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**Illinois Board of Admissions  
To the Bar**

September 3, 2024

**VIA E-MAIL AND U.S. MAIL**

The Honorable David K. Overstreet  
Justice of the Illinois Supreme Court  
3500 S Watertower Place  
Mount Vernon, IL 62864

**Re: IBAB Proposal for Temporary Waiver of Rule 715(b) for Certain Applicants**

Dear Justice Overstreet,

The Board of Admissions to the Bar (IBAB) respectfully seeks the Court's approval to implement a temporary waiver of strict compliance with Supreme Court Rule 715(b) for certain bar examination applicants, for applications to take the Illinois bar examination in either February 2025 or July 2025.

**BACKGROUND**

Rule 715 – Admission of Graduates of Foreign Law Schools – specifies the requirements that graduates of foreign law schools must meet in order to be eligible to sit for the Illinois bar examination. One of the requirements, at Rule 715(b), concerns the foreign law school graduate's qualifying practice of law prior to applying to sit for the Illinois bar examination. Rule 715(b) requires that:

(b) The applicant has been actively and continuously engaged in the practice of law under such license or licenses for at least five of the seven years immediately prior to making application.

Due to the lack of clarity with respect to whether a foreign applicant must reestablish compliance with 715(b) if that foreign applicant initially complied with 715(b), but either did not take the bar or did not pass, IBAB has found that the provisions of Rule 715(b) have been applied inconsistently over the years. As a result of this lack clarity, some foreign law graduates were not required to reestablish compliance with Rule 715(b) when they applied for subsequent bar examination administrations, while other foreign law graduates were required to reestablish compliance with Rule 715(b) each time.

Considering these inconsistencies in the application of Rule 715(b), IBAB has determined that the best approach to applying Rule 715(b), and the one that is most consistent with the intent of that rule, is to require the foreign law graduate to demonstrate that he or she has been actively and continuously engaged in the practice of law for at least five of the immediately preceding seven years, each and every time the foreign law graduate submits an application to sit for the Illinois bar examination. IBAB describes this as requiring “strict compliance” with Rule 715(b).

## **ISSUE**

The inconsistencies described above may have resulted in a situation where some foreign law graduates deemed eligible to sit for the Illinois bar examination on multiple occasions would not have been able to demonstrate strict compliance with Rule 715(b) every time they were deemed eligible. Moreover, some current applicants under Rule 715 may not be able to demonstrate strict compliance with Rule 715(b) as of their date of application for the upcoming February 2025 bar examination, even though they were deemed eligible for a recent bar examination based on an interpretation of Rule 715(b) that did not require strict compliance.

To address this situation and clarify the requirements of Rule 715(b), IBAB now has changed its online application portal to ensure that every applicant under Rule 715 must demonstrate strict compliance with Rule 715(b) each and every time the applicant submits an application for the Illinois bar examination. However, this change may be contrary to some applicants’ expectations based on how their applications were processed in the past, and such applicants may be surprised to learn that they are no longer eligible to sit for the Illinois bar examination under Rule 715. While it is difficult to precisely determine how many Rule 715 applicants from past bar exams may face this situation, IBAB estimates the number to be in the range from about 50 to 100. However, due to the passage of time and other factors, not all of these former Rule 715 applicants would be expected to apply to take either the February 2025 or July 2025 Illinois bar examination.

## **PROPOSAL FOR TEMPORARY WAIVER OF RULE 715(b)**

As a temporary and limited accommodation to those Rule 715 applicants who may be expecting to sit for the bar exam in 2025 based on a past determination of eligibility under a different interpretation of Rule 715(b), IBAB is requesting a temporary waiver of strict compliance with Rule 715(b) for certain applicants. Specifically, the proposed temporary waiver of Rule 715(b) would apply only to Rule 715 applicants who were previously deemed eligible to sit for one or more bar examinations administered in Illinois in 2022, 2023, and 2024 and who sat for the examination in question. Such applicants will be referred to as “Eligible Applicants.” IBAB feels it is appropriate to limit the group of Eligible Applicants to those who have been deemed eligible for the Illinois bar examination under Rule 715 within the past three years, because a foreign law graduate who was last deemed eligible under Rule 715 in 2021 or earlier would have no reasonable basis to expect that they could still rely on that past determination of eligibility in 2025.

For those persons meeting the foregoing definition of an Eligible Applicant, IBAB requests the Court’s approval of a temporary waiver of strict compliance with Rule 715(b), subject to the following terms and conditions:

1. The temporary waiver would apply only to Eligible Applicants; i.e., those who were deemed eligible under Rule 715 and sat for one or more administrations of the Illinois bar examination between February 2022 and July 2024.

2. The temporary waiver would apply only for the purpose of determining an Eligible Applicant's eligibility under Rule 715 to sit for one, but not both, administrations of the Illinois bar examination in February 2025 and July 2025; provided that, an Eligible Applicant who is deemed eligible to sit in for the February 2025 Illinois bar examination but who does not actually sit for the exam in February 2025 may receive the benefit of the temporary waiver in connection with the July 2025 administration.

3. In applying the temporary waiver of Rule 715(b) to an Eligible Applicant, IBAB will not require the Eligible Applicant to reestablish compliance with the requirements of Rule 715(b) as of the date of application for the Illinois bar examination for which the Eligible Applicant is presently applying. Instead, the Eligible Applicant may rely on IBAB's previous determination of compliance with the requirements of Rule 715(b) in connection with an application for a prior administration of the Illinois bar examination during the years 2022-2024.

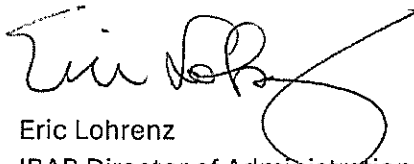
4. For all other applicants under Rule 715, including Eligible Applicants for which the temporary waiver of Rule 715(b) is no longer available because the applicant sat for the February 2025 Illinois bar exam, the applicant's compliance with the requirements of Rule 715(b) will be determined as of the date of application for the administration of the Illinois bar examination for which the applicant is presently applying.

5. Except as provided above, an Eligible Applicant is required to comply with all requirements of Rule 715 and any other applicable Supreme Court Rule in order to be eligible to sit for the Illinois bar examination, including but not limited to the payment of all applicable fees.

## **CONCLUSION**

If the Court approves the proposed temporary waiver program, then IBAB requests the entry of an Order (see enclosed draft Order) that authorizes the program and provides temporary relief from strict compliance with Rule 715(b) as outlined above. IBAB then will keep appropriate records of the number of applicants who qualify for the temporary waiver, and will make a report to the Court in 2026 as part of its annual report of bar admissions activities.

Respectfully submitted,



Eric Lohrenz  
IBAB Director of Administration

Enclosure: Draft Order

M.R. \_\_\_\_\_

IN THE  
SUPREME COURT OF ILLINOIS

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*In re:* )  
Rule 715 -Temporary Waiver of Strict ) Illinois Board of Admissions  
Compliance with Rule 715(b) ) to the Bar  
)  
)

**ORDER**

This matter coming before the Court on the recommendation of the Board of Admissions to the Bar (IBAB) for the implementation of a temporary waiver of strict compliance with Supreme Court Rule 715(b) for certain bar examination applicants, and the Court being fully advised in the premises;

IT IS ORDERED that the request for temporary waiver of strict compliance with Supreme Court Rule 715(b) for certain bar examination applicants is approved.

IT IS FURTHER ORDERED THAT the temporary waiver of Rule 715(b) shall be subject to the following terms and conditions:

1. The temporary waiver shall apply only to applicants who were deemed eligible under Rule 715 and sat for one or more administrations of the Illinois bar examination between February 2022 and July 2024. Such applicants are referred to hereinafter as “Eligible Applicants.”

2. The temporary waiver shall apply only for the purpose of determining an Eligible Applicant’s eligibility under Rule 715 to sit for one, but not both, administrations of the Illinois bar examination in 2025; provided that, an Eligible Applicant who is deemed eligible to sit for the February 2025 Illinois bar examination but who does not actually sit in February 2025 may receive the benefit of the temporary waiver in connection with the July 2025 exam administration.

3. In applying the temporary waiver of Rule 715(b) to an Eligible Applicant, IBAB will not require the Eligible Applicant to reestablish compliance with the requirements of Rule 715(b) as of the date of application for the administration of the Illinois bar examination for which the Eligible Applicant is presently applying. Instead, the Eligible Applicant may rely on IBAB’s previous determination of compliance with the requirements

of Rule 715(b) in connection with an application for a prior administration of the Illinois bar examination.

4. For all other applicants under Rule 715, including Eligible Applicants for which the temporary waiver of Rule 715(b) is no longer available because the applicant sat for the February 2025 Illinois bar examination, the applicant's compliance with the requirements of Rule 715(b) will be determined as of the date of application for the administration of the Illinois bar examination for which the applicant is presently applying.

5. Except as provided in this Order, an Eligible Applicant is required to comply with all requirements of Rule 715 and any other applicable Supreme Court Rule in order to be eligible to sit for the Illinois bar examination, including but not limited to the payment of all applicable fees.

Order entered by the Court.