

Date of decision: 4 May 2023

## DECISION OF AN AUTHORISED OFFICER

**Matter:** Solicitors Qualifying Exam Qualified Lawyers – SQE2 exemption for a lawyer of the USA

**Name of Individual:** [REDACTED]

**SRA number:** [REDACTED]

**Reference:** [REDACTED]

### 1 Application

1.1 [REDACTED] (the applicant) applied for an exemption from the requirement to take the SQE2 assessment in order to be admitted as a solicitor under regulation 3.1(a) of the SRA Authorisation of Individuals Regulations (Authorisation of Individuals Regulations) on 5 April 2023.

1.2 We consider such applications in accordance with our published guidance<sup>1</sup>.

### 2 Decision

2.1 I have decided to grant the applicant exemption from the SQE2 assessment.

2.2 The reasons for my decision are contained in section 7 below.

### 3 Documents

I have considered the following documents:

3.1 Application for recognition of professional qualifications and experience submitted on 5 April 2023.

3.2 Certificate of Good Standing (CoGS) for the applicant dated 28 March 2023.

3.3 Reference from [REDACTED] dated 4 April 2023.

3.4 CoGS for [REDACTED] dated 4 April 2023.

3.5 Email from the applicant dated 3 May 2023.

3.6 Information from the National Conference of Bar Examiners (NCBE) received on 22 December 2022.

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<sup>1</sup> Solicitors Qualifying Examination: approach to qualified lawyers seeking admission as a solicitor of England and Wales

#### **4 Standard of proof**

4.1 The relevant standard of proof is the balance of probabilities.

4.2 The applicant, as a qualified lawyer in the USA, must meet the following requirements to gain exemption from the SQE2 assessment:

4.2.1 The qualification must give the applicant the following practice rights:

- Criminal litigation (including advising clients at the police station).
- Dispute resolution (civil litigation).
- Property practice.
- Wills and intestacy, probate administration and practice.
- Business organisations rules and procedures.

4.2.2 The applicant must demonstrate the following practice skills:

- Conducting an interview with a client.
- Producing an attendance note, recording a client interview and initial legal analysis.
- Conducting advocacy before a magistrate judge.
- Producing a written report, giving legal analysis of the case and client-focused advice.
- Conducting legal research from a variety of resources and producing a written report.
- Producing a letter or an email as the solicitor acting in a matter or transaction.
- Drafting a legal document or parts of a legal document for a client.

4.2.3 The applicant must also have at least two years' professional legal work experience (gained post-qualification or as a required part of qualification). Where an applicant does not have this, we may be able to grant an exemption if there is sufficient evidence to demonstrate how their qualification and experience is equivalent in content and standard to the SQE2 Assessment Specification<sup>2</sup>.

#### **5 Summary of facts and issues**

5.1 On 5 April 2023, the applicant applied for exemption from the SQE2 assessment, based upon his qualification as a USA Attorney. Within his application, the applicant has confirmed that he has all the practice rights of the USA, as set out above in paragraph 4.2.1. He has also completed at least two years' professional legal work experience as set out in 4.2.3 above.

5.2 The applicant provided a CoGS from the Commonwealth of Massachusetts Supreme Judicial Court, which confirms that he was admitted as a USA Attorney on [REDACTED]. The applicant confirmed that the USA is the jurisdiction where he originally qualified as a lawyer.

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<sup>2</sup> <https://sqa.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification>

- 5.3 The applicant has provided a reference from his supervisor, [REDACTED] to confirm his work experience. [REDACTED] confirms that the applicant first joined [REDACTED] in [REDACTED] until [REDACTED] 2014. A CoGS has been provided for [REDACTED] as evidence that he himself is an admitted Attorney in the USA.
- 5.4 [REDACTED] confirmed that he had worked closely with him and supervised his work. [REDACTED] provided details of what his supervision entailed and the applicant's general experience including commercial real estate work including, but not limited to, conveyancing, title run-downs, and the drafting and negotiation of purchase agreements and offer contracts.
- 5.5 The [REDACTED] provided confirmation that qualified lawyers in the USA have the practice rights as set out in 4.2.1 above.
- 5.6 The NCBE also confirmed that:
- Lawyers qualified in the USA do not have mandatory work experience as part of their qualification.
  - When qualified, they demonstrate the practice skills outlined in 4.2.2 above.
- 6 Legal framework**
- 6.1 The relevant rules and regulations are set out in full at the end of this decision.
- 6.2 In brief, I must be satisfied that the applicant holds a legal professional qualification in the USA and his qualifications or experience demonstrate that he meets some or all of the prescribed competences.
- 7 Reasons**
- 7.1 I am satisfied, from the CoGS provided, that the applicant is a qualified lawyer in the USA. He was admitted as an Attorney of the USA on [REDACTED] and is entitled to practise as a qualified lawyer in that jurisdiction. The applicant confirmed in their email of 3 May 2023 that the USA is the jurisdiction where he originally qualified as a lawyer.
- 7.2 I am also satisfied from the reference provided that the applicant has completed two years' professional work experience in the USA and that his work experience is equivalent in standard and content to the SQE2 assessment.
- 7.3 The NCBE has confirmed that qualified lawyers in the USA have the practice rights provided at paragraph 4.2.1 and, when qualified, they can demonstrate the practice skills listed at paragraph 4.2.2.
- 7.4 I am therefore satisfied that the applicant has the same practising rights as a solicitor of England and Wales. I am also satisfied that the practical legal skills that he obtained are equivalent in standard and content to the SQE2 assessment.
- 7.5 For the reasons given above, I am satisfied that the applicant has met the requirements of regulations 3.1(a) and 3.2 of the Authorisation of Individuals Regulations. I am satisfied that he has fully demonstrated that he can be granted exemption from SQE2.

7.6 The applicant is required to complete the SQE1 assessments.

Signed: 

Name: 

Dated: 4 May 2023

## RELEVANT REGULATIONS AND RULES

### SRA Authorisation of Individuals Regulations

#### *Eligibility for admission*

- 1.1 You will be eligible for admission as a solicitor if the SRA is satisfied:
- (a) you have successfully and satisfactorily passed an assessment which is designed to assess your competence against the prescribed competences for solicitors and is conducted by an assessment organisation appointed by the SRA for the purpose;
  - (b) you hold a degree or qualifications or experience which the SRA is satisfied are equivalent to a degree;
  - (c) you have completed qualifying work experience which meets the requirements of regulation 2; and
  - (d) as to your character and suitability to be a solicitor.

#### *Eligibility for admission of qualified lawyers*

- 3.1 You will be eligible for admission as a solicitor if the SRA is satisfied:
- (a) you hold a legal professional qualification that is recognised by the SRA, which confers rights to practise in England and Wales or in an overseas jurisdiction; and
  - (b) subject to regulation 3.2, you meet the criteria in regulation 1.1(a), (b) and (d).
- 3.2 If you hold a qualification recognised under regulation 3.1(a) and the SRA is satisfied that your qualifications or experience demonstrate that you meet some or all of the prescribed competences, the SRA may decide you are not required to pass the assessment under regulation 1.1(a) or such parts of it as it considers appropriate.