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Dean and Bernard G. Segal Professor of Law

February 6, 2017

Pennsylvania Board of Law Examiners  
601 Commonwealth Ave., Suite 3600  
P.O. Box 62535  
Harrisburg, PA 17106-2535

*Re: Admission of Undocumented Bar Applicants, and Application of Parthiv Patel*

To Whom It May Concern:

On behalf of the University of Pennsylvania Law School, I write in the context of the above-referenced application in support of the proposition that this Board ought not exclude otherwise-qualified candidates for the Pennsylvania Bar solely on the basis of their immigration status.

The particular applicant in this matter, Parthiv Patel, is a graduate of Drexel University's Thomas R. Kline School of Law, and we have no first-hand knowledge about, nor do we express an opinion on, his particular qualifications for admission to the bar. However we understand that Mr. Patel attended law school under the Deferred Action for Childhood Arrivals (DACA) status, and write to emphasize our institutional view that an applicant's federal immigration status ought not bar otherwise qualified candidates from admission to the bar in this Commonwealth. As a leading research and teaching institution, Penn Law values diversity and seeks to attract and train the most talented students without regard to national or ethnic origin or citizenship status. Many of our students remain in Pennsylvania to work professionally on behalf of residents of the Commonwealth after graduation, and any categorical bar to admission works against both talented law school graduates and the individuals they seek to serve in their practices.

The Supreme Court of Pennsylvania possesses the inherent and exclusive authority to regulate the practice of law in the Commonwealth, and to define those criteria among applicants to bar that go to character and fitness to practice professionally. The Board's current requirements, both as to the bar examination and about an applicant's personal background, are rigorous and ensure individualized assessment of each applicant's fitness to practice. A categorical rule that converts federal immigration status into an automatic disqualifier would

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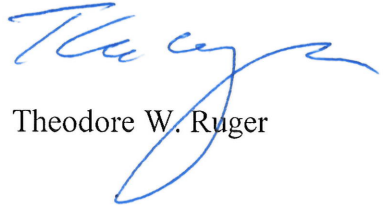
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operate to subvert this principle of individualized consideration and would undermine this Board's core authority over the practice of law in Pennsylvania. Other major jurisdictions to consider the question recently have held that such a categorical ban is at odds with state power over the practice of law. *See Matter of Application of Cesar Adrian Vargas for Admission to the Bar of the State of New York*, 131 A.D. 3d 4 (N.Y. 2015); *Garcia (Sergio C.) on Admission*, 58 Cal. 4<sup>th</sup> 440 (Cal. Sup. Ct. 2014).

We join with our neighbor law school in urging you to avoid such an automatic barrier based on immigration status in this matter, and instead exercise your judgment to make an individualized assessment of Mr. Patel's fitness for the bar.

Sincerely,



Theodore W. Ruger