

Career Transitions

How to Avoid Taking Another Bar Exam When Relocating

By Tim Swensen

Newly minted law school graduates typically prepare for a bar exam in the state where they either landed a job or (increasingly, given the current state of the legal economy) hope to land one. When studying for a bar exam, few can afford the luxury of being sidetracked, even for a moment, by concern over a state's rules governing "reciprocity"—the practice of admitting a lawyer to the bar of a new state based on her membership to another state's bar.

Nevertheless, it can come as something of a shock when not-so-newly minted graduates seek to practice in other states and, amid transitioning their legal work to colleagues and the scores of other practical tasks attendant to a job move, these lawyers must confront the highly unpleasant question: "Do I have to take the bar exam again?" The broad and somewhat unsatisfying answer is, "It depends."

Probably the best initial source of information outlining each state's (and five territories') rules governing reciprocity practices—otherwise referred to as "Admission on Motion"—is the American Bar Association's 2010 edition of the *Comprehensive Guide to Bar Admission Requirements* (www.abanet.org/legaled/baradmissions/bar.html). Chart VIII in the Guide quickly reveals the patchwork quality of the state-by-state requirements. Eleven states do not permit reciprocity under any circumstances; an additional six do not provide for admission on motion generally, but do for highly circumscribed professional activities (e.g., Alabama, Hawaii, Nevada, New Jersey, and South Carolina permit reciprocity for those engaged in "law teaching"); and thirty-four states do permit reciprocity, but have varied requirements for doing so.

States differ on, for example, the number of years of practice they require (five of the past seven is the most frequently used benchmark, but several others are used), whether they require that an applicant graduated from an ABA-approved law school, and whether they limit reciprocity to attorneys from particular states. A minimal standard of prudence mandates that a mobile young attorney research (1) *if* he or she can pursue reciprocity at all and if so, (2) under what circumstances? If there is any uncertainty about a state's specific requirements, the candidate should contact the state's Office of Bar Admissions or appropriate equivalent. In my experience, such personnel are extraordinarily knowledgeable about all facets of the admission process and willing to check on especially arcane questions if you are professional and patient.

Accurately concluding that you do qualify to be admitted to the chosen state's bar without examination is hardly the end of the process. Applying for reciprocity is arduous, lengthy, and expensive. Unpredictable holdups can, and often do, happen. Paperwork between jurisdictions can take considerable time to transmit, and oversights or mistakes occasionally occur. A wise applicant will make copies of all the completed forms, affidavits, and other records, cultivate a positive relationship with representatives from both sides (even when—perhaps *especially* when—a little "squeaky wheeling" is called for), and anticipate that the process will be lengthy and entail a pothole or two.

Should you decide to pursue reciprocity and find your composure and perseverance waning, consider the brutal alternative: You could be studying for another bar exam.

NEXT STEPS

[Fifty Unique Legal Paths: How to Find the Right Job](#). 2008. PC # 1620386. ABA Book Publishing.
[A Life in the Law: Advice for Young Lawyers](#). 2009. PC # 1620413. ABA Book Publishing.

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