

SUPREME COURT OF LOUISIANA

No. 02-OB-1468

IN RE: RICHARD JOHN BOURKE

CALOGERO, Chief Justice, dissents and assigns the following reasons:

I disagree with the majority’s opinion that petitioner must be a United States citizen or must have attained permanent resident status in the United States to meet the requirements for admission to the Louisiana bar. This court has recently addressed a similar issue, and at least two justices were in favor of appointing a committee to study the issue and perhaps make a recommendation to this court to clarify the law. In re: Nathalie Royot, 02-0969 (La. 4/26/02), __ So. 2d __; In re: Veronique Marty, Celine Moguen, and Youcef El Maohab, 02-0325 (La. 4/26/02), __ So. 2d __. The court’s action today illustrates the necessity for such a committee.

In In re: Appert, 444 So. 2d 1208 (La. 1984) and In re: Application of Respondek, 442 So. 2d 435 (La. 1985), we held that “resident alien” referred to an alien that was lawfully residing in the United States. I see no reason to overrule this prior jurisprudence, as the majority is now doing. Therefore, because petitioner is lawfully residing in the United States, I would consider him a “resident alien” as required by Supreme Court Rule XVII, § 3(B), and I would grant petitioner’s application to sit for the Louisiana bar exam.