

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELIZABETH R. KAPOOR,	§	
	§	No. 68, 2006
Applicant Below,	§	
Appellant,	§	
	§	
v.	§	Appeal from Decision of the
	§	Board of Bar Examiners
BOARD OF BAR EXAMINERS OF	§	
THE DELAWARE SUPREME COURT,	§	
	§	
Examiner Below,	§	
Appellee.	§	

Submitted: May 31, 2006  
Decided: July 21, 2006

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices.

ORDER

This 21<sup>st</sup> day of July, 2006, on consideration of the briefs of the parties, it appears to the Court that:

1) Elizabeth R. Kapoor appeals from the Board of Bar Examiners' decision not to count time she spent working for the Community Legal Aid Society ("CLASI") toward the clerkship required for admission to the Delaware Bar. She argues that the Board either misinterpreted Supreme Court Rule 52(a)(8) or improperly applied a new interpretation of that rule retroactively.

2) Kapoor passed the Delaware Bar Examination in July 2003. In December 2003, she began working at CLASI as a volunteer, working four to six hours per day under the supervision of Diana Erickson. From June 2004 to September 2004, Kapoor volunteered part-time at Legal Services Corporation of Delaware, working under the supervision of Randal Cowles. Kapoor spent a total of 929 hours working in the two positions. In October 2004, Kapoor turned in her clerkship schedule, hoping to be admitted to the Bar during the December admissions ceremony.

3) In November 2004, the Board sent a memorandum to all preceptors addressing various requirements for admission to the Bar. That memorandum advised, among other things, that an attorney supervising an applicant's clerkship under Rule 52(a)(8)(iii) must be an attorney admitted to practice for at least five years. Erickson, the attorney who supervised Kapoor at CLASI, had been admitted to practice in 2003.

4) In December 2004, Kapoor requested additional time to complete her clerkship requirement. In her supporting affidavit, Kapoor acknowledged that some of her volunteer service might not qualify. She asked for the extension in order to determine how much of her time would be credited and to cure all deficiencies. The Board granted her request, giving Kapoor until September 15, 2005 to complete her

clerkship requirement. After a second request, the Board extended the deadline to December 31, 2005.

5) On December 23, 2005, Kapoor submitted a Request for Reconsideration of Clerkship Credit, asking the Board to credit the time she worked at CLASI notwithstanding the fact that Kapoor's supervisor had not been a member of the Bar for five years. The Board denied her request and this appeal followed.

6) Supreme Court Rule 52 states the requirements for admission to the Delaware Bar. Rule 52(a)(8) provides in relevant part:

Clerkship. [The applicant must provide evidence satisfactory to the Board] [t]hat the applicant has served a clerkship in the State of Delaware...for at least 5 months' duration:

(i) Law office. In the office of or under the direct and constant supervision of...[a] member of the Bar of this State who ... has been in practice for at least 5 years theretofore; or

(ii) Law clerk. As a law clerk of a justice or state judge of the courts of this State or of a United States judge residing in Delaware; or

(iii) Public office. In the office of the Department of Justice,... Community Legal Aid Society, Inc., or in the office of a related or similar organization approved by the Board, under the direct and constant supervision of a member of the Bar of this State qualified under these Rules; ....

7) Kapoor argues that, because Rule 52(a)(8)(iii) does not expressly require a supervising attorney to have been admitted for five years, it should not be interpreted to include that requirement. Further, she contends that the Board's current

interpretation of the rule should not be applied retroactively, because it would be unjust to do so.

8) We find no merit to Kapoor's arguments. Subsection (iii) requires that the supervising attorney be a member of the Delaware Bar who is "qualified under these Rules." Under settled rules of construction, all the words in the Rule should be given meaning.<sup>1</sup> The Rules contain only two qualifications for attorneys supervising applicants: 1) under Rule 52(a)(2), a preceptor must be a practicing member of the Delaware Bar for 10 years; and 2) under Rule 52(a)(8)(i), a supervising attorney in a law office must be a practicing member of the Delaware Bar for five years. Thus, under subsection (iii), an attorney "qualified under these rules" would have to be a practicing member of the Delaware for at least five years.

9) In its memorandum to preceptors, the Board expressly stated that supervising attorneys must have been members of the Delaware Bar for five years. That memorandum did not change Rule 52(a)(8)(iii). It merely restated the requirement that attorneys be "qualified." Since the memorandum did not revise an existing rule, Kapoor's argument about retroactivity is inapposite.

10) Finally, to the extent that Kapoor seeks relief from the five-year requirement to avoid an injustice, we note that she was advised of that requirement

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<sup>1</sup>*Oceanport Industries, Inc. v. Wilmington Stevedores, Inc.*, 636 A.2d 892, 900 (Del. 1994).

in December 2004. She was given a one-year extension to complete her clerkship, but chose to contest the five-year requirement rather than complete her clerkship with a qualified attorney. Thus, we conclude that the Board's decision not to credit Kapoor's time working at CLASI was legally correct and was not inequitable.

NOW, THEREFORE, IT IS ORDERED that the decision of the Board of Bar Examiners be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice