credential Assembly Service can be directed to LSAC at 215.968.1001 or LSACinfo@LSAC.org.

APPLICANTS WHOSE NATIVE LANGUAGE IS NOT ENGLISH

Applicants whose native language is not English must submit official results from the TOEFL test and the test needs to have been administered in the last 12 months from application. You must contact the Educational Testing Service and request that your TOEFL score is sent to LSAC to be incorporated into your Credential Assembly Service Law School Report. Your score will be included in the International Credential Evaluation Document. LSAC's TOEFL code for the Credential Assembly Service is 8395. You are not required to submit a TOEFL score if you have received a baccalaureate or graduate degree from an accredited U.S. college or university.

UTAH RESIDENCY REQUIREMENTS

Students classified as nonresidents are required to pay non-resident tuition. A person who enrolls as a post-secondary student at a Utah institution prior to living in Utah for more than 12 continuous months as a nonstudent is presumed to have moved to Utah for the purpose of attending an institution of higher education and is a nonresident for tuition purposes. Residency reclassification petitions should be submitted at least 45 days before the beginning of fall semester. More information on residency may be obtained from the University's Residency Office at 801.581.8761 or admissions.utah.edu/apply/residency/. Once a Law Student matriculates as a non-resident for tuition purposes, that non-resident status will not be changed for the student while enrolled in the College of Law.

J.D. APPLICANT CHECKLIST

The Admission Committee will consider your file incomplete until the following items have been received and processed:

- Completed and digitally signed application form for the J.D. Program
- Résumé
- Official Credential Assembly Service report
- Nonrefundable $60 application fee
- Personal statement
- One letter of recommendation
- For applicants educated outside the U.S., foreign transcript evaluation from LSAC and a TOEFL score report (if necessary)

You may submit any other information you believe is relevant.

FINANCIAL ASSISTANCE

The S.J. Quinney College of Law provides a high-quality education at a cost well below that of most peer schools, both in terms of tuition and cost of living. The typical first-year student can meet the cost of law school with a financial aid package that may include loans guaranteed by the federal government, a college scholarship, and a small amount of personal savings or a family contribution. First-year students are encouraged not to work during the academic year. Many advanced law students borrow less than first-year students because of summer and part-time professional employment opportunities. The University of Utah requires students wishing to be considered for financial aid to submit the Free Application for Federal Student Aid (FAFSA). By submitting the FAFSA, a need analysis is conducted and this includes determining the amount a student can be expected to contribute to his or her educational costs. Even if you have not received an admission decision, you should complete and submit a FAFSA between January 1 and March 1. Information about the FAFSA and Federal Student Loan Programs can be found at www.fafsa.ed.gov.

COLLEGE OF LAW MERIT SCHOLARSHIPS

The S.J. Quinney College of Law offers privately funded merit-on-entrance scholarships to selected first-year students. All accepted candidates (including international applicants) are considered on the basis of their admission applications; recipients are notified by the S.J. Quinney College of Law in March. There are also a number of merit-based scholarships, fellowships, and stipend programs available to second- and third-year students. More information on these scholarship and award programs can be found at www.law.utah.edu/awards/.

S.J. QUINNEY COLLEGE OF LAW NEED-BASED SCHOLARSHIPS

These private-source scholarships are awarded by the S.J. Quinney College of Law. A FAFSA and a supplemental application form (mailed to applicants offered admission) are required. Only U.S. Citizens or Permanent Residents are eligible for College of Law Need-Based Scholarships. Need-based scholarships generally range from $500 to $4,000.

CAMPUS HOUSING

Graduate housing for single students and families is available in off campus apartments new the University of Utah. University housing for single students and students with families is available on campus in one- or multi-bedroom apartments. Some complexes feature community centers, preschool and early childhood educational programs, adult activities, landscaped grounds, gardens, and picnic areas. Additionally, the S.J. Quinney Law House accommodates up to 12 law and honors prelaw students. It is located on the Officers Circle of Heritage Commons. Demand for campus housing varies; please contact these offices well in advance of your needs. For housing information, you may contact the follow offices:

Housing & Residential Education	801.587.2002	housing.utah.edu
University Student Apartments	801.581.8667	apartments.utah.edu/

OFF-CAMPUS HOUSING

Housing in pleasant neighborhoods is available within walking distance of campus and throughout Salt Lake City. Accommodations include large, medium, and small apartment complexes, condominiums, townhouses, duplexes, single-family residences, and rooming houses.

Certification

By signing this application or by submitting it electronically, I certify that all of the information in this application and accompanying materials is true, complete and accurate. I am the author of the statements and additional information included with this application, unless otherwise noted. I understand the statements made herein are the basis upon which my application will be decided. I understand that I am required to immediately notify the admissions office to update my file if there is any change in the information I have provided in this application. In the event that any information is subsequently found to be false or misleading, I understand that I will be subject to referral to the LSAC Misconduct and Irregularities in the Admission Process Subcommittee. My acceptance may be voided and/or I may be expelled from the S.J. Quinney College of Law. I also understand that acceptance is conditional upon meeting the requirements stated in the S.J. Quinney College of Law Bulletin and any further conditions expressed at the time of my acceptance. The S.J. Quinney College of Law does not authorize nor is it bound by any requirements or conditions other than those communicated by the S.J. Quinney College of Law and University of Utah Office of Admission.

Signature:

_____

Date:

_____

Application Status

If you have previously applied for admission, for what years did you previously apply?

_____

If you previously applied, what was the decision status?

_____

Are you applying for early decision? (deadline is October 19th, 2018)

____ Applying as Early Decision Program Candidate

Application Status continued

UNIVERSITY OF UTAH

S.J. QUINNEY COLLEGE OF LAW

Establishing EARLY DECISION PROGRAM

The University of Utah S.J. Quinney College of Law is pleased to announce the establishment of our Early Decision Program. The Early Decision Program (EDP) is designed for law school applicants who have determined the Quinney College of Law is their first-choice law school. This decision—establishing the Quinney College of Law as one's first-choice law school—should be the result of fully researching law school options. If after investigating law schools and determining that Quinney College of Law is your first-choice law school, you may then wish to apply through the EDP.

Early Decision Program Scholarship

Applicants admitted through the EDP are automatically awarded a renewable merit-on-entrance scholarship package. The three-year value of the scholarship package for Utah residents is $50,000 and for non-resident students the value will be $75,000. The scholarship package will be disbursed in equal portions for each of the three years of a student's enrollment at the S.J Quinney College of Law. The only requirement to renew this scholarship is to maintain good academic and behavior code standing. Admitted EDP applicants may also be eligible for need-based scholarship support. That eligibility will be determined as part of financial aid need analysis that requires the submission of a need-based scholarship application. This need analysis will occur as part of need-based financial aid packaging in spring. NOTE: Because of the timeline associated with the EDP process, admitted EDP applicants cannot expect to be in a position to compare financial aid awards from other law schools.

Early Decision Program Applicant Evaluation

S.J Quinney College of Law EDP candidates are evaluated using the same admissions criteria employed in our regular decision process. Applicants will be reviewed using a holistic evaluation process which carefully considers the following: 1) demonstratedacademic skills; and 2) what more applicants bringing to the law school by virtue of their life experience, backgrounds and interests that will enhance and bring vibrancy and vigor to the law school the community.

Early Decision Program Application Process

The S.J Quinney College of Law EDP is a binding application program. This means that applicants applying through this program, if admitted, commit to enrolling at S.J Quinney College of Law for Fall Semester 2019.

Instructions

Application Status continued

EDP applicants are to use the entering J.D. Application Form available beginning September 1 on the LSAC website. To be considered as an EDP applicant, select the Early Decision Program choice in the Application Status section of the JD Application Form. EDP applicants must also complete and submit the Early Decision Agreement form with the JD Application Form.

The Early Decision Agreement acknowledges an applicant's intent be considered for early decision and confirms they understand the rules that govern the program. The Agreement is one of the forms available on the LSAC website. EDP applicants must sign and submit the form with their applications and supporting materials through the Credential Assembly Service (CAS), by October 19. An EDP application will not be considered complete and ready for review until the Quinney College of Law receives the Early Decision Agreement form. In all other respects, EDP applicants follow the regular JD application instructions.

EDP applicants may not be binding early decision applicants at other law schools. Applicants choosing to apply to the Quinney College of Law's EDP, are limited to applying to the Quinney College of Law as their only binding early decision application.

EDP applicants not admitted through the EDP process, will automatically have their applications transmitted into the applicant pool for the regular decision process. EDP applicants will be notified of their files transmission into the regular decision process by November 9.

Admitted EDP applicants will be required to submit an Intent to Enroll Certification, within ten business days of admission notification. In addition, a $500 seat deposit and a $600 orientation fee (both non-refundable) must be paid with the submission of the Intent to Enroll Certification. EDP admitted applicants will be required to: 1) withdraw all other outstanding law school applications; and 2) not initiate any new applications. NOTE: Early decision admission offers may not be deferred.

Application Timeline

EDP applicants must submit and complete their applications by October 19, 2018 to be considered for the program. The September 2018 LSAT is the last test the Quinney College of Law will consider for early decision. EDP applicants will receive an EDP admissions decision by November 9, 2018. Admitted EDP applicants will be required to: 1) submit their Intent to Enroll Certification within ten business days of their admission notice; and 2) withdraw all other outstanding law school applications by that date.

IMPORTANT DATES Recipients

September 1, 2018

Application filing period begins

September 8, 2018

(Saturday Sabbath Observers Test Date: September 5, 2018)

Last LSAT score accepted for early decision applicants

October 19, 2018

Early Decision Program application deadline

November 9, 2018

Early decision notifications sent to applicants

Biographical

Prefix _____
First name _____
Middle name _____
Last name _____
Suffix _____
Previous (other) name _____
Preferred first name _____

Date of birth _____
Place of birth: City _____
Place of birth: Country _____
Place of birth: State/Province _____
Gender _____
Social security number _____
LSAC account number _____

Contact Information

Current Address

Country _____
Street address--line 1 _____
Street address--line 2 _____
Street address--line 3 _____
City _____
State/province _____
Zip/postal code _____

Current mailing address good until date _____
Day phone _____
Evening phone _____

Permanent Address

Country _____
Street address--line 1 _____
Street address--line 2 _____
Street address--line 3 _____
City _____
State/province _____
Zip/postal code _____

Permanent mailing address good until date _____
Day phone _____
Evening phone _____

Contact Information continued

Other Contact Information

Primary e-mail address _____

Secondary e-mail address _____

Permanent e-mail address _____

Mobile phone _____

University of Utah S.J. Quinney College of Law can send text messages to my mobile phone.

____ Yes

____ No

Other Contact Information

Name

_____

Address

Country _____

Street address--line 1 _____

Street address--line 2 _____

Street address--line 3 _____

City _____

State/province _____

Zip/postal code _____

Relation

_____

PHONE (DAY)

_____

PHONE (EVENING)

_____

Residency

Are you a Utah resident?

____ Yes

____ No

If you are a Utah resident, how long have you been present in the state, including number of years or months?

_____

Are you under the age of 23 and are you claimed as a tax dependent?

____ Yes

____ No

State issuing your current driver's license or identification card:

_____

Driver's license or identification card #:

_____

Indicate what you have been doing (e.g. employment, school, military) and where you have been for the past three years. Be specific and account for all months. This information is required for residency classification. (Use space provided on form. Use this format on additional pages in an electronic format, if necessary.)

_____

_____

_____

_____

_____

Personal Background

The S.J. Quinney College of Law seeks student body diversity. Relevant factors may include, but are not limited to, a history of economic or educational disadvantage; unusual family circumstances, life experiences, or personal hardship; disability; native language other than English; or nontraditional or underrepresented cultural, racial, or ethnic heritage. You may, but are not required to, disclose the following information or other information you believe is relevant to our diversity policy. Please note the Demographics section of our application is set in a format necessary to comply with new U.S. Department of Education policies. If you choose to provide information relevant to our diversity policy, please submit a statement describing the ways in which you will contribute to the life and diversity of the college by virtue of your life experience or background, if not discussed in your personal statement. You may provide additional or more specific information than what is requested in the Personal Background and Demographics sections of the application form in your Diversity statement. This information will not adversely affect consideration of your admission and will be maintained in confidence.

Are you a first-generation college graduate?

____ Yes

____ No

If yes, please indicate the highest level of education attained by your parents.

____ College Graduate

____ Did Not Complete High School

____ Graduate/Professional School

____ High School Diploma

____ Some College

Please indicate the highest level of education attained by your grandparents.

____ College Graduate

____ Did Not Complete High School

____ Graduate/Professional School

____ High School Diploma

____ Some College

Were you raised in a disadvantaged socioeconomic setting?
(For example, have you or your family received public assistance such as Aid to Families with Dependent Children or free or reduced lunch, were you in foster care or a ward of the state, etc?)

____ Yes

____ No

If yes, please briefly describe.

_____

_____

_____

_____

_____

What states or countries have you lived in or visited for one month or more?

_____

Personal Background continued

Place of Birth:

_____

If it is not your native language, how many years have you spoken English?

_____

What other languages do you speak?

_____

I would like you to consider the following other diversity circumstance(s) or factor(s). (Use an electronic attachment if necessary.)

_____
_____
_____
_____
_____

Demographics

Citizenship

Citizenship

____ Non-Resident Alien
____ US Citizen
____ US Permanent Resident

Country of citizenship _____

Visa type _____

Visa/SEVIS number _____

Permanent resident number _____

Permanent city _____

Permanent state/province _____

Permanent country _____

Native language _____

Demographics continued

Ethnicity

Are you Hispanic or Latino?

____ Yes

____ No

If you selected 'Yes' to the above question, select an ethnicity.

____Hispanic/Latino

What is your race? Select one or more races to indicate what you consider yourself to be.

Aboriginal or Torres Strait Islander Australian

____Aboriginal/Torres Strait Isl. Australian

American Indian or Alaska Native

____American Indian/Alaskan Native

Asian

____Asian

Black or African American

____Black/African American

Canadian Aboriginal/Indigenous

____Canadian Aboriginal/Indigenous

Caucasian/White

____Caucasian/White

Native Hawaiian or Other Pacific Islander

____Native Hawaiian/Other Pacific Islander

Puerto Rican

____Puerto Rican

Consent

____ Decline to respond

Tribal Affiliation

Tribal affiliation or village name _____

Enrollment number (enrolled members only) _____

Academic Background

List all colleges attended, this includes college or university from high school concurrent enrollment programs.

_____

_____

_____

Have you been inducted to Phi Beta Kappa, Phi Kappa Phi, other Departmental Honor Societies, etc.?

_____

_____

_____

Are you an honors program graduate?

____ Yes

____ No

If you answered yes to the previous question, list your thesis title:

_____

Do you want the committee to wait to review your file until it contains all letters or wait until March 10, whichever is earlier?

____ Yes

____ No

Please provide the Name, Title, and Institution/Company of each recommender.

_____

_____

_____

_____

_____

Will you be sending Letters of Recommendation directly to S. J. Quinney College of Law?

____ Yes

____ No

Standardized Testing

LSAT

Test Date Test Score

_____ _____

_____ _____

_____ _____

TOEFL

Test Date Test Score

_____ _____

_____ _____

_____ _____

Employment History

I have or will attach my résumé.

____ Yes

____ No

Have you held leadership or executive position(s) in your professional, civic, academic, or volunteer service experiences?

____ Yes

____ No

If you answered yes to the previous question, please briefly describe the position/title, your responsibilities, and skills necessary for carrying out responsibilities. Use an electronic attachment if necessary.

_____

_____

_____

_____

_____

If you were employed during an undergraduate academic year, indicate the hours per week you worked for each year (Freshman, etc.):

_____

Military Service

Have you served or are you now serving on fulltime, active military duty?

____ Yes

____ No

What period did you serve in the military?

_____

Rank

_____

Expected military reserve or National Guard status during law school

_____

Branch

_____

Discharge Type

_____

Have you ever been separated from any branch of the US armed forces under less than honorable conditions?

____ Yes

____ No

If you have been separated from any branch of the US armed forces under less than honorable conditions, explain the circumstances. (maximum characters 500)

_____

_____

_____

_____

_____

Character and Fitness

Because of the high ethical standards to which lawyers are held, the failure to disclose an act or event such as the ones described below may result in revocation of admission, disciplinary action by the S.J. Quinney College of Law, or denial of permission to practice law by the state in which you seek bar admission.

In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.

If the answer is "yes" to any question, you must provide a detailed explanatory statement in an electronic attachment. The statement must give full details, including the date(s), facts, location, and disposition of the matter.

Have you ever been enrolled at any other law school?

____ Yes

____ No

Have you ever been convicted of a crime or are charges pending against you? Juvenile felonies must be reported as well as drug and alcohol related offenses. A conviction includes a plea of guilty or nolo contendere, a plea in abeyance in its period probation, or a verdict or finding of guilt regardless of whether a sentence was imposed, or if the conviction has been expunged from your records. You are not required to report minor traffic offenses or misdemeanor juvenile offenses.

____ Yes

____ No

Have you ever been dropped, suspended, warned, placed on academic or disciplinary probation, disciplined, expelled, or requested or advised to withdraw from any post-secondary school, college, university, professional school, or law school?

____ Yes

____ No

Have you ever been disciplined in connection with any misconduct matter related to any educational, personal, professional, military, business, or employment behavior or activity? Being disciplined includes, but is not limited to, being sanctioned, placed on probation, suspended, dismissed, resigning in lieu of termination, surrendering a professional license, or having a civil judgment obtained against you.

____ Yes

____ No

Programs

I am interested in the following Programs:

____ Center for Law and Biomedical Science
____ Clinical Programs
____ JD/Master of Business Administration
____ JD/Master of City-Metropolitan Planning
____ JD/Master of Public Administration
____ JD/Master of Public Policy
____ JD/Master of Real Estate Development
____ JD/Master of Social Work
____ Pro Bono Initiative
____ Stegner Center for Environmental

I am interested in the following Topical Areas of Expertise:

____ Business Certificate
____ Clinical Certificate
____ Environmental Law Certificate
____ Global Law Projects
____ Intellectual Property Certificate
____ International Law Certificate
____ Legal Writing and Research
____ Litigation-Dispute Resolution Certificat
____ Moot Court and Skills Competition
____ Public Interest Law And Policy Certifica

Miscellaneous

How did you first learn of the S.J. Quinney College of Law and why did you decide to apply here? Please note any particular person(s) who influenced your decision to apply.

_____

_____

_____

Other law schools or graduate programs to which you have applied this year or will apply:

_____

_____

_____