

IN THE SUPREME COURT OF OHIO

In re: :
Application of : Case No. 2014-1555
Joseph V. Libretti, Jr. :

APPLICANT'S ADDITIONAL CITATION TO RELEVANT AUTHORITY

James F. Lentz (0073360)
Law Office of James F. Lentz
P.O. Box 884
North Olmsted, Ohio 44070-0884
(216) 410-6345 (o) / (216) 803-1862 (f)
jfl@case.edu (e)
*Counsel for Amici Curiae Citizens' Institute
For Law and Public Policy and CURE-Ohio*

Cleveland Metropolitan Bar Association
Bar Admissions Committee
One Cleveland Center
1375 East 9th Street, Floor 2
Cleveland, Ohio 44114-1785

Paul G. Crist (0011894)
2233 Wellington Circle
Hudson, Ohio 44236
pgcrist@yahoo.com
*Counsel for Cleveland Metropolitan Bar
Association (CMBA)*

Rob Wall (0082356), Staff Attorney
Ohio Justice and Policy Center
215 East Ninth Street, Suite 601
Cincinnati, Ohio 45202
*Counsel for Amicus Curiae Ohio Justice
and Policy Center*

Now comes Applicant, pursuant to S.Ct.Prac.R. 16.08, and submits the following additional citations to authority. Copies are attached hereto.

Rules:

Regulations of the Connecticut Bar Examining Committee. Article VI-12.

Supreme Court of Georgia Rules Governing the Practice of Law. Part A. Sections 7(b) and 9.

Idaho Bar Commission Rule 203(d) and Rule 211 (c)(2).

Kansas Rule Relating to the Admission of Attorneys 722(i).

Rule of Admission to the Bar of the State of Louisiana XVII. Section 9(D)(13).

Rule Governing Admission to the Bar of Maryland 2(e).

Rule for the Board of Law Examiners of Michigan 2(C)-3.

Nevada Rule Regulating Admission to the Practice of Law 56 (4).

Rule of the Supreme Court of the State of New Hampshire 42 (VI)(f).

Rule Governing Admission to the Practice of Law in the State of Oklahoma Thirteen.

Rhode Island Supreme Court Rules Article II. Rule 3(m).

South Carolina Appellate Court Rule 402(g).

Utah Rule Governing Bar Admissions 14-708(j).

Rule for the Admission to the Vermont Supreme Court 11(h) and 11(k).

Rules of the Virginia Board of Bar Examiners. Section III(5).

Washington State Admission and Practice Rule 24.5(b).

Wyoming Rules and Procedures Governing Admission to the Practice of Law Rule 402(a), 402(f), 403(c), and 406.

Cases:

In re Application of Harper, Slip Opinion No. 2015-Ohio-3277 (French and O’Neill, J.J., dissenting).



- Application Information
- Computer-Based Testing
- Directions to CBEC
- Frequently Asked Questions
- Questions from Recent Bar Exams
- Regulations
- Results of Latest Bar Exam
- Rules of the CT Superior Court
- Statistics
- Statutory Provisions
- Search CBEC
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- CBEC Home
- Judicial Home

Connecticut Bar Examining Committee

Regulations of the Connecticut Bar Examining Committee

- ★ [Important Regulation Changes – Effective September 3, 2013](#) - PDF
- ★ [Important Regulation Changes – Effective February 10, 2014](#) - PDF
- ★ [Important Regulation Change – Effective January 20, 2015](#) - PDF
- [Article I](#) - Organization of the Committee
- [Article II](#) - Law Study
- [Article III](#) - Application to Take Exam and for Admission
- [Article IV](#) - Multistate Professional Responsibility Examination
- [Article V](#) - Examinations
- [Article VI](#) - Guidelines for Assessment of Character and Fitness
- [Article VII](#) - Admission on Motion of Attorneys of Other States
- [Article VIII](#) - Registration as Authorized House Counsel
- [Article IX](#) - Timely Filing
- [Article X](#) - Schedule of Fees

Attorney Links

- [Attorney/Firm Look-up](#)
- [Client Security Fund](#)
- [FAQs about Attorneys](#)
- [Lawyers Concerned for Lawyers](#)
- [Multi-jurisdictional Practice \(MJP\)](#)
- [Office of Chief Disciplinary Counsel](#)
- [Statewide Grievance Committee](#)

ARTICLE I - Organization of the Committee

Art. I-1. MEETINGS. The bar examining committee shall hold regular meetings to determine and announce the results of the bar examinations. Special meetings may be held upon reasonable notice at such time and place to be fixed by the chairperson. In the absence of the chairperson or in the event of his or her inability to act, the time and place of any meeting may be set by the administrative director or by any three members.

Art. I-2. OFFICERS. The officers shall be a chairperson, a vice-chairperson, a secretary and a treasurer. They shall be elected at the first regular meeting in the calendar year and shall hold office for three years and until their successors shall be elected. No person shall serve as an officer for more than twelve years. Each officer shall perform the duties customarily incident to the office.

b) Committee review: All other cases

Art. VI-11. CONDUCT THAT CREATES A PRESUMPTION OF LACK OF GOOD MORAL CHARACTER AND/OR FITNESS TO PRACTICE LAW. The following conduct creates a presumption of and may result, in the absence of evidence to the contrary, in a finding of lack of good moral character and/or fitness to practice law:

- i) Conviction of a felony
- ii) Course of conduct evidencing disregard for the law and the rights of others
- iii) Fraudulent conduct, which shall include, but not be limited to plagiarism and other forms of academic misconduct
- iv) False, misleading or incomplete disclosure on application for admission to the bar in Connecticut or elsewhere
- v) Significant financial problems evidencing fiscal mismanagement
- vi) Suspension or disbarment in another jurisdiction
- vii) Revocation or suspension of another license or governmental authorization to conduct a profession, trade or business
- viii) Substance abuse not under control

Art. VI-12. REAPPLICATION AFTER DENIAL. An applicant who is denied admission to the bar for lack of good moral character and/or fitness shall not be permitted to reapply within two years of denial; the denial may specify a longer period of time. A bar examination applicant so denied shall be required to retake and pass the bar examination. A motion applicant so denied shall be required to either reapply for admission without examination if qualified or apply, sit for and pass the bar examination.

Art. VI-13. TIME LIMITATION ON ADMISSION. A bar examination applicant recommended by the Committee, but not admitted to the bar within five years of the date of such recommendation shall be required to retake and pass the bar examination. A motion applicant recommended by the Committee, but not admitted to the bar within five years of the date of such recommendation, shall be required to either reapply for admission without examination if qualified or apply, sit for and pass the bar examination.

Art. VI-14. CHEATING AND OTHER DISHONEST CONDUCT.

- (a) If it shall appear to the Committee that there is credible evidence which would establish that an applicant has:
 - (1) either by omission or commission falsified the application or proofs required for admission to the bar examination or misrepresented the applicant's eligibility to sit for the bar examination;
 - (2) either by omission or commission falsified the proofs required for admission to practice with or without examination;

SUPREME COURT OF GEORGIA
RULES GOVERNING ADMISSION TO THE
PRACTICE OF LAW



Revised July 9, 2015

OFFICE OF BAR ADMISSIONS
244 WASHINGTON STREET, SW
SUITE 440
ATLANTA, GEORGIA 30334

Telephone 404-656-3490

<http://www.gabaradmissions.org>

- * (i) Applications for Readmission following termination from the State Bar of Georgia due to non-payment of dues\$1,000
- (j) Applications for Reinstatement following suspension from the State Bar of Georgia due to non-payment of dues\$800
- (k) Applications for renewal of certification\$400
- (l) Failure to Register with the State Bar of Georgia.....\$800

With the exception of the Application for Certification of Fitness filed for Admission on Motion pursuant to Part C, Section 4(a), provided a request in writing for withdrawal of his or her Application for Certification of Fitness to Practice Law is filed within 15 work days of the date of receipt of the application by the Office of Bar Admissions, the Board to Determine Fitness of Bar Applicants shall refund 2/3 of the filing fee paid by the applicant; provided, however, that no part of the late filing fees described in Section 4, above, may be refunded.

Section 6. Investigation of Applicants

(a) Prior to certifying an applicant as having the character and fitness requisite to be a member of the Bar of Georgia, the Board shall make such investigation as it deems necessary into his or her character, reputation and background. Each applicant shall provide written authority to the Board to conduct such investigation, and each applicant shall authorize all persons with information about him or her to furnish the Board with such information and documents as it may request. The authority granted by an applicant shall expire upon the applicant's admission to the practice of law in Georgia, denial of his or her application, or upon the applicant's written withdrawal of his or her application.

(b) The Board shall contact the Chief Judge of the superior courts of each judicial circuit in Georgia where an applicant has resided, attended school, or been employed during the five years next preceding the filing of his or her application and request information or recommendations concerning the applicant as the judge desires to furnish. Further, the Board may provide for the appointment of local committees on character and fitness to investigate the background of any applicant who has worked, resided or attended school in the judicial circuit. The reports of local committees shall include the facts found during their investigations but shall not include any recommendations.

(c) A fingerprint check may be made of all applicants.

(d) Each applicant shall affirmatively pursue Certification of Fitness. In the event of an absence of written communication from an applicant for three years from the date of the most recent communication from the applicant, the Fitness Board shall determine that the file has been abandoned. The applicant's status will be marked as such, and if said applicant wishes to pursue Certification of Fitness, he or she will be required to file a new Application for Certification of Fitness along with the applicable fees in effect at the time of filing.

Section 7. Informal Conferences, Permissive Withdrawal of Applicants, Reapplication

(a) If, during the investigation of an applicant, information is obtained which raises a question as to the applicant's character or fitness to practice law, the Board may require the applicant to appear, together with his or her counsel if he or she so desires, before the Board or any designated member for an informal conference concerning such information.

(b) If, after such a conference, the Board believes that certification of fitness to practice law would be inappropriate, it may, in lieu of denying certification, permit the applicant to withdraw his or her application upon the understanding that after a period of rehabilitation, to be no less than three years, it will accept a new application from the applicant, if it is accompanied by the appropriate initial filing fee.

Section 8. Hearings

(a) Prior to finally determining that an applicant shall not be certified as fit to practice law in this state, the Board shall notify the applicant by certified mail that it has entered a tentative order of denial of his or her Application for Certification and advise the applicant of his or her right to a formal hearing with respect to the reasons for the Board's tentative denial. Within ten business days of receipt of this notice, the applicant shall file his or her written request for a formal hearing with the Office of Bar Admissions. If no request is filed within ten business days, the Board's tentative order shall become final and non-appealable. If a request is filed, the Board shall prepare specifications of the reasons for the Board's tentative order and mail them by certified mail to the applicant. Within 20 days of receipt of the specifications the applicant shall file his or her answers thereto, and if any specification is not denied, it shall be deemed to have been admitted. In addition to answering the specifications, the applicant may assert any affirmative defenses he or she may have and/or any matters in mitigation he or she may wish to have considered. The hearing may be held before a single attorney member of the Board appointed by the chair or before the Board as a whole or before a member of the State Bar of Georgia appointed as hearing officer by the Court at the Board's request. The applicant may be represented by counsel, and the hearings shall be reported and transcribed by a certified court reporter.

(b) Witnesses may be subpoenaed by the Board and shall be subpoenaed by the Board upon the applicant's request as in civil cases in state courts of record. In case of a refusal of a witness to attend the hearing, to produce documentary or other evidence or to testify, the Board shall certify the failure to the Court, and the witness shall be dealt with as for a contempt. Witnesses shall be entitled to receive the fees and mileage provided for by law for witnesses in civil cases.

(c) Prior to the hearing, written interrogatories may be served upon any witness not within the state of Georgia. The answers to the written interrogatories and any exhibits submitted with them shall be admissible as evidence at the hearing. At the hearing, the hearing officer shall not be bound to strictly observe the rules of evidence but shall consider all evidence deemed relevant to the specifications and the answers, affirmative defenses and matters in mitigation raised by the Board and the applicant in an effort to discover the truth without undue embarrassment to the applicant; provided, however, the Board's investigatory file with respect to matters not placed in issue by the specifications, answers, affirmative defenses and matters in mitigation shall not be subject to discovery or introduction into evidence. The hearing officer shall make written findings of fact and recommendations to the Board, which, however, shall not be binding upon the Board.

(d) If after review of the recommendations of the hearing officer the Board determines not to certify the applicant as fit to practice law in Georgia, it shall so notify the applicant in writing by certified mail giving its reasons for its decision.

Section 9. Reapplication After Denial

The Board shall not accept a new application from an applicant who has been denied certification of fitness to practice law until three years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed or a final decision is affirmed by the Court, whichever date is applicable.

IDAHO BAR COMMISSION RULES

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Idaho Bar Commission Rules

Governing Admission to Practice and Membership in the Idaho State Bar

*As promulgated by the Board of Commissioners of the Idaho State Bar
and adopted by Order of the Supreme Court of the State of Idaho.*

SECTION I Jurisdiction and Effective Date

RULE 101. Jurisdiction. Pursuant to the authority granted in Section 3-408, *Idaho Code*, and subject to approval of the Idaho Supreme Court, the Board of Commissioners of the Idaho State Bar hereby promulgates the following requirements, qualifications and procedures for admission to the practice of law in the State of Idaho and maintenance of membership in the Idaho State Bar.

RULE 102. Effective Date. Subsequent to November 1, 1986, the effective date of these Rules, (and as subsequently amended) all admissions to the practice of law in Idaho and maintenance of membership in the Idaho State Bar shall be in accordance with the procedures set forth in these Rules.

*SECTION II Admissions

*(*Section II rescinded and replaced 5-4-10 – effective 8-1-10)*

RULE 200. Definitions. Unless otherwise expressly provided, the following terms have the following meanings as used in the rules relative to admissions:

- (a) **Active Practice of Law.** The practice of law following admission to practice before the highest court of any state or territory of the United States or the District of Columbia as a licensed active member of a jurisdiction in which the Applicant is admitted, the equivalent of an active member as defined in I.B.C.R 301, meaning the attorney is permitted to practice law in the state while so licensed.
- (b) **Admissions Rules.** Idaho Bar Commission Rules 200 through 229.
- (c) **Applicant.** A person requesting admission to practice law in Idaho.
- (d) **Application.** Application for bar examination and admission to practice law in Idaho.
- (e) **Approved Law School.** A law school which is fully or provisionally approved by the American Bar Association pursuant to ABA Standards and Rules of Procedure for Approval of Law Schools, as amended.
- (f) **Attorney Applicant.** An Applicant for admission under Rule 205.
- (g) **Bar.** The Idaho State Bar.
- (h) **Bar Counsel.** Legal counsel for the Board of Commissioners of the Bar.
- (i) **Board.** The Board of Commissioners or the duly elected governing body of the Bar.
- (j) **CF Committee.** The Character and Fitness Committee as provided in Rule 209.
- (k) **Executive Director.** The chief administrative officer of the Bar.
- (l) **Foreign Legal Consultant.** An Applicant who is licensed to practice law in a foreign jurisdiction as an attorney or counselor at law or the equivalent under Rule 207.
- (m) **House Counsel Applicant.** An Applicant for admission to practice law under Rule 225.
- (n) **RA Committee.** The Reasonable Accommodations Committee as provided in Rule 213.

- (o) **Reciprocal Applicant.** An Applicant for admission to practice law under Rule 206.
- (p) **Request.** A request for reasonable accommodations for testing.
- (q) **Student Applicant.** An Applicant for admission that has not been admitted to practice law in any jurisdiction.
- (r) **Supreme Court.** The Supreme Court of the State of Idaho.
- ***(s) Uniform Bar Examination.** All Idaho Bar Examination components taken in the same administration of the exam. A UBE score may be portable to other jurisdictions that have adopted UBE rules.

**(Section (s) added 3-7-11 – effective for the February 2012 bar exam and all exams thereafter.)*

RULE 201. Essential Eligibility Requirements to Practice Law. In addition to the successful completion of a degree from an Approved Law School, the successful completion of the bar examination, and not having otherwise been disqualified under Rule 210, the Applicant must meet the following essential eligibility requirements to practice law:

- (a) The ability to be honest and candid with clients, lawyers, courts, the Board and others;
- (b) The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
- (c) The ability to communicate with clients, lawyers, courts and others with a high degree of organization and clarity;
- (d) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (e) The ability to conduct oneself with respect for and in accordance with the law;
- (f) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (g) The ability to comply with the requirements of the Idaho Rules of Professional Conduct, applicable state, local and federal laws, regulations, statutes and any applicable order of a court or tribunal;
- (h) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts and others;

- (i) The ability to act honestly and use good judgment in financial dealings on behalf of oneself, clients and others; and
- (j) The ability to comply with deadlines and time constraints.

RULE 202. Qualifications for Admission.

- (a) **Qualifications.** Before receiving permission to take the bar examination and for admission to practice law in Idaho, the Applicant must:
 - (1) Be at least eighteen years of age;
 - (2) Be lawfully admitted to this country;
 - (3) Have, or will have received, a juris doctorate or bachelor of laws degree or an equivalent basic law degree from an Approved Law School. Submission of a law school transcript in a form satisfactory to the Board shall be considered compliance with this Rule;
 - (4) Have demonstrated the essential eligibility requirements to practice law pursuant to Rule 201 and have met all requirements in the Admission Rules; and
 - (5) Be a person of good moral character.
- (b) **Multistate Professional Responsibility Examination (MPRE).** Prior to taking the Idaho bar examination, or within the next two scheduled MPRE administrations after successfully completing the Idaho bar examination, the Applicant must take the MPRE and receive a minimum scaled score of 85 or such other minimum scaled score as the Board may establish.
- (c) **Duty to Supplement.** All Applicants must supplement their Application with relevant character and fitness information until admitted to practice law in Idaho.

RULE 203. Application for Admission.

- (a) **Form and Content of Application.** Applications shall be on forms prescribed by the Board and shall include authorizations and releases to enable the Board to obtain information concerning the Applicant. All forms of authorization and release executed by the Applicant shall terminate:
 - (1) Upon the Bar's receipt of notice of withdrawal of the Application;
 - (2) Upon the Applicant's receipt of notice that the Bar has denied the Application; or
 - (3) Upon admission to the Bar.
- (b) **Time for Filing Application.**
 - (1) Except as provided in subsections (2) and (3) below, Applications must be received by the Bar no later than March 1 for the July bar examination and October 1 for the February bar examination.
 - (2) Late Applications will be accepted on or before April 15 for the July bar examination and on or before November 15 for the February bar examination. No Applications shall be accepted after the late Application deadline.
 - (3) A reciprocal or house counsel Application may be filed at any time.
- *(c) **Fees.** Applications for bar examination and admission must include all the required fees.
 - (1) **Application Fees.**
 - (A) Student Applicant: \$600
 - (B) Attorney Applicant: \$800
 - (C) Reciprocal Applicant: \$1000
 - (D) House Counsel Applicant: \$800
 - (2) **Additional Fees.**
 - (A) Late Application Fee. The late Application fee is \$200.
 - (B) Investigation Fee. In the event the Board or CF Committee determines that an investigation of any Applicant beyond the usual investigation provided for in Rule 208 is required, the Board or CF Committee may require the payment of an additional investigation fee, including but not limited to, the cost of any record

or document required by the Board or CF Committee related to its investigation of the Applicant. The Board and CF Committee shall not proceed with further investigation and the Applicant may not be admitted until the additional investigation fee is paid and the investigation of the Applicant's character and fitness is completed.

- (C) **Administrative Fees.** The Board may assess additional administrative fees to be paid by Applicants for test-taking options.
 - (3) **No Refunds.** No refund, in whole or in part, shall be made of any fee.
- (*Section (c) amended 3-17-14 – effective 5-2-14)
- (d) **Withdrawal.** An Application may be withdrawn at any time prior to the first day of the bar examination. Reciprocal Applicants, House Counsel Applicants and UBE Score Transfer Applicants may withdraw their Application at any time before admission. Once an Application is withdrawn, a new Application and required fees must be submitted.

RULE 204. Disclosure – Complete Application.

- (a) **Disclosure.** No one shall be licensed who fails to fully disclose to the Board all information requested of an Applicant on the Application or by the Board or CF Committee.
- (b) **Complete Application.** An Application is considered complete when the Bar is satisfied that it has received full and sufficient responses to every question in the Application and all required or requested supporting information and documentation.
 - (1) **Deadlines.** All Application materials, including any requested additional information, must be received by the Bar no later than January 15 for the February bar examination and June 15 for the July bar examination.
 - (2) **Failure to Complete Application.** An Applicant whose Application is incomplete shall not be allowed to take the bar examination.
 - (3) **Further Consideration.** Further consideration of an Application that has been deemed incomplete shall require the submission of a complete Application and payment of an additional \$100 fee.

RULE 205. Attorney Applicants.

- (a) **Proof of Admission.** In addition to meeting the requirements set forth in Rules 202, 203 and 204, an Attorney Applicant must provide proof, satisfactory to the Board, of admission to practice law before the highest court of a state or territory of the United States or the District of Columbia.

RULE 206. Reciprocal Applicants.

- *(a) **Qualifications.** In order to be admitted to practice law without taking the Idaho bar examination, a Reciprocal Applicant must show to the satisfaction of the Board that he or she:
 - (1) Has met the qualifications for admission under Rule 202;
 - (2) Has passed a written bar examination and was admitted as an attorney by the highest court in any state or territory of the United States or the District of Columbia that grants reciprocal admission under provisions substantially similar to this rule to attorneys licensed in Idaho;
 - (3) Has been substantially engaged in the Active Practice of Law in Idaho or under the authority of another jurisdiction that grants admission to attorneys licensed in Idaho under provisions substantially similar to this rule for no less than three of the five years immediately preceding the Application; however, if the jurisdiction from which the Reciprocal Applicant is seeking admission to the Bar requires at least three years of active practice within the five

years immediately preceding the Application, then the Reciprocal Applicant must satisfy the period of time required in that jurisdiction. For purposes of this rule, substantial engagement in the Active Practice of Law includes:

- (A) Attorneys who are licensed in Idaho as house counsel under Rule 225. Practice of law in Idaho as house counsel without an Idaho house counsel license does not satisfy the requirements of this subsection;
 - (B) Judges, administrative judges or the equivalent thereof in another jurisdiction, of a court of general or appellate jurisdiction of any state or territory of the United States, the District of Columbia or federal court in the United States; or
 - (C) Attorneys who are employed by and teaching full-time in an Approved Law School;
- (4) Possesses the moral character and fitness required of all other Applicants for admission;
 - (5) Has paid all required Application fees and costs; and
 - (6) Has not failed the Idaho bar examination in the five years immediately preceding the Application.

(*Section (a) amended 3-5-12 – effective 7-1-12.)

- (b) **Legal Intern or Pro Hac Vice.** The time an attorney practices or practiced in Idaho under Rule 226 or 227 does not independently qualify as time substantially engaged in the Active Practice of Law.
- (c) **Time and Manner for Admission.** Reciprocal Applicants shall be admitted as provided in Rule 220.

RULE 207. Foreign Legal Consultants. A person licensed to practice law in a foreign jurisdiction as an attorney or counselor at law or the equivalent thereof, and who complies with the provisions of this rule for licensing Foreign Legal Consultants, may advise on the law of that foreign jurisdiction in the State of Idaho only to the extent allowed by this rule. Although a person licensed as a Foreign Legal Consultant under this rule shall be subject to the provisions of the Idaho Rules of Professional Conduct, the Idaho Bar Commission Rules and other rules adopted by the Supreme Court, such person shall not be considered an Idaho attorney or an active member of the Bar.

- (a) **General Regulation as to Licensing.** In its discretion, the Supreme Court may license to practice in Idaho as a Foreign Legal Consultant, without bar examination, an Applicant who:
 - (1) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;
 - (2) for at least five of the seven years immediately preceding his or her application has been a member in good standing of such legal profession and has actually been engaged in the practice of law in the said foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the said foreign country;
 - (3) possesses the good moral character and general fitness requisite for a member of the bar of Idaho; and
 - (4) intends to practice as a Foreign Legal Consultant in Idaho and maintains an office in Idaho for that purpose.
- (b) **Proof Required.** An Applicant under this rule shall file with the Bar:
 - (1) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the Applicant's admission to practice and the date thereof, and as to his or

her good standing as such attorney or counselor at law or the equivalent;

- (2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;
 - (3) a duly authenticated English translation of such certificate and such letter if, in either case, it is not in English; and
 - (4) such other evidence as to the Applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of section (a) of this rule as the Supreme Court may require.
- (c) **Reciprocal Treatment of Members of the Bar of Idaho.** In considering whether to license an Applicant to practice as a Foreign Legal Consultant, the Supreme Court may in its discretion take into account whether a member of the Bar would have a reasonable and practical opportunity to obtain similar licensure for the giving of legal advice to clients in the Applicant's country of admission. Any member of the Bar who is seeking or has sought to obtain similar licensure in that country may request the Supreme Court to consider the matter, or the Supreme Court may do so sua sponte.
 - (d) **Scope of Practice.** A person licensed to practice as a Foreign Legal Consultant under this rule may render legal services in Idaho only with respect to the law of the foreign country in which such person is admitted to practice law subject, however, to the limitations that he or she shall not:
 - (1) appear for another person as an attorney in any court, or before any magistrate or other judicial officer, in Idaho, other than upon admission pro hac vice pursuant to Rule 227;
 - (2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;
 - (3) prepare:
 - (A) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or
 - (B) any instrument relating to the administration of a decedent's estate in the United States of America;
 - (4) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;
 - (5) render professional legal advice on the law of Idaho or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in Idaho;
 - (6) be, or in any way hold himself or herself out as, a member of the bar of Idaho; or
 - (7) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:
 - (A) his or her own name;
 - (B) the name of the law firm with which he or she is affiliated, in each case only in conjunction with the title "Foreign Legal Consultant" as set forth below;
 - (C) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country, in each case only in conjunction with the title "Foreign Legal Consultant" as set forth below; and
 - (D) the title "Foreign Legal Consultant," which may be used in conjunction with the words "admitted to the practice of law in [the name of the foreign country of his or her admission to practice]".

- (e) **Rights and Obligations.** Subject to the limitations set forth in this rule, a person licensed as a Foreign Legal Consultant under this rule shall be considered an attorney affiliated with the bar of Idaho and shall be entitled and subject to:
- (1) the rights and obligations set forth in the Idaho Rules of Professional Conduct and/or arising from the other conditions and requirements that apply to a member of the bar of Idaho under the Idaho Bar Commission Rules and/or other rules adopted by the Supreme Court; and
 - (2) the rights and obligations of a member of the bar of Idaho with respect to:
 - (A) affiliation in the same law firm with one or more members of the bar of Idaho, including by:
 - (i) employing one or more members of the bar of Idaho;
 - (ii) being employed by one or more members of the bar of Idaho or by any partnership, corporation or limited liability company which includes members of the bar of Idaho or which maintains an office in Idaho; and
 - (iii) being a partner in any partnership, shareholder in any corporation or member in any limited liability company which includes members of the bar of Idaho or which maintains an office in Idaho; and
 - (B) attorney-client privilege, work-product privilege and similar professional privileges.
- (f) **Disciplinary Provisions.** A person licensed to practice as a Foreign Legal Consultant under this rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of Idaho and to this end:
- (1) Every person licensed to practice as a Foreign Legal Consultant under these rules:
 - (A) shall be subject to discipline by the Supreme Court consistent with the Idaho Rules of Professional Conduct and the Idaho Bar Commission Rules; and
 - (B) prior to practicing as a Foreign Legal Consultant shall execute and file with the Bar, in such form and manner as the Supreme Court may prescribe:
 - (i) his or her commitment to observe the Idaho Rules of Professional Conduct and other rules adopted by the Supreme Court to the extent applicable to the legal services authorized under section (d) of this rule;
 - (ii) an undertaking or appropriate evidence of professional liability insurance, in such amount as the Supreme Court may prescribe, to assure his or her proper professional conduct and responsibility;
 - (iii) a written undertaking to notify the Bar and Supreme Court of any change in such person's good standing as a member of the foreign legal profession referred to in section (a)(1) of this rule and of any final action of the professional body or public authority referred to in section (b)(1) of this rule imposing any disciplinary censure, suspension, or other sanction upon such person; and
 - (C) a duly acknowledged instrument, in writing, setting forth his or her physical residence or business address in Idaho and designation of the Clerk of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of Idaho, whenever after due diligence service cannot be made upon him or her at such address or at such new address in Idaho as he or she shall have filed in the office of such clerk by means of a duly acknowledged supplemental instrument in writing.
 - (2) Service of process on the Clerk of the Supreme Court, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with such Clerk of the Supreme Court, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee of \$10. Service of process shall be complete when such Clerk of the Supreme Court has been so served. Such Clerk of the Supreme Court shall promptly send one of such copies to the Foreign Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such Foreign Legal Consultant at the address specified by him or her as aforesaid.
- *(g) Application and Renewal Fees.* An Applicant for a license as a Foreign Legal Consultant under this rule shall pay an Application fee, which shall be equal to the fee required to be paid by a person applying for admission as an attorney Applicant of the Bar. A person licensed as a Foreign Legal Consultant shall comply with the active licensing requirements pursuant to I.B.C.R. 302. Failure to comply with the licensing requirements reflected in I.B.C.R. 304 will result in immediate cancellation of licensure as a Foreign Legal Consultant.
- (*Section (g) amended 3-5-12 – effective 7-1-12.)*
- (h) **Revocation of License.** In the event that the Supreme Court determines that a person licensed as a Foreign Legal Consultant under this rule no longer meets the requirements for licensure set forth in this rule, or has failed to meet the obligations imposed by this rule, it shall revoke the license granted to such person.
 - (i) **Admission to Bar.** In the event that a person licensed as a Foreign Legal Consultant under this rule is subsequently admitted as a member of the bar of Idaho under the provisions of the rules governing such admission, the license granted to such person hereunder shall be deemed superseded by the license granted to such person to practice law as a member of the bar of Idaho.
 - (j) **Application for Waiver of Provisions.** The Supreme Court, upon application, may in its discretion vary the application or waive any provision of this rule where strict compliance will cause undue hardship to the Applicant. Such application shall be in the form of a verified petition setting forth the Applicant's name, age and residence address, the facts relied upon and a prayer for relief.

RULE 208. Investigation of Applicants.

- (a) **Authority to Investigate.** The Board shall investigate each Applicant's character and fitness to practice law in such manner as the Board deems appropriate.
- (b) **Reference of Application for Investigation.** The Board may refer any Application to the CF Committee or Bar Counsel for the purpose of investigating and making recommendations on any matter connected with the Application.
- (c) **Character and Fitness Examination.** Upon reasonable notice, an Applicant may be required to appear before the Board, CF Committee or Bar Counsel and submit to a character and fitness examination regarding any matter deemed relevant by the Board, CF Committee or Bar Counsel to a proper consideration of the pending Application. The examination shall be reported by a court reporter. The Applicant shall be responsible for the court reporter's fee and transcription costs and shall not be admitted to practice law unless the Bar is reimbursed for such fee and costs. Failure to appear before the Board, CF Committee or Bar Counsel as noticed shall result in denial of the Application.

RULE 209. Character and Fitness Committee.

- (a) **Establishment and Membership of Committee.** The Board shall appoint a nine-member committee to be known as the CF Committee which shall consist of seven members in good standing of the Bar and two non-lawyer members. Members of the CF Committee shall serve for terms of three years, provided that appointments shall allow for staggered terms. Vacancies during a term shall be filled by the Board for the remainder of the unexpired term.
- (b) **Officers.** The Board shall designate one member of the CF Committee as Chair. The Chair shall be responsible for calling and presiding over meetings of the CF Committee and may designate subcommittees. The Chair or the Chair's designee shall sign all recommendations to the Board. The Executive Director shall provide a Secretary to the CF Committee.
- (c) **Powers and Duties.** The CF Committee and designated subcommittees of the CF Committee shall have the power and duty to:
 - (1) Receive and consider Applications and supporting materials;
 - (2) Request or require other documentation, evaluation or testing and other materials relevant to Applications;
 - (3) Receive and consider Rule 211 objections referred by the Board;
 - (4) Conduct Rule 208 examinations; and
 - (5) Submit to the Board its findings of facts, conclusions of law and recommendation regarding any denial or conditional admission.
- (d) **Subcommittees.** A subcommittee may consider and, acting unanimously, approve an Application. A subcommittee decision that is not unanimous shall be referred to the CF Committee.
- (e) **Meetings.** Five members of the CF Committee shall constitute a quorum. The CF Committee shall act upon each Application at a duly convened meeting at which a quorum is present, provided however, that members of the CF Committee may separately and without assembling in a meeting consider any Application and supporting documentation. Members may participate in meetings by telephone.
- (f) **Decisions.** The CF Committee may approve or recommend denial or conditional admission of an Applicant. All decisions of the CF Committee must be by majority vote.
- (g) **Compensation and Expenses.** Members of the CF Committee shall receive no compensation for their services but may be reimbursed for their travel and other expenses incidental to the performance of their duties.
- (h) **Representation of Board.** Bar Counsel shall act as legal counsel to the Board and CF Committee.
- (H) Fail to exercise substantial self-control, including excessive and continuing violation of traffic rules, improper use of drugs or excessive use of alcohol; or
- (I) Be mentally or emotionally unstable to the extent that, in the opinion of the CF Committee or Board, the Applicant is not suited to practice law;
- (4) The absence of one or more of the essential eligibility requirements to practice law as set forth in Rule 201; or
- (5) Any conduct which the Supreme Court has considered as grounds for suspension or disbarment under I.B.C.R. 506.
- (b) The following conduct will not, in and of itself, be considered as indicating a lack of character or fitness:
 - (1) Traffic violations, unless such violations involve substantial disregard of the rights or safety of others or evidence substantial or continuing lack of self-discipline;
 - (2) Boisterous or rowdy behavior; or
 - (3) Misconduct remote in time, unless the misconduct was felonious in nature or recently repeated in similar situations.
- (c) A final decision having the legal effect of acquitting an Applicant of criminal charges shall not affect the right of the CF Committee or Board to give consideration to the Applicant's conduct.

RULE 211. Objection to Admission. Any person may file an objection to the admission of an Applicant seeking admission to practice law in the State of Idaho.

- (a) **Mode of Objection.** The objection shall be made in writing, signed by the person making the objection, and shall contain:
 - (1) A concise statement of the facts;
 - (2) Copies of all corroborating documentation; and
 - (3) The address and telephone number of the person making the objection.
- (b) **Time and Place of Filing Objection.** The objection may be filed with the Executive Director at any time prior to the date the Applicant is certified by the Board for admission to the Supreme Court.
- (c) **Procedure.** The procedure for processing objections shall be as follows:
 - (1) **Notice of Objection.** The Executive Director shall notify the Applicant of the objection.
 - (2) **Applicant Response.** The Applicant shall file a written response to the objection with the Executive Director within ten days following notice or may notify the Executive Director that the Applicant is withdrawing as a candidate for admission to practice law. The Executive Director shall forward a copy of the Applicant's response to the person making the objection within five days following receipt of the Applicant's response.
 - (3) **Investigation.** The Board may investigate any objection or refer the objection to the CF Committee or Bar Counsel for investigation and recommendation.
 - (4) **Action by CF Committee.** The CF Committee may recommend dismissal of the objection or enter findings of fact, conclusions of law and a recommendation of other action to the Board.

RULE 210. Standards for Disqualification.

- (a) The following shall constitute criteria for disqualification of an Applicant on character and fitness grounds:
 - (1) Conviction of a serious crime, as defined in I.B.C.R. 501;
 - (2) The adjudication of acts while a juvenile which, if done by an adult, would be a serious crime, as defined in I.B.C.R. 501, unless special circumstances excuse the Applicant;
 - (3) Any conduct which, in the judgment of the CF Committee or Board, demonstrates that the Applicant has exhibited conduct substantially evidencing an inclination to:
 - (A) Be dishonest;
 - (B) Take unfair advantage of others;
 - (C) Be disloyal to those to whom loyalty is legally owed;
 - (D) Be financially irresponsible in business, professional or personal matters;
 - (E) Support or advocate the overthrow of the government of the United States by force;
 - (F) Engage in the unauthorized practice of law;
 - (G) Violate reasonable rules of conduct governing any activity in which Applicant has been engaged;

RULE 212. Conditional Admission.

- (a) **Conditional Admission.** An Applicant who currently satisfies the essential eligibility requirements for admission to practice law, including fitness requirements, and who possesses the requisite character required for admission, may be conditionally admitted to practice law if the Applicant demonstrates recent rehabilitation from chemical dependency or successful treatment for mental or other illness, or from any other condition the Supreme Court deems appropriate, that has resulted in conduct or behavior that would otherwise have rendered the Applicant currently unfit to practice law, and the conduct or behavior, if it

- should recur, would impair the Applicant's current ability to practice law or would pose a threat to the public.
- (b) **Procedure.** The CF Committee shall make conditional admission recommendations to the Board. The Board shall make recommendations to the Supreme Court. Those recommendations shall include recommended relevant conditions that an Applicant must comply with during the period of conditional admission. The Supreme Court has the authority to grant conditional admission based upon conditions the Supreme Court determines appropriate under the circumstances.
- (c) **Conditions.** The CF Committee and the Board may recommend, and the Supreme Court may order, that an Applicant's admission be conditioned on the Applicant's complying with requirements that are designed to detect behavior that could render the Applicant unfit to practice law and to protect clients and the public. Conditions may include the following: alcohol, drug or mental health treatment; medical, psychological or psychiatric care; participation in group therapy or support; random chemical screening; office practice or debt management counseling; monitoring, supervision or mentoring; or other conditions deemed appropriate by the CF Committee, Board or Supreme Court. The conditions shall be tailored to detect recurrence of the conduct or behavior which could render an Applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the conditionally admitted attorney in professional treatment records to the extent possible. The conditions shall be set forth by the Supreme Court in a Conditional Admission Order. The Conditional Admission Order shall be made a part of the conditionally admitted attorney's Application file and shall remain confidential, except as provided in this and any other applicable rules.
- (d) **Length of Conditional Admission.** The initial conditional admission period as established in the Conditional Admission Order shall not exceed sixty months.
- (e) **Compliance with Conditional Admission Order.** During the conditional admission period, the CF Committee shall take such action as is necessary to monitor compliance with the terms of the Conditional Admission Order, including requiring an appearance before the CF Committee or Board, and requiring responses to requests for information by the CF Committee or Board.
- (f) **Failure to Fulfill the Terms of Conditional Admission.** Failure of a conditionally admitted attorney to fulfill the terms of a Conditional Admission Order may result in modification of the order, including extension of the period of conditional admission, suspension or termination of the conditional admission or such other action as may be appropriate under the Admission Rules.
- (g) **Violation of Conditional Admission Order.** If the Board determines that the conditions of the Conditional Admission Order have been violated, the Board shall cause Bar Counsel to initiate proceedings to determine whether the conditional admission should be terminated, extended or modified.
- (h) **Termination.** The Bar may petition the Supreme Court for an order to show cause why the conditional license should not be immediately terminated. If a petition is filed:
- (1) The Supreme Court shall examine the petition and determine whether a *prima facie* showing of a violation of the Conditional Admission Order has been demonstrated. If the Supreme Court determines that such a showing has been made, it shall immediately suspend the conditional license and Conditional Admission Order and issue an order to show cause why the conditional license should not be permanently terminated.
 - (2) The conditionally admitted attorney may indicate an intent to contest the termination of the conditional license by filing a verified response to the order to show cause, in which case the Supreme Court shall assign the matter to a special master or hearing officer for hearing and recommendation.
 - (3) Following the hearing, the special master or hearing officer may recommend, and the Supreme Court may order, the conditional admission be permanently terminated, extended or modified.
 - (4) The hearing shall be conducted as provided in I.B.C.R. 511, except that the order to show cause and verified response shall serve as the complaint and answer.
- (i) **Expiration of Conditional Admission Order.**
- (1) Unless the conditional admission is terminated or extended or a petition to terminate for a violation of a Conditional Admission Order is pending, the conditions imposed by the Conditional Admission Order shall expire upon completion of the period of conditional admission.
 - (2) At least sixty days prior to the expiration of the conditional license, a conditional licensee may apply for a renewal of the conditional license or for a regular license to practice law by filing a written request with the Bar.
- (j) **Confidentiality.** Except as otherwise provided herein, and unless the Supreme Court orders otherwise, the fact that an individual is conditionally admitted and the terms of the Conditional Admission Order shall be confidential, provided that the Applicant shall disclose the entry of any Conditional Admission Order to the admissions authority in any jurisdiction where the Applicant applies for admission to practice law. These provisions for confidentiality shall not prohibit or restrict the ability of the Applicant to disclose to third parties that the Applicant has been conditionally admitted under this rule, nor prohibit requiring third-party verification of compliance with terms of conditional admission by admission authorities in jurisdictions to which the conditionally admitted attorney may subsequently apply.

RULE 213. Reasonable Accommodations Committee.

- (a) **Establishment and Membership of Committee.** The Board shall appoint a three-member committee to be known as the RA Committee which shall consist of two members in good standing of the Bar and one non-lawyer member. Members of the RA Committee shall serve for terms of three years, provided that appointments shall allow for staggered terms. Vacancies during a term shall be filled by the Board for the remainder of the unexpired term.
- (b) **Officers.** The Board shall designate one member of the RA Committee as Chair. The Chair shall be responsible for calling and presiding over meetings of the RA Committee. The Chair or the Chair's designee shall sign all recommendations to the Board. The Executive Director shall provide a Secretary to the RA Committee.
- (c) **Powers and Duties.** The RA Committee shall have the power and duty to:
- (1) Receive and consider Requests and any materials relevant to the Request; and
 - (2) Submit to the Board its findings of fact, conclusions of law and recommendation to deny or modify a Request.
- (d) **Meetings.** Two members of the RA Committee shall constitute a quorum. The RA Committee shall act upon each Request at a duly convened meeting at which a quorum is present, provided however, that members of the RA Committee may separately and without assembling in a meeting consider any Request and supporting documentation. Members may participate in meetings by telephone.

CONTACT INFORMATION

Clerk of the Appellate Courts
Kansas Courts
Kansas Judicial Center

Topeka Kansas 66612-1507

Telephone: 785.296.3229

Fax: 785.296.1028

Email: appellateclerk@kscourts.org

Rules Adopted by the Supreme Court

Rules Relating to Admission of Attorneys

Rule 722

Rules Relating to Admission of Attorneys

Proceedings Before the Supreme Court Following an Adverse Board Ruling

(a) An original and ten copies of the Board's written decision following a character and fitness hearing shall be filed with the Clerk of the Appellate Courts who shall mail a copy to the applicant.

(b) Upon the filing of the written decision, the Clerk shall forthwith order a copy of the transcript of the hearing before the Board which shall be mailed to the applicant, upon receipt in the Clerk's Office.

(c) The applicant may, within twenty days of service of the transcript of the hearing, file with the Clerk exceptions to the written decision of the Board. Any part of the written decision which is not specifically excepted to shall be deemed admitted.

(d) If exceptions are filed, the Board shall file a response with the Clerk within twenty days after service of the exceptions.

(e) If the applicant fails to file exceptions to the written decision of the Board within twenty days of service of the transcript on the applicant, the findings of fact and conclusions of law in the written decision shall be deemed submitted to the Supreme Court.

(f) The notice of hearing, the response to the notice of hearing, the written decision of the Board, the applicant's exceptions and the Board's response, if any, the transcript of the hearing, and all other evidence admitted before the Board shall constitute the record before the Supreme Court.

(g) The Board's factual findings will be accepted if a reasonable fact finder could have been persuaded that the factual finding was proved to be highly probable. The Supreme Court shall make the final determination as to those persons who shall be admitted to practice law in the State of Kansas.

(h) Oral argument will not be permitted. The Supreme Court will make a determination based upon the record before the Board and enter its final order.

(i) Any applicant whose petition for admission to the practice of law in the State of Kansas is denied by the Supreme Court by reason of lack of good moral character or current mental and emotional fitness to engage in the active and continuous practice of law shall not be permitted to reapply in Kansas until three years shall have elapsed from the date the previous application was denied by the Court.

(j) Any subsequent reapplication shall be heard by the Board, following a full investigation by the office of the Disciplinary Administrator and consideration by the Review Committee. The applicant shall have the burden of establishing by clear and convincing evidence that the applicant possesses the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law. Additionally, the applicant shall have the burden of establishing by clear and convincing evidence that:

(1) The applicant has demonstrated consciousness and acknowledged the seriousness of any wrongful conduct to the extent that wrongful conduct gave rise to the denial of the previous application;

(2) The applicant has engaged in conduct since the denial of the previous application which demonstrates that the applicant has been an active and productive citizen;

(3) The time elapsed since any misconduct, to the extent that wrongful conduct gave rise to the denial of the previous application, is sufficient;

(4) The applicant has not engaged in the unauthorized practice of law; and

(5) The applicant has received adequate treatment and rehabilitation and experienced a sustained period of rehabilitation from any substance abuse or mental or emotional illness or condition, to the extent that such conduct gave rise to the denial of the previous application.

[History: New Rule effective July 1, 2009; Am. (j) effective February 3, 2014.]

See also: Rule 1001 - [Electronic and Photographic Media Coverage of Judicial Proceedings](#)

Rule XVII. ADMISSION TO THE BAR OF THE STATE OF LOUISIANA

SECTION 1. Committee on Bar Admissions. The Court's constitutional authority to regulate the admission of qualified applicants to the Bar of this state shall be administered by the Committee on Bar Admissions of the Supreme Court of Louisiana.

(A) Composition and Terms. The Committee shall consist of nineteen (19) members of the Bar appointed by the Court on recommendation of the Louisiana State Bar Association. Every member of the Committee shall have been admitted to the Bar of this state for a minimum of five years and shall be a member in good standing during their term of office. The members of the Committee shall be appointed for a term of five years, and may be reappointed for one additional term of five years. No member of the Committee may serve for more than ten years, whether or not such years are consecutive. Subject to this limitation, each member of the Committee shall continue to serve after the expiration of his or her term until a successor has been appointed.

Notwithstanding the aforementioned limitation on reappointment terms and length of service, Committee members who are elected or chosen to the following positions may be reappointed to a third term of five years:

- (1) Committee Chair;
- (2) Director of Character and Fitness;
- (3) Director of Accommodations;
- (4) Director of Testing; and
- (5) Members of the Testing Committee.

In addition, the Committee Chair may be reappointed to serve an additional one-year term as the Immediate Past Chair following his or her service as Committee Chair.

[Rule XVII, Section 1(A) amended effective May 29, 2014]

(B) Powers of the Committee. The Committee shall elect its own chair and such other officers as it deems necessary to carry out its duties. All officers shall serve at the pleasure of the Committee. The Committee may adopt internal operating rules and procedures which shall be effective upon approval of the Court.

(C) Assistant Examiners. Upon request of the Committee, the Court may appoint such assistant examiners as the Committee may require. Every assistant examiner shall have been admitted to the Bar of this state for a minimum of five years and shall be a member in good standing during their appointment. Assistant examiners shall serve at the pleasure of the Court.

who has been admitted to the Bar of another state, passed the MPRE in fulfillment of the Bar admissions requirement(s) of the applicant's state(s) of admission, and complied with the continuing legal education requirements of the applicant's state(s) of admission will be considered to have satisfied the requirement. This limitation shall not be waived by the Committee for an applicant who has not previously passed the MPRE in connection with the admission to the Bar of another state(s) or who has not previously been admitted to the Bar of another state.

(D) Cheating on the Written Examination. In the event the Court determines that an applicant cheated, aided or assisted another applicant in cheating on the written examination, or attempts to cheat or aid or assist another in cheating, the applicant shall fail the examination and the Court may permanently prohibit the applicant from reapplying. If the applicant has already been admitted, the Court may order that disciplinary proceedings under La. S. Ct. Rule XIX be commenced.

SECTION 9. Failure to Meet Requirements; Review. [Amended effective August 1, 2008]

[Opening paragraph repealed effective August 1, 2008]

(A) Failure to Meet Requirements: Notice. In every instance in which the Committee determines that it will not certify an applicant for admission due to the applicant's failure to meet the requisites for admission as described in Section 3, the Committee shall notify the applicant in writing of such determination and the reasons therefor. Service of the Notice of Failure to Meet Requirements shall be made by mailing the notice to the applicant at the address provided in his or her application for admission to the Bar or such address as has been furnished by the applicant in writing to the Committee. The notice shall contain a certificate stating the date of mailing. As a courtesy to the applicant, and in addition to notice by mail, the Committee may also notify the applicant by e-mail, return receipt requested, at the e-mail address provided to the Committee by the applicant in his or her application for admission. **[Repealed and reenacted effective August 1, 2008]**

(B) Review by the Court. An applicant who is aggrieved by the determination of the Committee may file a Petition for Admission to the Bar with the Court within thirty (30) days from the date of mailing of the notice. Such Petition shall be confidential as to the applicant's identity and shall only identify the applicant by the file number designated by the Committee. Any medical or other sensitive information shall be filed under seal. Failure to seek review within that thirty day period shall have the same effect as denial of admission by the Court under Subsection (D)(13). No appeal lies from an applicant's failure to satisfactorily complete the written examination as described in Sections 7 and 8 of this Rule, and the determination of the Committee relative to an applicant's test scores is final. **[Amended effective February 1, 2014]**

(C) Service on Committee. A copy of the Petition for Admission shall be served on the Committee through its Chair. Service shall be accomplished by certified mail, return receipt requested. Proof of service shall be filed in the record. **[Enacted effective August 1, 2008]**

(D) Procedure in Supreme Court. The Court may, in its discretion, without taking further evidence, approve, modify or reject the Committee's determination, remand to the Committee for further action as the Court instructs, or appoint a Commissioner to take evidence and report to the Court. All documents filed with, and evidence and proceedings before the Commissioner (including any recordings thereof) are confidential, unless the applicant requests that the proceeding be public. The Commissioner shall include in the report a recommendation

as to whether the applicant has met the requirements for admission to the Bar. If the petition is filed prior to the applicant sitting for the written examination, the Court may allow the applicant to sit for the written examination and upon satisfactorily passing same, to apply to the Court for the appointment of a Commissioner. Should the Court appoint a Commissioner, the procedure shall be as follows:

(1) Commissioner; Qualifications; Powers. The Court may appoint as a Commissioner any sitting or retired judge or any lawyer who has been engaged in the active practice of law as a member in good standing of the Bar for not less than ten (10) years. The Commissioner shall regulate the proceedings and shall have full authority to examine the parties in the cause upon oath, touching any matter whatsoever that is germane to the question of the applicant's good moral character and fitness. The Commissioner may require, by subpoena duces tecum, the production of all books, papers, writings, and other documents applicable thereto, and examine on oath all witnesses produced by the parties. He or she may cause the testimony of absent witnesses to be taken, as hereinafter provided, and direct the place where and the manner in which the matters requiring evidence shall be proved. He or she shall have the right to compel, by subpoena, the attendance of witnesses from any part of the state and, generally, to do all other acts and direct all other inquiries and proceedings in the matters which the Commissioner may deem necessary and proper to the justice and merits of the matter and the rights of the parties. The Commissioner shall have the right to certify parties, members of the Bar, or witnesses, to the Supreme Court for contempt of the Commissioner's authority.

(2) Representation of Committee by the Attorney for Character and Fitness. In all matters in which a Commissioner is appointed by the Court, the Attorney for Character and Fitness shall represent the Committee in the proceedings before the Commissioner.

(3) Status Conference. Upon the appointment of a Commissioner, a status conference including the Commissioner, the applicant and the Attorney for Character and Fitness shall be scheduled. At the conference the parties shall select a hearing date, discovery deadlines and dates to exchange witness and exhibit lists. The Commissioner may also address any other pre-hearing procedural matters and stipulations.

(4) Notice of Hearing. The Commissioner shall issue or cause to be issued a Notice of Hearing to the parties which notice shall include the date, time and place of the hearing. The Notice of Hearing shall also notify the parties that the applicant bears the burden of proof at the hearing to establish by clear and convincing evidence that he or she meets the requirements for admission to the Bar of the State of Louisiana, that the applicant may be represented by counsel, may present evidence and may examine and cross-examine witnesses. The Notice shall also require that the parties submit pre-hearing memoranda.

(5) Pre-Hearing Memoranda. Not less than ten days prior to the hearing the parties shall submit to the Commissioner pre-hearing memoranda which shall set forth the following information:

- (a) The names and addresses of witnesses and whether the testimony will be in person or by deposition;
- (b) A list of exhibits that will likely be introduced at the hearing;
- (c) Any anticipated evidentiary or legal issues which may be presented at the hearing;

(d) Proposed findings of fact; and

(e) Stipulations.

(6) Hearing. The applicant bears the burden of proving by clear and convincing evidence that he or she meets the requirements for admission to the Bar. The Commissioner shall conduct a hearing at which all matters which bear upon the applicant's eligibility may be considered de novo. At the hearing, no deference shall be afforded to the findings of the Panel. The hearing shall not be limited to those matters raised in the Petition for Admission filed with the Court or the Notice of Failure to Meet Requirements issued by the Committee.

(7) Procedure and Evidence. Strict adherence to the Louisiana Code of Civil Procedure and the Louisiana Code of Evidence is not required. The Commissioner may admit any material and relevant evidence which, in the judgment of the Commissioner, is probative and which may be useful to the Court for its consideration and review. Any evidence that is excluded by the Commissioner may be proffered for review by the Court.

(8) Testimony of Out-of-State, Absent, or Unavailable Witnesses. If a witness whose testimony is material to the cause resides out of the parish in which the hearing is to take place, the testimony of the witness may be taken according to the forms prescribed by law for the taking of such testimony in civil cases in the district courts of the state; or if the witness resides out of the state or is absent from the state, his or her testimony may be taken in the form of depositions in answer to written interrogatories and cross-interrogatories under a commission, issued by the Commissioner, and directed to a notary public or other officer authorized to administer oaths and take depositions; provided that if the testimony is taken in the form of depositions in answer to written interrogatories, the attorney for the applicant on appeal shall have the right to attend the taking of the testimony and to cross-examine or re-examine the witnesses orally; and provided further, that whether the testimony is to be taken in the form of deposition or written interrogatories, the Commissioner shall fix the time and the place for taking of the testimony. By agreement of the parties, or by decision of the Commissioner, telephonic testimony may be taken at the hearing, or telephonic depositions may be introduced at the hearing.

(9) Hearing Recorded. All hearings shall be recorded in a manner which will allow a verbatim transcript to be prepared.

(10) Report of the Commissioner. Within ninety (90) days of the termination of the proceedings, the Commissioner shall file with the Supreme Court his or her written report, wherein the Commissioner shall state findings of fact and conclusions of law and recommendations as to appropriate action by the Court. The Commissioner shall also file the record of the proceeding with the Court. Such filings shall be confidential as to the applicant's identity and shall only identify the applicant by the file number assigned by the Committee. Any medical or other sensitive information shall be filed under seal. A copy of the Commissioner's Report shall be provided to the Committee and to the applicant, each of whom may file exceptions thereto. If no exceptions are filed by either party, the report may be confirmed by the Court and adopted as its judgment. **[Amended effective February 1, 2014]**

(11) Exceptions to Report of the Commissioner. Within thirty (30) days of the filing of the Commissioner's Report with the Court, the applicant or the Committee may file exceptions thereto. If exceptions are filed, the matter shall then be set on the Court's summary docket and heard as the Court directs, unless both the Committee and the applicant file a joint motion to waive oral argument. Oral arguments shall be conducted in open court. **[Amended effective February 1, 2014]**

(12) Record of Hearing. The record of the hearing shall consist of the transcript of the hearing, the petition, notice of hearing, stipulations, depositions and exhibits admitted into evidence, pre-hearing memoranda, any authorized post-hearing submission, and the recommendation of the Commissioner.

(13) Denial and Reapplication. In the event the Court issues an order finding that an applicant lacks the requisite good moral character and fitness to be admitted to the Bar, an applicant is precluded from seeking admission for a period of one year from the date of the Court's order, unless the Court expressly provides otherwise.

[Amended effective February 1, 2014]

SECTION 10. Bar Admissions Advisory Committee.

(A) Composition. The dean or chancellor of each law school located in this state shall nominate one member of its full time faculty to serve on the Bar Admissions Advisory Committee. The nominees shall be appointed to the Bar Admissions Advisory Committee by order of the Court.

(B) Powers and Duties. The members of the committee shall select one of their number to serve as chair, who shall serve as principal liaison to the Committee on Bar Admissions. The Bar Admissions Advisory Committee shall advise and assist the Committee on Bar Admissions. Within one week following the administration of the written bar examination, the Committee on Bar Admissions shall mail or email the examination to the members of the Bar Admissions Advisory Committee. Members of the Bar Admissions Advisory Committee shall solicit written critiques of each examination from their faculty colleagues and shall provide such critiques to the Committee on Bar Admissions within thirty (30) days after the mailing of the examination. The Bar Admissions Advisory Committee shall attend the regular meetings of the Testing Panel of the Committee on Bar Admissions and shall perform such other duties as may be requested by the Committee on Bar Admissions or directed by the Court. **[Amended effective August 1, 2008]**

SECTION 11. Reciprocity. No person shall be admitted to the Bar of this state based solely upon the fact that such person is admitted to the Bar of another state or because the laws of another state would grant admission to a member of the Bar of this state. The temporary practice of law in this state by visiting attorneys is governed by statute and by Supreme Court Rule XVII, Section 13. The Committee shall have no authority with regard to the practice of law by visiting attorneys. **[Amended effective August 1, 2008]**

SECTION 12. Review Procedure for Part I of the Louisiana State Bar Examination.

(A) Representative Good Answers. Each Examiner shall designate a representative good answer for each question on the Part I examination subject for which he or she is responsible. Such representative good answers shall be chosen from the answers of the applicants who sat for the applicable examination subject. Representative good answers will be made available to applicants who received a failing score on the applicable examination subject but only during the review process described in this Section. Neither the real nor the fictitious name of the

Rules Governing Admission to the Bar of Maryland

Adopted by THE COURT OF APPEALS OF MARYLAND

June 28, 1990
(Amended through January 1, 2013)
(Includes Rules of the Board Amended through August 14, 2015)

These Rules Governing Admission to the Bar of Maryland
are contained in the

CURRENT REPLACEMENT VOLUME OF
THE ANNOTATED CODE OF MARYLAND

Maryland Rules, Appendix

**Members, State Board of Law Examiners
State of Maryland**

Jonathan A. Azrael, Chairman
John F. Mudd
Maurene E. McNeil
Linda D. Schwartz
David E. Ralph
Matthew T. Mills
Gregory H. Getty

For Further Information Contact:

Jeffrey C. Shipley, Secretary
Barbara L. Gavin, Director of Character and Fitness
Rose E. Berg, Clerk
State Board of Law Examiners
2011F Commerce Park Drive
Annapolis, MD 21401
Telephone: (410) 260-3640
www.mdcourts.gov

This unofficial copy of the Bar Admission Rules has been assembled as a convenience for bar applicants. In the event of any conflict between this document and the official, published editions of the Bar Admission Rules, the published Rules control.

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Rule 1. DEFINITIONS

In these Rules, the following definitions apply, except as expressly otherwise provided or as necessary implication requires:

(a) *ADA*

"ADA" means the Americans with Disabilities Act, 42 U.S.C. § 12101, *and et seq.*

(b) *Board*

"Board" means the Board of Law Examiners of the State of Maryland.

(c) *Court*

"Court" means the Court of Appeals of Maryland.

(d) *Code, Reference to*

Reference to an article and section of the Code means the article and section of the Annotated Code of Public General Laws of Maryland as from time to time amended.

(e) *Filed*

"Filed" means received in the office of the Secretary of the Board during normal business hours.

(f) *MBE*

"MBE" means the Multi-state Bar Examination published by the National Conference of Bar Examiners.

(g) *MPT*

"MPT" means the Multistate Performance Test published by the National Conference of Bar Examiners.

(h) *Oath*

"Oath" means a declaration or affirmation made under the penalties of perjury that a certain statement or fact is true.

(i) *State*

"State" means (1) a state, possession, territory, or commonwealth of the United States or (2) the District of Columbia.

Source: *This Rule is derived from former Rule 1.*

Rule 2. APPLICATION FOR ADMISSION AND PRELIMINARY DETERMINATION OF ELIGIBILITY

(a) *By Application*

A person who meets the requirements of Rules 3 and 4 may apply for admission to the Bar of this State by filing an application for admission, accompanied by the prescribed fee, with the Board.

Committee note: The application is the first step in the admissions process. These steps include application for admission, proof of character, proof of graduation from an approved law school, application to take a particular bar examination, and passing of that examination.

(b) *Form of Application*

The application shall be on a form prescribed by the Board and shall be under oath. The form shall elicit the information the Board considers appropriate concerning the applicant's character, education, and eligibility to become a candidate for admission. The application shall include an authorization for release of confidential information pertaining to character and fitness for the practice of law to a Character Committee, the Board, and the Court.

(c) *Time for Filing*

(1) Without Intent to Take Particular Examination

At any time after the completion of pre-legal studies, a person may file an application for the purpose of determining whether there are any existing impediments to the applicant's qualifications for admission.

Committee note: Subsection (c)(1) of this Rule is particularly intended to encourage persons whose eligibility may be in question for reasons pertaining to character and sufficiency of pre-legal education to seek early review by the Character Committee and Board.

(2) With Intent to Take Particular Examination

An applicant who intends to take the examination in July shall file the application no later than the preceding January 16 or, upon payment of the required late fee, no later than the preceding May 20. An applicant who intends to take the examination in February shall file the application no later than the preceding September 15 or, upon payment of the required late fee, no later than the preceding December 20.

(3) Acceptance of Late Application

Upon written request of the applicant and for good cause shown, the Board may accept an application filed after the applicable deadline for a late filing prescribed in subsection (c)(2) of this Rule. If the Board rejects the application, the applicant may file an exception with the Court within five days after notice of the rejection.

(d) Preliminary Determination of Eligibility

On receipt of an application, the Board shall determine whether the applicant has met the pre-legal education requirements set forth in Rule 3 and in Code, Business Occupations and Professions Article, § 10-207. If the Board concludes that the requirements have been met, it shall forward the character questionnaire portion of the application to a Character Committee. If the Board concludes that the requirements have not been met, it shall promptly notify the applicant in writing.

(e) Withdrawal of Application

At any time, an applicant may withdraw as a candidate for admission by filing written notice of withdrawal with the Board. No fees will be refunded.

(f) Subsequent Application

A person who reapplies for admission after an earlier application has been withdrawn or rejected pursuant to Rule 5 must retake and pass the bar examination even if the person passed the examination when the earlier application was pending. If the person failed the examination when the earlier application was pending, the failure will be counted under Rule 9.

Source: This Rule is derived as follows:

Section (a) is in part derived from the first sentence of former Rule 2b and in part new.

Section (b) is new.

Section (c) is derived from former Rule 2a, 2b, and f.

Section (d) is in part derived from former Rule 2g and in part new.

Section (e) is derived from former Rule 2h.

Section (f) is new.



Michigan Supreme Court
BOARD OF LAW EXAMINERS
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909
Phone (517) 373-4453
ble-info@courts.mi.gov

Rules, Statutes, and Policy Statements

July 2014

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Policy Statements

2(A)-1. *Filing Deadlines and Fees*

Application deadlines are strictly enforced. Applications must be postmarked by the referenced date. The fees must be paid by money order, cashier's check, or certified check. All fees are nonrefundable. Applicants seeking accommodations under the Americans with Disabilities Act are held to the same deadlines for submitting those requests. The Board does not waive the examination requirement for medical or other reasons.

2(A)-2. *Limitation on Number of Applications*

There is no limit on the number of times an applicant can sit for the examination.

2(B)(1)-1. *Legal Education*

Applicants must have a JD from a reputable and qualified law school that is incorporated in the United States, its territories, or the District of Columbia. Law schools approved by the American Bar Association are reputable and qualified. To qualify, the law school must be fully or provisionally approved on the date the applicant's degree was conferred. Applications received from individuals not meeting this requirement are returned.

2(B)(1)-2. *Law School Certification*

Applicants are required to attest to the fact they have graduated with a JD from a reputable and qualified law school. The examination results of applicants taking the exam without first having so graduated are void.

2(B)(1)-3. *Board Approval of Law Schools*

Law schools not approved by the ABA may ask the Board to approve the school as reputable and qualified. The Board is not required to undertake the approval process in response to such a request. The Board has adopted the *Standards for Approval of Law Schools* (including Interpretations, Rules of Procedure and fee structure) promulgated by the Section of Legal Education and Admissions to the Bar of the American Bar Association, unless otherwise required by context, statute, court rule or Board policy. Any school seeking approval must pay the actual expenses of the Board incurred in making the determination whether the school is reputable and qualified. This includes, but is not limited to, the salaries of the necessary and appropriate persons to conduct the inspection, prepare a report and make a recommendation to the Board.

2(B)(2). *Graduates of Non-Approved Law Schools*

The Board may in its discretion permit applicants who do not possess a JD from an ABA-approved law school to take the examination. In making that determination, the Board looks to, among other things, relevant legal education and experience that otherwise qualifies the applicant to take the examination. The Board considers the quality of the law school(s) attended, existing accreditation, prior accreditation history or attempts at accreditation, and evidence of experience in the full-time practice of law.

Applicants must petition the Board of Law Examiners for a waiver of the Rule. The petition may take the form of a letter. A hearing or personal interview is not held. Good cause for a

waiver must be shown by clear and convincing evidence. In order for the Board to evaluate whether it should grant a waiver, the Board requires individuals seeking a waiver to provide certain material. The Board uses this information in evaluating whether the individual may take the bar examination. The following must be provided:

- a. College and law school transcripts (translated to English if necessary).
- b. A detailed description of the applicant's legal education and training. This must include a syllabus from each of the courses taken, a list of the textbooks used, the attendance requirements at the time the applicant matriculated, and the number of credit hours required for graduation.
- c. Descriptions of academic and professional records of all faculty and executive administrators of each law school attended.
- d. Copies of all material being sent to applicants by the law school and the school catalog, class schedules and course descriptions.
- e. Bar examination results, i.e., percent passed/failed, of graduates of the law school, classified by state administering the exam, for the previous three years.
- f. A statement of whether the applicant has applied to take the bar exam in any other jurisdiction and the result of that request, and the result of any bar examination taken by the applicant.
- g. A description of the applicant's work history.
- h. Evidence of experience in the full-time practice of law. Such evidence should include, but is not limited to, a sworn affidavit detailing the nature and extent of the applicant's legal work experience during the time the applicant claims to have engaged in the full-time practice of law; legal memoranda prepared by the applicant; copies of published cases resulting from pleadings and papers filed by the applicant in his or her capacity as an attorney; and/or letters of reference from the bench and bar in the jurisdiction in which the applicant has been engaged in the practice of law.
- i. In the case of applicants with a law degree from a non-U.S. jurisdiction, a description of that country's legal system, including, but not limited to, whether the English common law substantially forms the basis of that country's jurisprudence and whether English is the language of instruction and practice in the courts of that jurisdiction.
- j. A narrative statement as to why the applicant feels that good cause by clear and convincing evidence has been established.
- k. Any other documentation, material, or information the applicant feels is relevant to the establishment of good cause.
- l. The Board may request additional evidence as it deems appropriate. Material submitted to the Board is not returned to the applicant.

The Board has determined that applicants who specifically relied on the former rule, which granted eligibility to applicants with an LLM from a reputable and qualified law school, will be allowed to sit for the examination. Simply starting an LLM program before the June 30, 2004 effective date of the rule change, however, is not sufficient. If an applicant is relying on receipt of an LLM as part of the basis for granting a waiver, the degree must have already been conferred because the Board does not issue advisory opinions or rulings.

2(C)-1. *Duration of Character and Fitness Clearance*

Character and fitness clearance is valid for three years. The three-year period begins with the exam

first applied for by the applicant, regardless of when clearance is obtained and whether the applicant actually sat for that examination. For example, an applicant applying for the February 2005 examination and receiving character and fitness clearance, would need to be reapproved before being allowed to sit for the February 2008 examination. Applicants not passing the examination within three years after receiving clearance must again be approved by the State Bar Standing Committee on Character and Fitness.

2(C)-2. *Character and Fitness Hearings*

Character and fitness hearings are heard de novo. They are confidential proceedings. The applicant has the burden of proving by clear and convincing evidence that he or she has the requisite character and fitness to practice law. The Michigan Rules of Evidence are considered as guidelines but are not binding. If the parties agree, the hearing can be limited to an appeal consisting of briefs and argument or a limited testimonial hearing. All evidence is taken under oath before a court reporter, although the parties may stipulate to present testimony by telephone. The applicant may be represented by counsel.

2(C)-3. *Review of Board's Decision/Reapplication*

There are no motions for rehearing or reconsideration of decisions made following character and fitness hearings. Review is by complaint for superintending control filed in the Supreme Court. Applicants denied character and fitness certification by the Board may not reapply for certification for two years after the denial. The Board may extend that period to up to five years. In that case, the Board's opinion will specify the reasons for imposition of the longer time period. The Board may impose a waiting period shorter than two years. Applicants must reapply to the Standing Committee, not the Board.

2(D). *Multistate Professional Responsibility Examination*

Beginning with the July 2009 bar examination, applicants taking the examination as first-time takers must receive a scaled score of 85 on the Multistate Professional Responsibility Examination. That score is valid indefinitely. For applicants taking the July 2009 bar examination as a re-examinee or as a transferee from a prior exam, the passing scaled score will remain at 75. If such a re-examinee or transferee fails the July 2009 examination, the passing scaled MPRE score will remain at 75.

2(E). *No Repeat Examinations without Character and Fitness and MPRE Clearance*

Applicants are allowed to take the bar examination one time only before character and fitness and MPRE clearance is received. Applicants failing the exam who do not have both clearances at the time exam scores are released receive unofficial results only, which allows them to participate in the appeal process. They do not receive an application for re-examination and cannot file an application for re-examination until both clearances are received.

2015

Supreme Court of Nevada

**Rules Regulating Admission
to the Practice of Law**

**Policies and Procedures of the Board of Bar Examiners
(Addendum 1)**

**Policies and Procedures of the Functional Equivalency
Committee (Addendum 2)**



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Addendum 1 – Policies and Procedures of the Board of Bar Examiners

Addendum 2 – Policies and Procedures of the Functional Equivalency Committee

Rule 56. Number and disposition of applications; approval by board of bar examiners.

1. All applications for admission to practice law in Nevada shall be submitted electronically pursuant to Rule 52(1). The admissions director shall transmit or shall cause to be transmitted, one copy of the application to the clerk of the supreme court. The electronic copy shall be used by the admissions director to determine the applicant's qualifications for admission.

(a) The admissions director of the state bar shall review the application to determine whether it has been completed and filed in compliance with the requirements of Rules 51 through 55. If an application is incomplete, the admissions director shall give the applicant one written notification of the deficiencies in the application. The applicant shall have 30 days from the date of mailing of the notice of the deficiencies, or until 30 days before the examination, whichever date is earlier, to cure the deficiencies and complete the application. If the application is not completed within the allotted time, the admissions director shall recommend to the board of bar examiners that the application be rejected.

(b) If the admissions director recommends to the board of bar examiners that an application be rejected because it is not complete, the board may reject the application, and shall reject the application if the deficiencies in the application are such that the board cannot adequately and thoroughly investigate the applicant's morals, character, qualifications and fitness to practice law.

(c) As provided in Rule 67, the admissions director shall reject the application if the applicant has previously been denied admission with prejudice in this state for failure to meet the necessary character requirements.

(d) Only the board of bar examiners may recommend denial, with or without prejudice, of an application, pursuant to Rule 64, on the grounds that the applicant has failed to demonstrate good moral character and willingness to abide by high ethical standards, or that the applicant has failed to demonstrate that no mental or emotional disorder renders the applicant unfit to practice law. In the absence of the timely filing of a petition pursuant to the provisions of Rule 64, the court shall refuse to disturb such an adverse recommendation of the board. If the recommendation is to deny admission without prejudice, the board may impose conditions which the applicant must fulfill before the applicant will be permitted to file a subsequent application for admission to practice law. Further, the board shall recommend a period of time, not to exceed 5 years, before the applicant may reapply.

(e) An applicant whose application has been rejected on grounds other than those stated in Rule 64, Rule 65.5, or Rule 70 may, within 30 days from the date of notification, file a verified petition for relief with the supreme court, which shall be accompanied by proof of service of a copy thereof upon the admissions director of the state bar and the chair of the board of bar examiners. Such petition shall contain a statement of facts accompanied by copies of all relevant documents, a statement of each ground upon which relief is alleged to be warranted, and legal points and authorities, setting forth the legal basis for each ground for relief alleged. If the court is of the opinion that relief should not be granted, it may deny the petition. Otherwise, the court may enter an order fixing the time within which an answer may be filed by the board of bar examiners. Should the court determine that the petitioner is entitled to relief, it may direct the board of bar examiners to process the application in accordance with Rules 57 to 75.

2. All applications not rejected by the admissions director shall be reviewed by the board of bar examiners along with any investigative reports or relevant documentation. No applicant for examination for a license to practice as an attorney and counselor at law in this state shall be eligible for examination until the applicant has received the written approval of the board of bar examiners. Except as otherwise provided in this rule and in Rule 65.5, the board of bar examiners shall not permit an applicant to be examined unless the applicant has fulfilled the requirements of Rules 51 through 55.

3. The board of bar examiners, in its discretion, may permit or refuse to permit an applicant whose verified application complies with the requirements of Rule 52 to take the bar examination if the board has not completed its investigation into the applicant's moral character or fitness for admission. If the board of bar examiners has refused to permit an applicant to take the bar examination because its investigation into the applicant's moral character or fitness for admission is not completed at the time of the bar examination, and the applicant subsequently receives final approval of the board, the applicant shall be permitted to take the bar examination next following such approval without submission of further fees or applications, except the board, in its discretion, may order further character or fitness reports, including fingerprint reports, on the applicant during the intervening period. If the board has permitted the applicant to take the examination, the board must complete its investigation and report its recommendation to the supreme court by June 1 of the year immediately following the date on which the applicant is successful on the July examination, or by January 1 of the year immediately following the date on which the applicant is successful on the February examination, unless the supreme court otherwise orders.

Nothing herein contained shall be construed to prevent the board from calling to the attention of the court before final admission matters occurring subsequent to the final approval by the board or matters discovered subsequent to final approval.

4. An applicant may voluntarily withdraw the application for admission to practice law at any time prior to the date of the examination by filing a written notice of withdrawal with the admissions director. Except as otherwise provided in subsection (3) of this rule, an applicant's failure to appear for the examination or to complete all admissions requirements by January 31 of the year following the date on which the July examination is given, or by August 31 of the year in which the February examination is given, shall constitute a withdrawal of the application. The admissions director shall immediately notify the clerk of the supreme court and the chair of the board of bar examiners of the withdrawal of an application, and shall also notify the applicant in those instances in which withdrawal of the application is due to the applicant's failure to appear for the examination or to complete all admissions requirements.

[Supreme Court Rules Table of Contents](#)

RULES OF THE SUPREME COURT OF THE STATE OF NEW HAMPSHIRE

ADMINISTRATIVE RULES 35 TO 59

Rule 42. Admission To The Bar; Board of Bar Examiners; Character And Fitness Committee

I. Board of Bar Examiners

(a) **Board of Bar Examiners Established.** A board of bar examiners (board) will be appointed by the court to examine persons desiring to be admitted to the bar of New Hampshire. The board shall consist of no fewer than thirteen members of the New Hampshire bar. Appointments to the board shall be for terms of three years, and members shall be eligible for reappointment. The court shall designate one member of the board to serve as chair and one member to serve as vice-chair.

(b) **Expenses of Board.** All appropriate expenses for operations, staff, equipment and other expenses shall be paid from fees received by the board. Funds previously paid to the Character and Fitness Committee and in the possession of the committee on September 1, 2012 shall be transferred to the board.

(c) **Duties of Board.** The board is charged with the duty and vested with the power and authority:

- (1) to determine eligibility of applicants for admission to the bar of New Hampshire;
- (2) to determine reciprocal jurisdictions for purposes of admission by motion without examination under Rule 42(XI)(a);
- (3) to provide for and administer the bar examination, and to provide for the conduct and security of the bar examination;
- (4) with the approval of the court, to set the scores that will be considered passing on the bar examination and the Multistate Professional Responsibility Examination;
- (5) to establish a fee schedule, with the approval of the court, for applications for admission to the New Hampshire bar, and for other services;
- (6) to establish subcommittees, as appropriate, to perform its duties;
- (7) to delegate to any of its members, subcommittees or administrator, all or any part of its duties and responsibilities under this section;
- (8) to establish a budget, expend funds, enter into contracts and retain the assistance of experts and other personnel when deemed necessary for the efficient discharge of its duties;
- (9) to oversee the Office of Bar Admissions; and

(10) to promulgate, amend and revise regulations relevant to the above duties to implement this rule. The regulations of the board shall be consistent with the provisions of this rule and shall not be effective until approved by the court, but once approved, shall have the same force and effect as this rule.

II. Character and Fitness Committee

(a) **Committee on Character and Fitness Established.** A Supreme Court committee on character and fitness (committee) is established to examine the character and fitness of applicants desiring to be admitted to the bar of New Hampshire. The committee shall consist of two non-attorney members and seven members of the New Hampshire Bar Association as follows: (i) one member of the board of bar examiners; (ii) one member who is a member of the committee on professional conduct; (iii) the attorney general of New Hampshire or his or her designee; (iv) the clerk of the supreme court or his or her designee; and (v) three other members of the New Hampshire Bar Association, one of whom shall be designated chair of the committee. The terms of the attorney general and of the clerk of the supreme court as members of the committee shall be coterminous with their terms of office; and, in the absence of either the attorney general or the clerk of the supreme court, his or her designee is authorized to act as an alternate, exercising all the powers of an appointed member of the committee. Each other member of the committee shall be appointed for a term of three years and shall be eligible for reappointment.

(b) **Expenses of Committee.** All appropriate expenses for operations, staff, and other expenses shall be paid from fees received by the board. Funds previously paid to the committee and in the possession of the committee on September 1, 2012 shall be transferred to the board. Members of the committee shall receive no compensation for their services, but their reasonable expenses shall be paid by the board.

(c) **Duties of Committee.** The committee is charged with the duty and vested with the power and authority:

- (1) to investigate the character and fitness of applicants to the New Hampshire bar;
- (2) to conduct interviews and evidentiary hearings with regard to an applicant's character and fitness;
- (3) to retain the assistance of experts and other personnel when deemed necessary for the efficient discharge of its duties;
- (4) to make recommendations to the New Hampshire Supreme Court regarding an applicant's good moral character and fitness to practice law in New Hampshire;
- (5) to establish subcommittees, as appropriate, to perform its duties;
- (6) to delegate to any of its members, subcommittees or administrator, all or any part of its duties and responsibilities under this section;

(7) to promulgate, amend and revise regulations relevant to the above duties to implement this rule. The regulations of the committee shall be consistent with the provisions of this rule and shall not be effective until approved by the court, but once approved, shall have the same force and effect as this rule.

III. Office of Bar Admissions

(a) An Office of Bar Admissions shall be established to administer and support the functions of the board and the committee. The court may appoint a bar admissions administrator and general counsel (hereinafter "administrator") who will serve at the

pleasure of the court. The administrator may exercise authority delegated to him or her by the board, the committee, or their chairs.

(b) All appropriate expenses for operations, staff, including the salary of the administrator, equipment, and other expenses shall be paid from fees received by the board.

(c) The board shall have the authority to share, loan, or borrow employees, equipment, and office space with other court entities as may be necessary for efficient operation of the Office of Bar Admissions.

IV. General Requirements for Admission to Bar

(a) **Eligibility.** Every applicant for admission to the New Hampshire bar shall be required:

(1) to comply with all provisions of this rule;

(2) to file all application forms prescribed by the board, respond to all requests of the board, the committee, their designees, and the staff of the Office of Bar Admissions, for information deemed relevant to the application for admission, and to pay all prescribed fees related to the application for admission;

(3) to meet one of the following requirements:

(A) to pass the bar examination; or

(B) to satisfy the requirements for admission by transferred UBE score set forth in paragraph X; or

(C) to satisfy the requirements for admission without examination set forth in Rule 42(XI); or

(D) to satisfy the requirements for admission after successful completion of the Daniel Webster Scholar Honors Program set forth in Rule 42(XII);

(4) to pass the Multistate Professional Responsibility Examination;

(5) to be at least 18 years of age;

(6) to satisfy the educational requirements set forth in Rule 42(V); and

(7) to establish his or her character and fitness to practice law to the committee and to the court.

(b) **Determination of eligibility.** An applicant's eligibility to take the bar examination, to be admitted by transferred UBE score, or to be admitted by motion without examination, shall be determined in the first instance by the bar admissions administrator or a member of the board. If the bar admissions administrator or board member determines that the applicant is ineligible for admission, the applicant may seek reconsideration from the board or a subcommittee thereof, in accordance with procedures established by the board.

(c) **Petition for Review.**

(1) If the board or subcommittee determines that an applicant is ineligible for admission, the applicant may seek review by the supreme court of the board or subcommittee's final decision by filing with the supreme court an original and eight copies of a

petition for review within twenty days of the date of the notice of final decision. If no such petition is filed within the twenty-day period, the board or subcommittee's determination shall not be subject to review. The petition for review shall:

(A) specify the name and address of the person seeking review of the final decision and of counsel, including counsel's bar identification number;

(B) contain a copy of the final decision sought to be reviewed, a copy of a motion for reconsideration, if any, and a copy of any order on the motion for reconsideration;

(C) specify the questions presented for review;

(D) specify the provisions of the constitutions, statutes, rules, regulations or other law involved in the matter, setting them out verbatim, and giving their citation. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition for review;

(E) set forth a concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the transcript, if any;

(F) set forth all claims of error and reasons for challenging the board or subcommittee's determination;

(G) include a statement that every issue raised has been presented to the board or subcommittee below; and

(H) contain a certification that a copy of the complete petition for review has been delivered, mailed, or served on the Office of Bar Admissions.

(2) Upon notification that a petition for review has been filed, the board shall transmit to the supreme court the complete record in the case, including a transcript of any hearing before the board or subcommittee of the board. The petitioner, and not the board, is responsible for paying the cost of preparing the transcript.

(3) Unless the court orders otherwise, no response to the petition for review will be required and the petition shall be deemed submitted for the court's review based upon the record. The court shall review the petition for review in the normal course and, after consideration of the petition for review and the record, the court shall make such order as justice may require.

(d) **Time Limitation.** If an applicant does not satisfy the requirements for admission to the bar set forth in Rule 42 (IV)(a) above and take the oath of admission within two years of the date of the notice of successfully passing the bar examination, or within two years of the date of the notice that his or her motion for admission without examination, or motion for admission by transferred UBE score has been granted, the applicant's application or motion for admission to the bar shall be denied, and he or she shall be required to retake and pass the bar examination, or file a new motion for admission without examination, or a new motion for admission by transferred UBE score, unless the board grants a request for an extension of the deadline for good cause shown. Any such applicant shall be required to once again establish his or her good moral character and fitness to the satisfaction of the committee and the supreme court.

(e) **Readmission to the bar.** The application process for a person seeking readmission to the bar is governed by Rule 37.

(f) **Applicant's duty to cooperate.** An applicant for admission to the New Hampshire bar has a duty to cooperate with the board, the committee, their designees, and the staff of the Office of Bar Admissions. Any person who seeks admission to the New

Hampshire bar agrees to waive all rights of privacy with reference to any and all documentary material filed or secured in connection with his or her application or motion for admission. The applicant also agrees that any documentation submitted by the applicant may be offered into evidence, without objection, by the board or committee, in any proceeding relating to the applicant's admission to the practice of law.

(g) **Confidentiality.** All documents submitted by an applicant for admission to the New Hampshire bar all information relating to an applicant gathered by the board, committee, or staff of the Office of Bar Admissions, and all minutes and records circulated to members of the board or committee, shall be confidential and shall not be disclosed or open to the public for inspection except for the following permitted disclosures. The board, committee and staff of the Office of Bar Admissions are authorized to:

1. disclose the names and addresses of applicants to the New Hampshire bar;
2. publish the names of applicants who have passed the bar examination;
3. publish statistical information about bar examination results;
4. provide name-specific pass-fail results to any law school regarding graduates of that law school, which may include an applicant's prior names, date of birth, the date that the applicant's law degree was conferred, and whether the applicant was a first-time or repeat taker. The information will be released to the law schools on condition that no information other than the names of those who passed the exam will be further disseminated.
5. upon receipt of a request and duly executed release from an applicant, provide copies of material in an applicant's file to admissions authorities from other jurisdictions;
6. investigate the character and fitness of an applicant, and disclose any information necessary to the investigation, pursuant to an authorization and release signed by the applicant as part of the petition and questionnaire for admission;
7. disclose relevant information that is otherwise confidential to agencies authorized to investigate complaints of attorney misconduct, or to law enforcement agencies authorized to investigate and prosecute violations of the criminal law;
8. release information regarding an applicant pursuant to a court order;
9. release name and score information to the National Conference of Bar Examiners;
10. release a copy of an applicant's bar admission application upon a written request executed by the applicant and submission of the appropriate fee;
11. publish an applicant's answer to a question on the bar examination as a representative sample of an answer, provided that the identity of the applicant is not disclosed.

V. Educational Requirements for Admission

(a) **Undergraduate Education.** Every applicant for admission to the bar must furnish satisfactory proof that the applicant successfully completed at least three (3) years of work required for a bachelor's degree in an accredited college before beginning the study of law, or that the applicant received an equivalent education. An applicant who has not successfully completed at least three (3) years of work required for a bachelor's degree in an accredited college shall have the burden of proving educational equivalency. In addition to filing the petition and questionnaire for admission, any such applicant must submit information

sufficient for the board to determine that the requirements of this paragraph have been met.

(b) **Law School Education.** Except as provided in Rule 42(XI)(b), every applicant must have graduated from a law school approved by the American Bar Association having a three year course and requiring students to devote substantially all their working time to study, called a full-time law school, or from a law school approved by the American Bar Association having a course of not less than four school years equivalent in the number of working hours to a three year course in a full-time law school and in which students devote only part of their working time to their studies, called a part-time law school. A combination of study in full-time and part-time law schools will be accepted only if such law schools meet the above requirements, and the applicant has graduated from one of the law schools. Study in any law school which does not require attendance of its students at its lectures or classes or which conducts its courses by distance education (i.e. by technological transmission, including the internet; open broadcast; closed circuit, cable, microwave, or satellite transmission; audio or computer conferencing; video cassettes or discs; or correspondence) shall not constitute compliance with the rule, except that distance education in an ABA-approved law school, in compliance with Standard 306 of the ABA Standards and Rules of Procedure for Approval of Law Schools, shall constitute compliance.

(c) Foreign Law School Graduate. Notwithstanding the foregoing paragraph, an applicant who has graduated from a law school in a foreign country and who is a member in good standing of the bar of that country or a member of the bar of one of the States of the United States who was admitted after examination and is in good standing, may qualify to sit for the New Hampshire Bar Examination or may apply for admission upon motion by providing to the board satisfactory proof of his or her educational sufficiency. Any person who seeks admission to practice law in the State of New Hampshire who is a graduate of a law school in a foreign country shall have the burden of proving that the requirements of this section have been met. In addition to filing the petition and questionnaire for admission, any foreign law school graduate seeking admission must file an affidavit, signed under oath, attesting that the requirements of this section have been met, and submitting information sufficient for the board to determine that the requirements have been met. To prove educational sufficiency, an applicant must prove:

(1) that he or she successfully completed a period of law study in a law school or law schools each of which, throughout the period of the applicant's study therein, was recognized by the competent accrediting agency of the government of such other country, or a political subdivision thereof, as qualified and approved (distance study, correspondence study and on-line programs are not acceptable); and

(2) that such other country is one whose jurisprudence is based upon the principles of English Common law; and

(3) that the program and course of law study successfully completed by the applicant were substantially equivalent in substance to the legal education provided by a law school accredited by the American Bar Association. An applicant will be deemed to have a legal education equivalent in substance to that provided by law schools accredited by the American Bar Association if the applicant successfully completed, at a law school accredited by the American Bar Association, at least 24 semester credit hours of coursework dealing with either the law of the United States or the law of one of the States of the United States, including a course in basic constitutional law and professional responsibility. Distance study, correspondence study and on-line programs are not acceptable. At least sixteen (16) of the semester credit hours must have been from among at least five of the following categories:

(A) Evidence

(B) Taxation

(C) Civil or Criminal Procedure

- (D) Contracts
- (E) Decedents' Estates
- (F) Real Property
- (G) Corporations or business organizations
- (H) Torts
- (I) Criminal Law

(4) If the applicant has met the requirements of paragraphs (1) and (2), but the applicant's program and course of law study do not meet the requirements of paragraph (3), the board may nevertheless determine that the applicant has proved educational sufficiency based upon the board's consideration of the following factors:

- (A) The course of study that was completed as compared to that offered in a law school approved by the American Bar Association;
- (B) The attorney's pre-legal education as compared to that offered in a U.S. high school and college or university;
- (C) The length and nature of prior legal practice or teaching, if any;
- (D) The applicant's familiarity with the American constitutional, common-law and statutory legal systems;
- (E) The applicant's successful completion of additional legal studies.

VI. Proof of Character and Fitness

(a) Any person who applies for admission to the bar shall be required to establish his or her moral character and fitness to the satisfaction of the committee and the court before admission to the bar. In determining the moral character and fitness of applicants, the committee shall consider the Character and Fitness Standards set forth in New Hampshire Supreme Court Rule 42B.

(b) Any person who seeks admission to the bar shall at all times have the burden of proving his or her good moral character to the committee and the court. The failure of an applicant to answer any question on the petition and questionnaire for admission, or any question propounded by any member of the committee, a designee of the committee, or by the staff of the Office of Bar Admissions, or to supply any documentary material requested by any of them, shall justify a finding that the applicant has not met the burden of proving good moral character.

(c) Any person who seeks admission to the practice of law shall file with the committee the prescribed petition and questionnaire for admission, which shall contain a certificate signed by two persons certifying the applicant's good moral character. The petition and questionnaire for admission shall be executed by the applicant under oath.

(d) Upon receiving the petition and questionnaire for admission, the committee shall promptly: (1) review the facts stated in the petition, communicate with the references, and make such further investigation as it may deem desirable or necessary; (2) if it deems necessary, arrange for a personal interview with the applicant; (3) consider the character and fitness of the applicant to be admitted to the practice of law; and (4) transmit to the supreme court a report of its investigation and its recommendation in regard to the character and fitness of the applicant for admission to the practice of law.

(e) If the recommendation of the committee is in favor of admission, the court may accept the recommendation and grant the application for admission or decline to accept the recommendation. If the court determines that the recommendation of the committee should not be accepted, it shall either remand the matter to the committee for further investigation and consideration or refer the matter to a referee for an evidentiary hearing during which the applicant shall have the burden of proving his or her good moral character and fitness. If the recommendation of the committee is against admission, the report of the committee shall set forth the facts upon which the adverse recommendation is based and its reasons for rendering an adverse recommendation. The committee shall promptly notify the applicant about the adverse recommendation and shall give the applicant an opportunity to appear at a hearing before it and to be fully informed of the matters reported to the court by the committee, and to answer or explain such matters. Testimony at such hearings shall be given under oath and shall be recorded. Counsel for the committee, counsel for the applicant, and the bar admissions administrator, may issue subpoenas and subpoenas duces tecum to summon witnesses with or without documents for attendance at hearings. Upon the request of an applicant who is not represented by counsel, counsel for the committee, or the bar admissions administrator, may issue such subpoenas to summon witnesses.

(f) If, following an applicant's appearance before it, the committee is still of the opinion that an adverse report should be made on the application, it shall first give the applicant the privilege of withdrawing the application. If the applicant elects not to withdraw the application, and the second report and recommendation of the committee to the court is against approval of the application, the court, upon receipt of the report with the adverse recommendation by the committee, may grant the application or shall require the applicant to show cause why the application should not be denied.

VII. Bar Examination

(a) The New Hampshire bar examination shall be the Uniform Bar Examination prepared by the National Conference of Bar Examiners. It shall be administered at a time and place determined by the board on the last Wednesday of February and the preceding day, and the last Wednesday of July and the preceding day.

(b) The board's determination of an applicant's score on the bar examination is final and is not subject to review.

(c) If an applicant is aggrieved by a final decision of the board, or a subcommittee thereof, with respect to an issue arising from the applicant's conduct during, or related to, the bar examination, the applicant may seek review of the board or subcommittee's final decision by the supreme court by filing with the supreme court a petition for review within 20 days of the mailing of the notice of final decision. The applicant shall follow the procedures set forth in Supreme Court Rule 42 (IV)(c).

VIII. Application to take Bar Examination

(a) A person seeking to take the bar examination shall file with the board an application to take the New Hampshire bar examination and a completed petition and questionnaire for admission by the deadlines established by the board. The application and petition and questionnaire for admission must be accompanied by the bar examination application fee which shall be paid to the New Hampshire Board of Bar Examiners. The fee shall be nonrefundable.

(b) If an applicant to take the bar examination notifies the board at least thirty days before the date of the bar examination that he or she will not take the bar examination for which he or she applied, and wishes to take the immediately subsequent administration of the bar examination, the applicant shall be required to pay an administrative fee in an amount set by the board, but shall not be required to pay an additional bar examination application fee or submit a new application. The applicant is also required to notify the board in writing on or before the application deadline for the subsequent examination of any changes to the

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN THE STATE OF OKLAHOMA

Adopted and Promulgated by the Supreme Court of Oklahoma in Revised Form on the 15th day of December, 2014

PREAMBLE

APPLICANT'S DUTY OF CANDOR

Each applicant for admission to the bar has a duty to be candid and to make full, careful and accurate responses and disclosures in all phases of the application and admission process. Each applicant must respond fully to all inquiries. It is not proper for an applicant to give either a highly selective or sketchy description of past events reflecting on the applicant's qualifications for admission to the bar. An applicant who violates this duty may be denied admission to the bar.

RULE ONE

The Board of Bar Examiners is charged with **recommending** applicants for admission to the practice of law in the State of Oklahoma. The Court is not bound by the recommendations of the Board and may take any such action as it deems appropriate.

To be admitted to the practice of law in the State of Oklahoma, the applicant:

Section 1. shall have good moral character, due respect for the law, and fitness to practice law;

Section 2. shall be at least 18 years of age;

Section 3. shall have met all the conditions and requirements hereinafter set forth which may be applicable;

Section 4. shall take the following oath and file the same with the Clerk of the Supreme Court:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Oklahoma; that I will do no falsehood, or consent that any be done in

court, and if I know of any I will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; I will not wittingly, willingly or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; I will delay no person for lucre or malice, but will act in the office of attorney in all courts according to my best learning and discretion with all good fidelity as well to the court as to my client, so help me God."

Section 5. shall have signed the *Roll of Attorneys*; provided, however, that if the applicant is unable, by reason of absence, to sign the Roll, applicant may grant, in writing, the power of attorney to the Administrative Director of the Board of Bar Examiners to sign said *Roll of Attorneys* for applicant.

RULE TWO

ADMISSION UPON MOTION WITHOUT EXAMINATION

For purposes of this Rule, the term "reciprocal state" shall mean a state which grants Oklahoma judges and lawyers the right of admission on motion, without the requirement of taking an examination and whose requirements for admission are similar to Oklahoma's admission upon motion without examination standards.

The following persons, when found by the Board of Bar Examiners to be qualified under Section 1 and 2 of Rule One, may be admitted by the Supreme Court to the practice of law in the State of Oklahoma upon the recommendation and motion of the Board, without examination:

Section 1. Persons who are graduates of an American Bar Association approved law school, have been lawfully admitted to practice and are in good standing on active status in a reciprocal state,

(b) At the same time the Notice of Appeal is filed, the applicant shall also file a good and sufficient cost bond to be approved by the Clerk of the Supreme Court in an amount sufficient to defray the costs of the appeal, including the Rule Eleven hearing transcript.

(c) Within thirty (30) days after the court reporter has advised the applicant and the Board that the transcript of the Rule Eleven hearing is complete, the applicant must file twelve (12) copies of applicant's Brief in Chief in support of applicant's appeal with the Clerk of the Supreme Court and one copy of applicant's Brief in Chief with the Administrative Director of the Board. Within forty (40) days after receipt of the applicant's Brief in Chief the Board must file twelve (12) copies of its Answer Brief with the Clerk of the Supreme Court and send one copy to applicant or applicant's counsel. Within thirty (30) days after receipt of the Board's Answer Brief, the applicant may file twelve (12) copies of a Reply Brief with the Clerk of the Supreme Court.

(d) Once filed with the Clerk of the Supreme Court, the appeal shall be subject to the rules of the Supreme Court of the State of Oklahoma.

Section 9. The burden of establishing eligibility for admission to the Bar of this state, for registration as a law student, or to take an examination, shall rest on the applicant at all stages of the proceedings.

RULE TWELVE

INDEPENDENT INVESTIGATION

In determining the right of any applicant to admission, the Board of Bar Examiners shall have the power to make such independent investigation and require such additional showing as it may deem proper and it shall take into consideration in determining the right of the applicant to admission, such facts as it may have ascertained in such investigation. Any member of the Board participating in such an investigation of an applicant shall not serve in the adjudicatory capacity concerning the applicant.

RULE THIRTEEN

DENIAL UNDER RULE ELEVEN FOR FAILURE TO DEMONSTRATE GOOD MORAL CHARACTER, DUE RESPECT FOR THE LAW, AND FITNESS TO PRACTICE LAW -- MINIMUM TIME REQUIREMENT FOR REAPPLICATION

If the decision by the Board to deny an application is based, in whole or in part, on the failure of the applicant to demonstrate good moral character, due respect for the law, or fitness to practice law, the applicant may not reapply for admission within a period of sixty (60) months after the date of mailing the initial rejection notice pursuant to Rule 11, §1, unless for good cause shown, a shorter time period is ordered by the Board.

RULE FOURTEEN

CONFIDENTIALITY OF RECORDS, INVESTIGATIONS AND RESULTS

The Board of Bar Examiners shall not disclose the contents of any records which it maintains on an applicant, including but not limited to information obtained by the Board in connection with investigations into the moral character of an applicant, and including the results of any such investigation except as follows:

(a) When the Board deems it necessary to disclose to a third party during the course of an ongoing investigation of an applicant by the Board.

(b) In response to a valid subpoena issued by a court of competent jurisdiction having authority under the laws of the State of Oklahoma to issue and enforce subpoenas.

(c) To an admission authority of a bar association, or committee thereof, either state or federal, of any jurisdiction which exercises disciplinary or investigative authority over attorneys or applicants.

(d) Pursuant to an order of the Oklahoma Supreme Court.

An applicant shall have no right to demand disclosure of complaints submitted to the Board or information obtained by the Board in the course of an investigation unless and until the applicant has received notice from the Board pursuant to Section 1 of Rule 11 that his/her application has been denied. In such event, the applicant shall be entitled to all information in his/her file, used or obtained by the Board, not otherwise privileged, which is relevant to the reasons for the denial of the application.

Reports prepared for the Board by its attorney or by an examiner or associate examiner are privileged and are not required to be disclosed to the applicant or third party without an order from the Supreme Court. The Board shall have the right to voluntarily disclose to the applicant any information in the applicant's file.

Nothing set forth in this Rule shall prohibit the Board from refusing to turn over information it deems imprudent to disclose pursuant to a request under subparagraph (c) above or from making an objection to the disclosure of information pursuant to subparagraphs (b) or (d) above.

In the event the Board of Bar Examiners provides confidential information pursuant to the provisions of subparagraph (b), (c) or (d) above, the Board shall give the applicant or attorney written notice of such action prior to the disclosure of the information by mailing such notice to the applicant's last known address.

RULE FIFTEEN

a) The Board of Bar Examiners and its members, employees and agents are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law or seeking to be registered as a law student.

(b) Records, statements of opinion and other information regarding an applicant for admission to the bar or for registration as a law student communicated by any entity, including any person, firm or institution, without malice, to the Board of Bar Examiners, or its members, employees or agents, are privileged and civil suits for damages predicated thereon may not be instituted.

RULE SIXTEEN

All rules or regulations governing the subject matter herein covered previously in effect are hereby cancelled, annulled, revoked, and hereafter to be of no force or effect.

ARTICLE II. ADMISSION OF ATTORNEYS AND OTHERS TO PRACTICE LAW

Rule 1. Admission on Examination

Every person applying for admission to the bar upon examination shall file a written application, under oath, in the clerk's office and shall satisfy the board of bar examiners that:

(a) He/She is a citizen of the United States or legal resident, of good character;

(b) He/She is over twenty-one (21) years of age;

(c) He/She has graduated from a law school accredited and approved by the American Bar Association and approved by the board;

(d) If a graduate of a law school in a country other than the United States, that said law school and further professional training accompanying the same meet the standards of law schools accredited or approved by the American Bar Association and approved by the Board; and

(e) He/she is otherwise qualified to practice law. No person has failed a total of five (5) bar examinations, whether in Rhode Island or in any other combination of states, districts, or territories of the United States (including the District of Columbia), will again be permitted to take the Rhode Island Bar Examination, and no special order excepting any such person from this five (5) examination limit will be granted by this Court.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination are available on the Rhode Island Supreme Court website or by contacting the Bar Administrator at the Rhode Island Supreme Court Clerk's Office, Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903, (401) 222-4233, ribarexam@courts.ri.gov.

Rule 2. Attorney Admitted in Other States

(a) Attorney admission on examination. A person who has been admitted as an attorney of the highest court of any state, district or territory of the United States for at least five (5) years who applies for admission in this State shall only be required to take the essay portion of the Rhode Island Bar Examination upon the applicant's compliance with the following conditions:

(1) He/she shall file a written application, under oath, with the Clerk's Office and shall satisfy the board that he/she meets the requirements of subdivisions (a)(b) and (e) of Rule 1; and

(2) He/she has been engaged in the full-time active practice of law for at least five (5) years of the last ten (10) years immediately preceding filing of his or her application; or

(3) He/she has been engaged in the full-time teaching of law at a law school accredited by the American Bar Association, for at least five (5) years of the last ten (10) years immediately preceding the filing of his/her application.

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(4) Said applicant shall provide the court with a certificate of admission from the highest judicial court of such state, district or territory, of which he/she is admitted, and shall submit to a character investigation conducted by the National Conference of Bar Examiners.

(b) Programs providing legal services to indigents – Special counsel to the Department of Attorney General. Any attorney who is a member of the bar of the highest judicial court of a state, district or territory of the United States who seeks to be admitted to practice before the courts of this state in cases in which he/she is associated with an organized and Supreme Court approved program providing legal services to indigents may be admitted to practice upon the filing with this court of a written application, under oath, in the Clerk's Office and after satisfying this Court that he/she is a member in good standing of said court and he/she is or will be associated with such a program. Approval by this Court may be granted to programs providing legal services to indigents which programs are either (1) funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or (2) sponsored by a law school accredited and approved by the American Bar Association or (3) sponsored by the office of the Rhode Island Public Defender.

Any attorney who is a member of the bar of the highest judicial court of a state, district or territory of the United States who seeks to be admitted to practice before the courts of this state in cases in which he/she is associated with the Department of Attorney General may be admitted upon petition of the Attorney General to this court to serve as special counsel for good cause shown and after satisfying this Court that he/she is a member in good standing of said court and he/she is or will be associated with the Department of Attorney General.

Attorneys admitted under this rule shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective whenever the attorney is no longer associated with the Attorney General or with such a program and in no event shall permission to practice under this subdivision remain in effect longer than two (2) years for any individual invoking its provision.

Permission to practice with such approved programs which has been previously given by this court to certain individuals shall remain in effect no longer than two (2) years from the date of the issuance of this order.

Time spent practicing law pursuant to the authority of this subdivision, shall not be used to satisfy the requirement of subdivision (a) herein.

(c) Admission while on active duty with the armed services. Any attorney who is a member of the bar of the highest judicial court of a state, district, or territory of the United States, who is on active duty with any one of the armed services in the State of Rhode Island, may be admitted to practice before the courts of this state upon petition of the senior legal officer of such service on active duty within the service district which includes the State of Rhode Island, to represent in civil or criminal causes junior non-commissioned officers and enlisted personnel of such service

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who might not otherwise be able to afford proper legal assistance. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective immediately upon separation from active duty in the armed services or transfer from Rhode Island.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (a) herein.

(d) Judge Advocate Generals. Any attorney who is a member in good standing of the bar of the highest judicial court of a state, district, or territory of the United States, who is on extended active duty with the Rhode Island National Guard or who is on duty as a member of the Rhode Island National Guard and assigned to a Judge Advocate General position, may provide legal services pursuant to a legal assistance program established under 10 U.S.C. § 1044 and may appear before any court, tribunal, commission, board, department, or agency of the State of Rhode Island upon petition of the State Judge Advocate of the Rhode Island National Guard, to represent the Rhode Island National Guard, its officers, members, and employees acting in their official capacities. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective immediately upon separation from the Rhode Island National Guard.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (b) herein.

(e) Law school faculty supervising clinical law programs. Any attorney who is a member in good standing of the bar of the highest judicial court of a state, district or territory of the United States, and who is employed as a full time permanent or full-time visiting faculty member of a law school accredited and approved by the American Bar Association, may be admitted to practice law in this state solely for the purpose of supervising clinical law students in a clinical law program providing legal services to indigent clients. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective when the attorney is no longer a full time faculty member or is no longer associated with a clinical law program. An attorney admitted under this subdivision shall neither ask for nor receive any compensation or remuneration of any kind for services rendered under this rule other than salary as a law school faculty member.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (a) herein.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination are available on the Rhode Island Supreme Court website or by contacting the Bar Administrator at the Rhode Island Supreme Court Clerk's Office, Licht Judicial Complex, 250 Benefit

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Street, Providence, Rhode Island 02903, (401) 222-4233, ribarexam@courts.ri.gov.

Rule 3. Admission to the Bar: Committee on Character and Fitness

(a) All persons who desire to be admitted to practice law shall be required to establish by clear and convincing evidence their moral character and fitness to the satisfaction of the Committee on Character and Fitness of the Supreme Court of Rhode Island in advance of such admission.

(b) The Committee on Character and Fitness shall be appointed by the Supreme Court. Its members shall be seven (7) in number and shall include: (1) one (1) member of the Board of Bar Examiners, or a designee of the Chair of the Board of Bar Examiners, said designee being a member of the Rhode Island Bar; (2) the Attorney General or his/her designee, said designee being a member of the Rhode Island Bar; (3) the Clerk of the Supreme Court or his/her designee; and (4) four (4) members of the Rhode Island Bar. The Court shall designate the Chair and Vice-Chair of the Committee.

(c) The terms of the Attorney General or his/her designee and of the Clerk of the Supreme Court or his/her designee as members of the Committee on Character and Fitness shall be coterminous with their terms of office. Each other member of the Committee shall be appointed for a term of three (3) years and shall be eligible for re-appointment for a second three (3) year term. No member of the Committee, other than the Attorney General or his/her designee and the Clerk of the Supreme Court or his/her designee, shall serve more than two (2) terms. Members of the Committee shall receive no compensation for their services, but their reasonable expenses shall be funded from the fee paid by those persons seeking admission to practice law in the State of Rhode Island.

(d) Each person shall be immune from civil liability for all of his/her statements made in good faith to the Committee, the Office of Attorney General or to this Court or given in any investigation or proceedings pertaining to the application. The protection of this immunity does not exist as to statements made to others. The Committee, its staff, counsel, investigators, and any members of any hearing panels, shall be immune from civil liability for any conduct arising out of the performance of their duties.

(e) Persons seeking admission to the practice of law shall, not later than May 1 of the year in which they intend to take a July examination, and not later than December 1 next preceding the year in which they intend to take the February examination, file with the Clerk of the Supreme Court the petition/questionnaire on a form to be furnished by the Clerk, except that applicants who are graduates of a law school in a country other than the United States and applicants under Rule 2(a) shall submit the petition/questionnaire not later than February 1 for the July examination, and not later than September 1 of the next preceding year in which they intend to take the February examination. The petition/questionnaire shall also contain a certificate signed by two (2) persons certifying the applicant's good moral character. The questionnaire shall be executed by the applicant under oath.

(f) Any person who seeks to practice law in the State of Rhode Island shall at all times have the burden of proving his/her good moral character before the Committee on character and fitness of the Supreme Court. The failure of any applicant to answer any question on the peti-

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tion/questionnaire or any question propounded by any member of the Committee on Character and Fitness of the Supreme Court, or to supply any documentary material requested by them or any of them, shall justify a finding that the applicant has not met the burden of proving his/her good moral character.

(g) Any person who seeks admission to practice law in the State of Rhode Island shall agree to waive all rights of privacy with reference to any and all documentary materials filed or secured in connection with his/her application. The applicant shall also agree that any such documentary material, including the character questionnaire, shall be offered into evidence, without objection, by the Committee on Character and Fitness in any proceeding in regard to the applicant's admission to the practice of law.

(h) The petition/questionnaire provided by an applicant shall be maintained by the Committee. Sections A and D of the petition/questionnaire shall be available to the public. Any documentary material submitted in connection with the petition/questionnaire, and Sections B and C of the petition/questionnaire shall be maintained by the Committee and shall not be available to the public except by order of the Court. The entire petition/questionnaire of each applicant shall be maintained for a period of no less than ten (10) years from the date of filing the petition/questionnaire, and thereafter destroyed in accordance with Supreme Court retention policies. All hearings and matters referred to the Committee for investigation shall be confidential. No member of the Committee at any time, either while a member of the Committee or thereafter, shall disclose any matter in any file, except at the request of the Committee, or the Supreme Court or unless legally required to do so. All minutes or records circulated to members of the Committee shall be kept confidential. All petitions/questionnaires and any documentary material in connection therewith which have been submitted to or are maintained by the Committee or the Clerk of the Supreme Court prior to the enactment of this rule, which do not contain separate sections B and C as described above, shall continue to be confidential and shall not be available to the public. Subject to any fees set by the Court, applicants may obtain copies of petition/questionnaires submitted to the Clerk, and shall be provided access to transcripts of hearings held before the Committee, and materials supplied by third parties which have been the subject of a hearing before the Committee. Additional application materials shall not be available to the applicant except by order of the Court.

(i) Upon receiving the petition/questionnaire, the Committee on Character and Fitness shall promptly (1) verify such facts stated in the questionnaire, communicate with such references given therein, and make such further investigation as it deems desirable or necessary; (2) arrange for a personal interview with the applicant; (3) consider the character and fitness of the applicant to be admitted to the practice of law; and (4) transmit to the Supreme Court a report of its investigation and its recommendation in regard to the character and fitness of the applicant for admission to the practice of law.

(j) The Committee on Character and Fitness may obtain information from the applicant and other persons and to this end is authorized to issue subpoenas for the attendance of witnesses and for the production of books, papers, and documents. Upon the giving of testimony, the Committee is authorized to administer oaths and affirmations.

(k) Following its investigation, the Committee on Character and Fitness shall recommend to the Supreme Court that an applicant be (1) granted admission to the practice of law, (2) granted

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conditional admission to the practice of law subject to probationary terms specified by the Committee, or (3) denied admission to the practice of law.

(l) The Committee on Character and Fitness may recommend that an applicant be granted conditional admission to the practice of law when it is determined that the protection of the public may require the temporary monitoring of the applicant. In recommending that the Supreme Court issue a conditional license to practice law, the Committee shall recommend specific conditions of the license, to be fulfilled at the applicant's expense, which may include but are not limited to the following:

(1) requiring assessment and/or treatment for alcohol, drugs or other chemical dependency, and/or gambling by a professional approved by the Committee;

(2) requiring medical, psychological or psychiatric care;

(3) requiring the individual to practice law under the supervision of a member of the Rhode Island Bar, approved by the Committee, and prescribing the terms and conditions of such supervision;

(4) requiring professional office practice or management counseling;

(5) requiring submission to periodic, random drug testing to be administered by a professional approved by the Committee;

(6) requiring the individual and/or a mutually agreed upon supervisor to report periodically to the Committee or its designee;

(7) requiring the individual to take specific actions designed to cure or end any deficiencies in his or her moral character and fitness; and/or

(8) requiring the applicant, upon request at any time during the period of conditional admission, to provide business or personal financial records.

(m) If the recommendation of the Committee on Character and Fitness is for conditional admission pursuant to subsections (k)(2) and (1) or against admission pursuant to (k)(3), the report of the Committee shall set forth the facts upon which such recommendation is based and its reasons for rendering such recommendation. The Committee shall promptly notify the applicant about such conditional or adverse recommendation. The applicant shall have thirty (30) days from the date of notice of the recommendation to withdraw the application. If the applicant elects not to withdraw the application, the Committee shall forward its recommendation to the Supreme Court for action thereon.

(n) The Court, upon receipt of the recommendation by the Committee, may (1) accept, reject, or modify the recommendations of the Committee; (2) grant the application with conditions for a specified period of time, or without conditions; (3) or require the applicant to show cause why his/her application should not be denied.

(o) The Court shall give notice to the Clerk of the Supreme Court and the Chief Disciplinary

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Counsel of any conditional admission and the terms thereof. Notwithstanding any other confidentiality provisions under this Rule or Article II, Rule 21 of the Supreme Court Rules of Disciplinary Procedure, the Committee, Clerk of the Supreme Court and Disciplinary Counsel may share relevant information among each other regarding any breach of the conditions imposed by this Court. A conditional license shall expire on the date specified by the Supreme Court unless temporarily extended by the Supreme Court at the request of the Committee on Character and Fitness or at the request of the individual. A conditional licensee may apply for a renewal of the conditional license or for an unrestricted license to practice law in the State of Rhode Island, by filing a written request with the Committee on Character and Fitness at least sixty (60) days prior to the expiration of the conditional license. Notwithstanding any other provision of this Rule, a conditional license may be immediately terminated upon notice to the conditional licensee in the following circumstances and by the following procedures:

(1) If the Committee has reason to believe that a conditional licensee is in breach of a condition of the license, it may petition the Supreme Court for an order to show cause why the conditional license should not be immediately terminated.

(2) The Supreme Court shall examine the petition and determine whether a *prima facie* showing of a breach of the conditional license has been demonstrated. If the Court determines that such a showing has been made, it may immediately suspend the conditional licensee and may issue an order to the conditional licensee to show cause why the license should not be permanently revoked.

(3) In addition to the provisions set forth in (o)(1) and (o)(2), the Disciplinary Board may exercise jurisdiction over a lawyer who has been conditionally admitted, and may proceed with disciplinary action for misconduct committed while a conditional license was in effect.

Rule 4. Fees and Notice

An applicant for admission by examination shall pay to the Character and Fitness Committee a fee of Seven Hundred Twenty-Five Dollars (\$725.00). Rule 1 applicants who are graduates of a law school in a country other than the United States and Rule 2(a) applicants shall pay a separate fee to the National Conference of Bar Examiners for the required character investigation, including a supplemental report upon retaking the examination. An applicant who has failed an examination and wishes to take a subsequent examination shall pay to the Clerk a fee of Seven Hundred Twenty-Five Dollars (\$725.00). An applicant who chooses to defer to the next scheduled examination shall pay to the Clerk an additional fee of Three Hundred Dollars (\$300.00). Applicants who request that their Multi-State Bar Examination scores be forwarded to another jurisdiction shall pay to the Clerk a fee of Twenty-five Dollars (\$25.00). Applicants who request a copy of their previously submitted petition/questionnaire and copies of any additional bar application materials shall pay to the Clerk a fee as set by the Court. At least ten (10) days prior to the examination the Clerk shall cause to be published in a legal notice or news story in a daily newspaper of general circulation in this state the names of all applicants for admission. All fees collected pursuant to this rule shall be used to cover the costs of administering the examination with any surplus to be deposited into the general fund.

RULE 402
ADMISSION TO PRACTICE LAW

(a) Board of Law Examiners.

(1) Members. The Board of Law Examiners shall consist of members of the South Carolina Bar who are actively engaged in the practice of law in South Carolina and who have been members of the South Carolina Bar for at least seven (7) years. Members of the bar who are inactive members, judicial members, military members, administrative law judge members, retired members or limited members shall not be appointed to the Board. The Board members shall be appointed by the Supreme Court for three (3) year terms and shall be eligible for reappointment. At least one member shall be appointed from each Congressional District. In case of a vacancy on the Board, the Supreme Court shall appoint a member of the South Carolina Bar to serve the remainder of the unexpired term.

(2) Chair; Secretary. The Supreme Court shall appoint a chair from among the members of the Board. The Clerk of the Supreme Court shall serve as secretary of the Board ex officio.

(3) Duties. The Board of Law Examiners shall determine whether applicants for admission to the practice of law in South Carolina possess the necessary legal knowledge for admission. The members of the Board are authorized to make rules and regulations for conducting the Examination, including a list of the subjects upon which applicants may be tested and regulations providing for the accommodation of disabled applicants. These rules and regulations shall not become effective until at least ninety (90) days after they are approved by the Supreme Court. The Supreme Court shall designate six (6) members of the Board who shall each have primary responsibility for preparing and grading a section of the essay Examination (including the preparation of model answers). For each Examination, the Chair shall assign one of these members to each essay section. The Board shall assign the remaining members to assist with the preparation and grading of the essay sections of the Examination.

(b) Committee on Character and Fitness.

(1) Members. The Committee on Character and Fitness shall consist of twelve (12) members of the South Carolina Bar who shall be appointed by the Supreme Court for five (5) year terms. Members of the bar who are inactive members, judicial members, military members, administrative law judge members, retired members or limited members shall not be appointed to the Committee. In case of a vacancy on the Committee, the Supreme Court shall appoint a member of the Bar to serve the remainder of the unexpired term.

(2) Chair; Secretary. The Supreme Court shall appoint a chair and a secretary of the Committee from among the Committee's membership.

(3) Panels and Meetings. The members shall be divided by the chair into panels composed of three (3) members. The chair may rotate membership on the panels, and may substitute members between panels. Panels shall meet when scheduled by the chair or the Committee, and the full Committee may meet to consider administrative matters. Meetings of the Committee other than periodic meetings may be called by the chair upon the chair's own motion and shall be called by the chair upon the written request of three members of the Committee.

(4) Quorum. A quorum for a meeting of the full Committee shall be seven (7) members, and a quorum for a panel shall be three (3) members.

(5) Duties. The Committee on Character and Fitness shall investigate and determine whether an applicant for admission to the Bar possesses the qualifications prescribed by this Rule as to age, legal education, and character. The applicant must establish to the reasonable satisfaction of a majority of a panel that the applicant is qualified. In conducting investigations, a panel may take and hear testimony, compel by subpoena the attendance of witnesses, and require the applicant to appear for a hearing before a panel or for a personal interview before a single member of the Committee. An applicant will not be denied admission by the Committee without being afforded the opportunity for a hearing before a panel. Any member of the Committee may administer oaths and issue subpoenas. The Committee may adopt rules that shall become effective upon approval by the Supreme Court. In addition, the Committee shall perform the duties specified by Rule 33 of the Rules for Lawyer Disciplinary Enforcement contained in Rule 413, SCACR, and any other duties as directed by the Supreme Court.

(c) Qualifications for Admission. No person shall be admitted to the practice of law in South Carolina unless the person:

(1) is at least twenty-one (21) years of age;

(2) is of good moral character;

(3) has received a JD or LLB degree from a law school which was approved by the Council of Legal Education of the American Bar Association at the time the degree was conferred. An approved law school includes a school that is provisionally approved by the Council. An applicant who has not provided proof of graduation by July 10th for the July Bar Examination or February 10th for the February Bar Examination shall not be allowed to sit for the examination. An applicant, however, who has not graduated may sit for the examination if the law school certifies in writing that the applicant has completed all requirements for graduation by July 10th for the July Bar Examination or February 10th for the February Bar Examination; the applicant must provide proof of graduation by April 1 following the February Bar Examination or October 1 following the July Bar Examination;

(4) has been found qualified by a panel of the Committee on Character and Fitness;

(5) has passed the Bar Examination given by the Board of Law Examiners;

(6) has received a scaled score of at least seventy-seven (77) on the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners. If the score was obtained prior to the filing of the application, the MPRE must have been taken within four (4) years of the date on which the application is filed. While an application can be filed without proof of completion of this requirement, applicants are warned that failure to timely submit proof of completion of this requirement can significantly delay admission as provided by subsection (k) of this rule;

(7) is not disbarred, suspended from the practice of law, or the subject of any pending disciplinary proceeding in another jurisdiction;

(8) has successfully completed the Bridge the Gap Program sponsored by the South Carolina Bar. While an application can be filed without proof of completion of this requirement, applicants are warned that failure to timely submit proof of completion

of this requirement can significantly delay admission as provided by subsection (k) of this rule; and

(9) has paid the fees and taken the oath or affirmation specified by this rule.

(d) Application to Take the Bar Examination.

(1) Filing Application; Fees. Any person desiring to take the Bar Examination shall file an application, in duplicate, with the Clerk of the Supreme Court. The application form shall be approved by the Committee on Character and Fitness. Applications shall be accepted from December 1 to January 31 for the July Examination and from August 1 to September 30 for the February Examination. The non-refundable application fee shall be:

(i) \$700 for applications filed from December 1 to January 10 or from August 1 to August 31.

(ii) \$1,050 for applications filed during the remainder of the application periods.

If the applicant has been admitted to practice law for more than one (1) year in another state, the District of Columbia, or another country at the time the application is filed, the applicant shall file one (1) additional copy of the application along with an additional fee of \$800. A portion of this fee will be used to obtain a character report from the National Conference of Bar Examiners.

An application will not be considered filed until both the fully completed application and fee(s) are received by the Clerk of the Supreme Court. The application fee(s) shall be made payable to the Clerk of the Supreme Court of South Carolina, and the application and fee(s) shall be sent to the Clerk, Supreme Court of South Carolina, Post Office Box 11330, Columbia, South Carolina 29211. An applicant who withdraws or fails to sit for an Examination shall not be entitled to a refund of the application fee(s) or to have the application fee(s) credited to a later Examination. An applicant who has failed the Examination must comply with the requirements of section (i) below.

For the purpose of this rule, filing means: (1) delivering the document to the Clerk of the Supreme Court; or (2) depositing the document in the U.S. mail, properly addressed to the Clerk of the Supreme Court, with sufficient first class postage attached. The date of filing shall be the date of delivery or the date of mailing.

Petitions seeking permission to file a late application are strongly discouraged, and only petitions documenting extraordinary circumstances justifying the late filing will be granted. If a petition for late filing is submitted, the petition must comply with the provisions of Rule 240, SCACR, must contain facts showing that extraordinary circumstances exist, and must be accompanied by a fully completed bar application, along with all required original attachments. Under no circumstances will petitions be accepted for filing after March 15 for the July Bar Examination or November 15 for the February Bar Examination. Unless otherwise directed by the Court, the filing fee for a late application will be \$1,500, plus an additional \$800 fee if the applicant has been admitted to practice law for more than one (1) year in another state, the District of Columbia, or another country at the time the application is filed. The filing fee is non-refundable and may not be credited to a later examination.

(2) Duty to Keep Application Current. Until they have been admitted, applicants are under a continuing obligation to keep their applications current and must update responses whenever there is an addition to or a change to information previously filed with the Clerk. These updates must be made in writing and must include all relevant documentation.

(3) Special Accommodations for Disabled Applicants. An applicant needing special accommodations for the Bar Examination due to a disability shall submit a written request for such accommodations to the Board of Law Examiners. The procedure and forms to be used in making a written request shall be specified in the Rules of the Board of Law Examiners. Unless the chair of the Board determines there is good cause to allow a late request, written requests for special accommodations must be submitted by November 1 for the February Examination and April 1 for the July Examination.

(e) Determination by Committee On Character and Fitness. The Committee on Character and Fitness shall consider the application and any further information it deems relevant to determine if the applicant has the requisite qualifications and character to be admitted to practice law in this state. The Committee shall notify the Clerk of the Supreme Court whether it finds the applicant qualified or unqualified and, if found to be unqualified, the Clerk shall send the applicant a letter notifying the applicant of this finding. An applicant found to be unqualified shall not be allowed to sit for the Examination. If the Committee has not made a determination of the applicant's qualification by July 1 for the July Examination or February 1 for the February Examination, the applicant shall be allowed to sit for the Examination, and the Committee shall make its determination after the Examination is administered.

(f) Determination of Fitness of Certain Law Students. A student enrolled in a law school approved or provisionally approved by the Council of Legal Education of the American Bar Association who has a character problem that might disqualify the student from being admitted to practice law may have the matter resolved by filing a provisional application. The application shall be made on a form approved by the Committee on Character and Fitness and shall be filed in duplicate with the Clerk of the Supreme Court. Each request must be accompanied by a non-refundable fee of \$100. The Committee may begin an immediate investigation of the individual's character and shall promptly notify the individual of its determination. No adverse inference concerning an applicant's character and fitness shall be drawn because the applicant filed a provisional application, nor does the filing of a provisional application relieve an applicant from fully complying with the normal application process.

(g) Review by Supreme Court of Fitness Determination; Re-application. Any applicant dissatisfied with the determination of the Committee on Character and Fitness may petition the Supreme Court for review within fifteen (15) days of the date of the letter notifying the applicant of the Committee's determination. The petition shall comply with the requirements of Rule 240, SCACR, to include the filing fee required by that rule. An applicant who is found not to be qualified by the Committee or whose petition for review of the Committee's determination has been denied may not reapply for admission until two (2) years after the date of the letter notifying the applicant of the Committee's determination.

(h) False and Misleading Information by Applicants. An applicant who knowingly provides false or misleading information in an application (to include any attachments to the application), document, or statement submitted or made to the Committee on Character and Fitness, the Board of Law Examiners, or the staff of the Court shall be guilty of contempt of the Supreme Court of South Carolina and may be punished accordingly. In addition, if it is determined that an applicant has knowingly submitted false or misleading information, the Court may bar the applicant from reapplying for up to five years. Further, if the applicant has already been admitted, the Court may vacate the admission or discipline the lawyer under Rule 413, SCACR. For the purpose of this rule, false or misleading information shall also include the knowing omission of material information by an applicant in the application (to include any attachments to the application) or in response to an inquiry by the Committee, Board or staff of the Court.

(i) Bar Examination.

(1) When Given. The Bar Examination shall be conducted twice each year on the last consecutive Monday, Tuesday, and Wednesday in February and July.

Rule 14-708. Character and fitness.

(a) Standard of character and fitness. An attorney's conduct should conform to the requirements of the law, both in professional service to clients and in the attorney's business and personal affairs. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. An Applicant whose record manifests a significant deficiency in honesty, trustworthiness, diligence, or reliability shall be denied admission. The Applicant has the burden of proof to establish by clear and convincing evidence her or his fitness to practice law. Applicants must be approved by the Character and Fitness Committee prior to sitting for the Bar Examination. At any time before being admitted to the Bar, the Character and Fitness Committee may withdraw or modify its approval.

(b) Investigative process; investigative interview. Investigations into the character and fitness of Applicants may be informal, but shall be thorough, with the object of ascertaining the truth.

(b)(1) The Character and Fitness Committee may conduct an investigation and may act with or without requiring a personal appearance by an Applicant.

(b)(2) At the discretion of the Character and Fitness Committee, an Applicant may be required to attend an investigative interview conducted by one or more members of the Committee. The investigative interview shall be informal but the Applicant shall have the right to counsel and shall be notified in writing of the general factual areas of inquiry. Documentary evidence may be provided as part of the investigation, but no witnesses will be permitted to appear during the interview. The interview shall be a closed proceeding.

(b)(3) After an investigative interview has been conducted, the Applicant shall be notified regarding whether or not she or he has been approved to sit for the Bar Examination. Applicants who are not approved will be notified regarding those areas that are of concern to the Committee. An Applicant seeking review of the decision must request a formal hearing within ten calendar days of notice of the Committee's decision. The request must be made in writing and provided to the Deputy General Counsel.

(b)(4) The Committee may determine that an Applicant must take corrective action before approval of her or his application can be granted. The applicant shall be notified in writing of the action required. No later than 30 days prior to the date of the Bar Examination, the Applicant must provide written documentation to the Deputy General Counsel proving that the required corrective action has been completed.

(b)(4)(A) If the documentation is not provided as required within 30 days prior to the Bar Examination, the Applicant must, instead, submit to the Deputy General Counsel, a written request to transfer, including the payment of the prescribed transfer fee. The request must specify when the corrective action will be completed and which future examination the Applicant plans to take.

(b)(4)(B) The exam must be taken within the next two scheduled Bar Examinations. An Applicant is entitled to one transfer only.

(b)(4)(C) The application of an Applicant who neither takes corrective action nor requests a transfer shall be considered withdrawn.

(c) Formal hearing; Applicant's request. In matters where the Character and Fitness Committee decides to convene or an Applicant so requests, the Character and Fitness Committee shall hold a formal hearing. The formal hearing shall be a closed proceeding and may be scheduled whether or not preceded by an investigative interview.

(c)(1) A formal hearing shall be attended by no fewer than three Character and Fitness Committee members. Five calendar days before the hearing, the Applicant and the Committee must provide a list of witnesses and a copy of any exhibits to be offered into evidence. If an Applicant chooses to submit a written statement, it must also be filed five calendar days before the hearing.

(c)(2) Written notice of the formal hearing shall be given at least ten calendar days before the hearing. Notice shall be sent to the Applicant at the address in the application. The notice shall include a statement of the preliminary factual matters of concern. The matters inquired into at the hearing are not limited to those identified in the notice, but may include any concerns relevant to making a determination regarding the Applicant's character and fitness.

(c)(3) The formal hearing will have a complete stenographic record made by a certified court reporter or an electronic record made by means acceptable in the courts of Utah. All testimony shall be taken under oath. Although no formal rules of evidence or civil procedure will apply, an Applicant has the right to counsel, the right to cross-examine witnesses, the right to examine the evidence and the right to present witnesses and documentary evidence. An Applicant is entitled to make reasonable use of the Bar's subpoena powers to compel attendance of witnesses and to adduce relevant evidence relating to matters adverse to the applicant.

(c)(4) Written findings of fact and conclusions of law shall be issued no later than 45 calendar days after the formal hearing and any subsequent inquiries have been concluded.

(d) Factors related to character and fitness. In addition to the standards set forth in Rules 14-708(a), and 14-708(f) and Rule 14-708(g) if applicable, the Character and Fitness Committee may use the following factors to decide whether an Applicant possesses the requisite character and fitness to practice law:

- (d)(1) the Applicant's lack of candor;
- (d)(2) unlawful conduct;
- (d)(3) academic misconduct;
- (d)(4) making of false or misleading statements, including omissions;
- (d)(5) misconduct in employment;
- (d)(6) acts involving dishonesty, fraud, deceit or misrepresentation;
- (d)(7) abuse of legal process;
- (d)(8) neglect of financial responsibilities;
- (d)(9) neglect of professional obligations;
- (d)(10) violation of a court order;

(d)(11) evidence of mental or emotional instability;

(d)(12) evidence of drug or alcohol dependency;

(d)(13) denial of admission to the bar in another jurisdiction on character and fitness grounds;

(d)(14) past or pending disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction; and

(d)(15) other conduct bearing upon character or fitness to practice law.

(e) Assigning weight and significance to prior conduct. In making a determination as to the requisite character and fitness, the following factors should be considered in assigning weight and significance to prior conduct:

(e)(1) age at the time of conduct;

(e)(2) recency of the conduct;

(e)(3) reliability of the information concerning the conduct;

(e)(4) seriousness of the conduct;

(e)(5) factors underlying the conduct;

(e)(6) cumulative effect of conduct or information;

(e)(7) evidence of rehabilitation;

(e)(8) positive social contributions since the conduct;

(e)(9) candor in the admissions process; and

(e)(10) materiality of any omission or misrepresentations.

(f) Criminal conduct; parole, probation and supervised release.

(f)(1) Where criminal charges are pending, an Applicant's character and fitness review may be held in abeyance until the matter has been resolved by the court in question.

(f)(2) An Applicant convicted of a misdemeanor offense or who has entered a plea in abeyance to any criminal offense may be asked to appear before members of the Character and Fitness Committee for an investigation interview or a formal hearing. In determining whether the Applicant is of good character, the Committee will consider the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of any sentence imposed, payment of restitution if applicable, and demonstration of clearly proven rehabilitation.

(f)(3) A rebuttable presumption exists against admission of an Applicant convicted of a felony offense. For purposes of this rule, a conviction includes entry of a nolo contendere (no contest) plea. An Applicant who has been convicted of a felony offense is not eligible to apply for admission until after the date of completion of any sentence, term of probation or term of parole or

supervised release, whichever occurred last. Upon an Applicant's eligibility, a formal hearing as set forth in this article before members of the Character and Fitness Committee will be held. Factors to be considered by the Committee include, but are not limited to, the nature and seriousness of the criminal conduct resulting in the conviction(s), mitigating and aggravating factors including completion of terms and conditions of a sentence imposed and demonstration of clearly proven rehabilitation.

(g) Disbarred Attorneys.

(g)(1) A Disbarred Attorney Applicant must undergo a formal hearing as set forth in Rule 14-708(c). A Disbarred Attorney Applicant has the burden of proving rehabilitation by clear and convincing evidence. No Applicant may take the Bar Examination prior to being approved by the Character and Fitness Committee as provided in Rule 14-708(a). In addition to the requirements set forth in Rule 14-717 and in conjunction with the application, an Applicant under this rule must:

(g)(1)(A) provide a comprehensive written explanation of the circumstances surrounding her or his disbarment or resignation;

(g)(1)(B) provide copies of all relevant documents including, but not limited to, orders containing findings of fact and conclusions of law relating to disbarment or resignation; and

(g)(1)(C) provide a comprehensive written account of conduct evidencing rehabilitation.

(g)(2) To prove rehabilitation, the Applicant must demonstrate the following:

(g)(2)(A) positive action showing rehabilitation by such things as a person's occupation, religion, or community or civic service. Merely showing that the Applicant is now living as and doing those things she or he should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society;

(g)(2)(B) provide evidence of strict compliance with all disciplinary and judicial orders;

(g)(2)(C) unimpeachable character and moral standing in the community;

(g)(2)(D) proof of present professional competence and knowledge;

(g)(2)(E) lack of malice toward those who instituted the original proceeding against the Applicant;

(g)(2)(F) personal assurances supported by corroborating evidence of a desire and intention to conduct one's self in an exemplary fashion in the future;

(g)(2)(G) provide evidence of treatment for and current control of any substance abuse problem and/or psychological condition, if such were factors contributing to the disbarment or resignation; and

(g)(2)(H) provide evidence of full restitution of funds or property where applicable.

(h) Review of decision of Character and Fitness Committee; Applicant's request. An Applicant has the right to have the Board review a decision made after a formal hearing as set forth in this article. A decision after a formal hearing is a prerequisite to Board review. An Applicant must file a written request for Board review with the Deputy General Counsel within ten calendar days of the date of notice of the Character and Fitness Committee decision. A panel of three Board members will review the

decision. The review shall be a closed proceeding and will be limited to consideration of the record produced in the formal hearing including a certified copy of the transcript of the formal hearing, the Applicant's memorandum, if any, and the Bar's responsive memorandum, if any. An Applicant's appearance at the Board review will be permitted only if the review panel deems it necessary.

(h)(1) Memoranda. After filing a written request for Board review, an Applicant may file a written memorandum identifying the Applicant's objections to the decision of the Character and Fitness Committee. The issues in the memorandum must be limited to matters contained in the record. The memorandum must be filed within 30 calendar days of the filing of the request for Board review. The Bar may file a response, but no reply memorandum will be permitted.

(h)(2) The decision of the Character and Fitness Committee shall be affirmed if there is substantial and credible evidence to support it. To meet her or his burden of proof, the Applicant must cite to the record and show that the evidence did not support the decision.

(h)(3) Payment of transcript. An Applicant is responsible for paying for and obtaining a duly certified copy of the transcript of the formal hearing proceedings or other electronic record copy as described in Rule 14-708(c)(3).

(h)(4) Harmless error. An Applicant must demonstrate that any errors of law, fact or procedure formed a basis for denial or approval. Harmless error does not constitute a basis to set aside the decision.

(h)(5) The Board panel shall issue a final written decision within 30 calendar days of completing its review.

(i) Supreme Court appeal. Within 30 calendar days after the date of the decision of the Board panel, the Applicant may appeal to the Supreme Court by filing a written notice of appeal with the clerk of the Supreme Court and the general counsel. At the time of filing the notice of appeal, the Applicant shall pay the prescribed filing fee to the clerk of the Supreme Court. The clerk will not accept a notice of appeal unless the filing fee is paid.

(i)(1) Record of proceeding. A record of the proceeding shall be prepared by the Bar and shall be filed with the clerk of the Supreme Court within 21 calendar days following the filing of the notice of appeal.

(i)(2) An appeal petition shall be filed with the Supreme Court 30 calendar days after the record of the proceedings has been filed with the Supreme Court. The appeal petition shall state the name of the petitioner and shall designate the Bar as the respondent. The appeal petition must contain the following:

(i)(2)(A) a statement of the issues presented and the relief sought;

(i)(2)(B) a statement of the facts necessary to an understanding of the issues presented by the appeal;

(i)(2)(C) the legal argument supporting the petitioner's request; and

(i)(2)(D) a certificate reflecting service of the appeal petition upon the General Counsel.

(i)(3) Within 30 calendar days after service of the appeal petition on the Bar, the Bar, as respondent, shall file its response with the clerk of the Supreme Court. At the time of filing, a copy of the response shall be served upon the petitioner.

(i)(4) Format of appeal and response petitions. Except by permission of the Supreme Court, the appeal petition and the Bar's

response petition shall not exceed 25 double-spaced pages, each. These documents shall be typewritten on 8 ½ inches by 11 inches paper. The text, including footnotes, shall be in type no smaller than ten characters per inch for monospaced typeface and 13-point or larger for proportionally spaced typeface. An original and six copies of the appeal petition and the response petition shall be filed with the clerk of the Supreme Court.

(i)(5) The clerk of the Supreme Court will notify the parties if any additional briefing or oral argument is permitted. Upon entry of the Supreme Court's decision, the clerk shall give notice of the decision.

(j) Reapplication. Reapplication after denial in a character and fitness determination may not be made prior to one year from the date of the final decision (including the appellate decision, if applicable), unless a different time period is specified in the final decision. If just cause exists, the Character and Fitness Committee may require an Applicant to wait up to three years from the date of the final decision to reapply. If a reapplication period longer than one year is set for a Disbarred Attorney, the time period is subject to approval by the district court hearing the petition for reinstatement. See Rule 14-525.

Rules for Admission to the Bar of the Vermont Supreme Court

As of February 24, 2014

§ 1. Board of bar examiners; members; appointment; duties; reports

(a) The Court shall appoint a Board to be known as the Board of Bar Examiners consisting of nine members, as follows:

(1) seven shall be attorneys admitted to the Bar of the Supreme Court for at least three years prior to appointment; and

(2) two shall be laypersons, not admitted to the practice of law in this state or any other state.

For the purposes of these rules, a quorum shall consist of five members or all members not disqualified, whichever is the lesser.

(b) Each term of office shall be four years and until a successor is appointed. No member may be appointed for more than two consecutive terms, but a member may be reappointed after a lapse of one full term. Whenever a member resigns, or the office is otherwise vacant, the Court shall appoint a successor to fill the unexpired term. Appointments shall be made annually on October first.

(c) The chairperson and vice-chairperson shall be members designated by the Court annually on October first and shall so serve until their successors are designated. The Court, in its discretion, may reappoint the chairperson to the Board for a third consecutive four-year term.

(d) No trustee or faculty member of a law school or trustee of a university with a law school may serve as a member of the Board.

(e) In the performance of their duties, the members of the Board shall be reimbursed for reasonable and necessary expenses and shall receive per diem compensation equivalent to that provided by law for comparable boards and commissions. The commissioner of finance and information support shall issue a warrant for the compensation and expenses of each member of the Board when submitted on vouchers approved by the court administrator.

(f) The Court shall initially appoint members to the Board for terms as follows:

(1) two members whose terms expire on September 30, 1983;

(2) two members whose terms expire on September 30, 1984;

(3) two members whose terms expire on September 30, 1985; and

(4) three members whose terms expire on September 30, 1986.

(g) The Board shall report in writing to the Court the names of those applicants whom the Board has fairly, impartially and thoroughly examined as to professional competence. The Board shall recommend to the Court for admission those applicants found qualified.

(h) The Board shall review annually its policies and procedures and thereafter make changes as appropriate. The Board shall report annually in writing to the Court on October first. The report shall include the nature and scope of its annual review and any changes in policy or procedure resulting from it, any recommendations to the Court concerning proposed rule amendments, the number of

(g) Within fourteen days of mailing of the review results provided for in § 10(f), an applicant may appeal to the chairperson. The appeal shall be in the form of a written petition which shall set forth specifically and in detail any claim of misconduct by an examiner or the Board. The chairperson shall render a ruling in writing within thirty days of receipt of the petition as to whether the appeal has substantial merit. If the chairperson finds substantial merit to the appeal, it shall be referred forthwith to the full Board, less any examiner whose conduct is the subject of the appeal. If the chairperson finds no substantial merit to the appeal, the chairperson shall inform the applicant in writing of the decision, which shall be final.

(h) Within thirty days of referral of the appeal to the full Board, the Board shall consider the matter and render its final decision. Consideration may be limited to the written petition previously filed by the applicant. Upon a showing of extraordinary circumstances, the Chief Justice may extend in writing the time in which the Board must rule on an appeal.

(i) The essay examination questions shall be public after administration of the examination.

(j) An applicant found in all respects qualified and recommended by the Board and Character and Fitness Committee and approved by the Court shall be admitted.

(k) No person may sit for either the essay examination or the Multistate Bar Examination in Vermont more than four times after April 1, 2005, except upon a showing, to the satisfaction of the Board, that the applicant has substantially improved his or her preparation for the examination, or for other good cause.

§ 11. Character

(a) Each applicant for admission shall possess good moral character and fitness and shall consent to an investigation by the Character and Fitness Committee.

(b)(1) Good moral character is a functional assessment of character fitness of a prospective attorney. The purpose of requiring an applicant to possess present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in injury to future clients, in the obstruction of the administration of justice, or in a violation of the Rules of Professional Conduct. These character traits usually involve either dishonesty or lack of trustworthiness in carrying out responsibilities. There may be other character traits that are relevant in the admission process, but such traits must have a rational connection with the applicant's present fitness or capacity to practice law and accordingly must relate to the state's legitimate interests in protecting prospective clients and the system of justice.

(2) Fitness, as used in these rules, is the assessment of health as it affects the competence of an applicant. The purpose of requiring an applicant to possess this fitness is to exclude from the practice of law any person having an illness or condition which would prevent his or her carrying out duties to clients, courts or the profession. A person may be of good moral character, but may be incapacitated from proper discharge of his or her duties as an attorney by such illness or condition. The fitness required is a present fitness, and prior illnesses or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

(c) The burden of proof of good moral character and fitness is upon the applicant.

(d) The Committee shall appoint a member to conduct an investigation respecting the applicant's moral character and fitness and report to the Committee the nature and results of that investigation.

(e) Each applicant for admission shall be required to submit a waiver of confidentiality and liability as to personal academic, military, and medical records and sign an authorization and release form as part of the petition for admission.

(f) The references provided pursuant to § 8(e) shall be required to attest to an opinion that the applicant is a person of good moral character and fitness and shall set forth in detail the facts upon which that opinion is based.

(g) If after investigation the member conducting the investigation is unable to recommend certifying the good moral character or fitness of the applicant, the Committee shall convene a hearing on the matter before a three-member panel of the Committee and invite the applicant to appear and present information to substantiate good moral character or fitness. The member who conducted the investigation shall not be a member of the hearing panel. The applicant shall be entitled to be represented by counsel at the hearing. The Committee may appoint counsel to present evidence at the hearing on the character and fitness of the applicant. The rules of evidence as applied in civil cases in the superior court shall be followed, but evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and not precluded by statute or privilege. All hearings shall be recorded and the Committee shall cause a transcript to be produced for hearings where the Committee does not certify the good moral character and fitness of the applicant at Committee expense. The Committee may issue subpoenas or compel testimony, and all testimony shall be under oath administered by the member of the Committee presiding. Unless the applicant requests otherwise, the hearing shall be closed except to members of the Committee, its agents, the applicant and the applicant's counsel, and witnesses. If the Committee desires an expansion of the record following the hearing, it may consider additional evidence upon notice to the parties and an opportunity to be heard.

(h) After the conclusion of the hearing, the Committee shall prepare a written decision setting forth its findings, conclusions and recommendation as to whether to certify the good moral character and fitness of the applicant. It may also decide to defer a decision until such time as the committee has the opportunity to consider further information, evaluations, or documentation as deemed necessary by the Committee. The Committee shall serve the decision on the parties, and file a copy with the Supreme Court. The notice of decision shall inform the parties of their right to appeal the decision to the Supreme Court within 30 days of the date of the mailing of the decision. The notice of appeal and all proceedings thereafter shall be public. The Court may order review on its own motion within 30 days after the Committee's decision is filed with the Court, specifying the issue or issues to be addressed by the parties. If the decision is not appealed, and review is not otherwise ordered by the Court on its own motion, the Committee's decision shall become final.

(i) The Court shall review the findings and conclusions of the Committee if the hearing panel decision is appealed or the Court orders review on its own motion. It may take any action consistent with its constitutional authority.

(j) Procedure in the Supreme Court for review shall conform to the Vermont Rules of Appellate Procedure. If the Court desires an expansion of the record or additional findings, it may remand the matter to the Committee, with appropriate directions, while retaining jurisdiction, and the matter shall

be continued, pending receipt of the filing of the additional record.

(k) An applicant who is denied a certification of good moral character or fitness by the Committee or the Court may not reapply for admission for a period of two years after the denial.

§ 12. Admission Process and Administration of Oath

(a) Pursuant to § 1(g) and § 3(f), the Board shall file a motion with the Vermont Supreme Court for the admission of applicants found qualified pursuant to these rules. Once the Court has granted the Board's motion for a particular applicant, the Board of Bar Examiners will notify the applicant and provide forms and instructions to complete the admissions process. The applicant must take the following steps to complete the admissions process and obtain a license to practice law in Vermont:

(1) Take the oaths of admission as provided in subsection (c) of this rule and certify the taking of the oaths on a form provided by the Board.

(2) Complete and sign the required licensing statement.

(3) Return the certification of the oaths, the licensing statement, and the required licensing fee under Administrative Order No. 41, §§ 1 and 4 to the Board of Bar Examiners. The Board of Bar Examiners must receive the forms and licensing fee no later than 90 days from the date the applicant is notified that the Court granted the motion to admit the applicant.

(b) After the applicant has completed the steps set forth in subsection (a) of this section, the Attorney Licensing Office will issue a license to the applicant. The admission process is not complete, and an applicant is not licensed to practice law in Vermont, until the license has issued.

(c) Oaths.

(1) Persons qualified to administer oaths: Any justice of the Vermont Supreme Court, Vermont Superior Court judge, Vermont probate judge, Vermont magistrate, Vermont assistant judge, clerk or deputy clerk of the Vermont Supreme Court or clerk or court operations manager of the Vermont Superior Court may administer the oaths of admission. A judge, justice, or other equivalent judicial officer of another jurisdiction of the United States may also administer the oaths of admission.

(2) Before admission to the bar of the Vermont Supreme Court an applicant shall take the following oaths:

You do solemnly swear (or affirm) that you will do no falsehood, nor consent that any be done in court, and if you know of any, you will give knowledge thereof to the judges of the court or some of them, that it may be reformed; that you will not wittingly, willingly or knowingly promote, sue or procure to be sued, any false or unlawful suit, or give aid or consent to the same; that you will delay no person for lucre or malice, but will act in the office of attorney within the court, according to your best learning and discretion, with all good fidelity as well to the court as to your client. (If any oath) So help you God. (If an affirmation) Under the pains and penalties of perjury. (12 V.S.A. §§ 5812, 5851)

You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (If any oath) So help you God. (If an affirmation) Under the pains and penalties

RULES
THE VIRGINIA BOARD OF BAR EXAMINERS

(Reference: Title 54.1 of the Code of Virginia of 1950, as amended.)

SECTION I: EXAMINATIONS

1. Unless otherwise directed by the Virginia Board of Bar Examiners (the "Board"), in each year bar examinations will be held on two successive days in either the City of Richmond or Norfolk beginning on the Tuesday immediately preceding the last Wednesday in February at 9:00 a.m., and in the City of Roanoke beginning on the Tuesday immediately preceding the last Wednesday in July at 9:00 a.m.

2. Each examination will consist of two parts, with each part having a morning and an afternoon session. The first part, given on Tuesday, is the Essay part, which is prepared and graded under the supervision of the Virginia Board of Bar Examiners. This part includes essay and short-answer questions and will test the applicant's knowledge in the following areas:

Agency	Criminal Law	Professional Responsibility	Uniform Commercial Code
Conflict of Laws	Domestic Relations	Real and Personal Property	Virginia Civil and Criminal
Constitutional Law	Equity	Sales	Procedure (including
Contracts	Evidence	Taxation	appellate practice)
Business Organizations	Federal Practice and Procedure	Torts	Wills and Estate Administration
Creditor's Rights	Local Government Law	Trusts	

The second part, given on Wednesday, is the Multistate Bar Examination, compiled and graded under the supervision of the National Conference of Bar Examiners Office of Testing. The second part is intended to test the applicant's knowledge of:

Constitutional Law	Criminal Law and Procedure	Real Property	Civil Procedure
Contracts	Evidence	Torts	

3. All applicants must concurrently take the Essay part and the Multistate part of an examination at the same exam administration in Virginia. The scores of both parts will be weighted and combined to determine if the applicant has achieved an overall passing score as set by the Board. Such weighting shall be made by a credit of 60% being given the scaled score made on the Essay part and a credit of 40% being given the scaled score made on the Multistate part. Only applicants who achieve such overall passing score and who have satisfied all other requirements for admission will be licensed to practice law in Virginia. No applicant will be eligible to be licensed after the expiration of five (5) years from the date of the examination on which such applicant received a passing score.

4. **Multistate Professional Responsibility Examination.** Before being licensed to practice law in Virginia an applicant must submit to the Board evidence that the applicant has, within the calendar year the applicant passes the Virginia Bar Examination or within the two calendar years immediately preceding or following such year, achieved a scaled score of 85 or better on the Multistate Professional Responsibility Examination ("MPRE") administered by the designee of the National Conference of Bar Examiners. The applicant is responsible to file a timely application for the MPRE directly with the designee of the National Conference of Bar Examiners that administers the MPRE and to see that the applicant's score on the MPRE is certified by the MPRE administrator directly to the Virginia Board of Bar Examiners. The MPRE is administered in March, August and November of each year at various locations across the country.

SECTION II: ACADEMIC REQUIREMENTS

1. An applicant for a Virginia Bar Examination shall:

(A) Have received a juris doctor degree from a law school approved by the American Bar Association, or the Board; or

(B) Be enrolled and in good standing in any such approved law school and, in the course of regular study, complete ALL degree requirements prior to the time such examination is given; or

(C) Have been approved by the Board and thereafter completed the required period of law study as set forth in the *Law Reader Program Rule and Regulations* of the Virginia Board of Bar Examiners.

2. No applicant will be issued a license to practice law in this state until the applicant has received a juris doctor degree from an approved law school, or has successfully completed the required period of law study referred to above, and has furnished evidence of same to the Board.

3. Study by correspondence or in a non-approved law school does not satisfy the foregoing requirements.

SECTION III: CHARACTER AND FITNESS REQUIREMENTS

1. No person shall be licensed to practice law in Virginia by the Virginia Board of Bar Examiners unless such person first produces evidence satisfactory to the Board that the applicant is a person of honest demeanor and good moral character and possesses the requisite fitness to perform the obligations and responsibilities of a practicing attorney. The applicant has the burden to prove by clear and convincing evidence that the applicant possesses these qualifications. If an applicant fails to answer any question on the Character

and Fitness Questionnaire or which is otherwise propounded by the Board, or to supply any requested documentary material, the Board may find that the applicant has not met the burden of proving good moral character and fitness.

2. The primary purposes of character and fitness screening before admission to the Virginia Bar are to assure the protection of the public and safeguard the system of justice. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for denial of admission. The revelation or discovery of any of the following may be treated as cause for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

- (A) commission or conviction of a crime;
- (B) violation of the honor code of the applicant's college or university, law school, or other academic misconduct;
- (C) making of false statements or omissions, including failing to provide complete and accurate information concerning the applicant's past;
- (D) misconduct in employment;
- (E) other than an honorable discharge from any branch of the armed services;
- (F) acts involving dishonesty, fraud, deceit or misrepresentation;
- (G) abuse of legal process;
- (H) neglect of financial responsibilities;
- (I) neglect of professional obligations;
- (J) violation of an order of a court;
- (K) denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (L) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction, including pending, unresolved disciplinary complaints against the applicant;
- (M) commission of an act constituting the unauthorized practice of law, or unresolved complaints involving allegations of the unauthorized practice of law;
- (N) failure to respond promptly to requests from the Board or the Character and Fitness Committee, or any other failure to cooperate with the Board or the Committee;
- (O) any other conduct that reflects adversely upon the character or fitness of an applicant.

3. The Board shall determine whether the present character and fitness of an applicant shall qualify the applicant for admission to the practice of law. In making this determination, the following factors will be considered in assigning weight and significance to the applicant's prior conduct:

- (i) age of the applicant at the time of the conduct;
- (ii) recency of the conduct;
- (iii) reliability of the information concerning the conduct;
- (iv) seriousness of the conduct;
- (v) factors underlying the conduct;
- (vi) cumulative effect of the conduct or information;
- (vii) evidence of rehabilitation;
- (viii) positive social contributions of the applicant since the conduct;
- (ix) candor of the applicant in the admissions process; and
- (x) materiality of any omissions or misrepresentations.

4. In addition to demonstrating adequate knowledge of the fundamental principles of law and their application, an applicant must produce clear and convincing evidence to the satisfaction of the Board of Bar Examiners, in its sole discretion, that the applicant has the requisite character and fitness to: (a) comply with deadlines; (b) communicate honestly, candidly and civilly with clients, attorneys, courts and others; (c) conduct financial dealings in a responsible, honest and trustworthy manner; (d) avoid acts that are illegal,

dishonest, fraudulent or deceitful; and (e) conduct himself or herself in accordance with the requirements of applicable state, local and federal laws and regulations, any applicable order of a court or other tribunal, and the Virginia Rules of Professional Conduct.

5. Any applicant who affirmatively asserts rehabilitation from prior conduct which bears adversely upon such applicant's character and fitness for admission to the Bar shall be required to produce clear and convincing evidence to the satisfaction of the Board of such rehabilitation. That evidence shall include, at a minimum:

(a) the applicant's strict compliance with specific conditions imposed by the Board or the Committee on Character and Fitness, as well as any disciplinary, judicial, administrative or other order, where applicable;

(b) the applicant's unimpeachable character and moral standing in the community, including affirmative recommendations from people aware of the applicant's misconduct who specifically consider the individual's fitness in light of that behavior;

(c) the applicant's good reputation for professional ability, where applicable;

(d) the applicant's lack of malice and ill feeling toward those who by duty were compelled to bring about the disciplinary, judicial, administrative or other proceeding, and to any victim thereof;

(e) the applicant's personal assurance, supported by corroborating evidence, of an intention to engage in exemplary behavior in the future;

(f) the applicant's restitution of funds or property, where applicable;

(g) the applicant's sustained and substantial behavior in the applicant's occupation, religion, or community or civic service demonstrating rehabilitation to the satisfaction of the Board. Merely showing that the applicant is currently living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the applicant has been rehabilitated and has undertaken a useful and constructive place in society.

6. The Board's obligation to the public requires the Board to address recent mental health and chemical or psychological dependency matters, which may affect, or if untreated could affect, an applicant's ability to perform any of the obligations and responsibilities of a practicing lawyer in a competent and professional manner. Accordingly, the Board will inquire concerning (i) mental or emotional instability and (ii) existing and untreated drug or alcohol dependency. The mere fact of treatment for mental health problems or chemical or psychological dependency is not, in itself, a basis on which an applicant is ordinarily denied admission in Virginia, and the Board of Bar Examiners regularly licenses individuals who have demonstrated personal responsibility and maturity in dealing with mental health and chemical or psychological dependency issues. The Board encourages applicants who may benefit from treatment or counseling to seek it. A license may be denied or deferred when an applicant's ability to function is impaired in a manner relevant to the practice of law at the time the licensing decision is made, or when an applicant's responses demonstrate a lack of candor.

7. Each applicant must file with the Board a completed Character and Fitness Questionnaire and pay the required character investigation fee. The investigation fee shall be set out from time to time by the Board. The current fee schedule is available from the Office of the Secretary of the Board.

SECTION IV: FILING AN APPLICATION FOR EXAMINATION

FILING PROCEDURE

A person who meets the foregoing education, character, and fitness requirements may file an application to take a Virginia Bar Examination. A prospective applicant should read these Rules thoroughly *before* attempting to complete and submit an application for a bar examination.

It is the responsibility of each applicant to see that the application is filed in strict compliance with these Rules. **Such application shall (1) be on the proper form supplied by the Board with all answers fully and accurately supplied, (2) include the filing fee and all required attachments, and (3) either be (i) RECEIVED in the Office of the Secretary on or before the filing deadline, or (ii) filed in full compliance with § 54.1-3925 of the Code of Virginia.** All recitals in and provisions of the application shall become binding upon the applicant when filed.

If an application contains all required attachments and is otherwise complete and properly submitted, the applicant will be informed by the Office of the Secretary that the applicant is *filed* for the current examination. If an application does not contain all required attachments, or is otherwise incomplete or improperly submitted, the applicant may be informed by the Office of the Secretary that the applicant is *not filed* for the current examination. If the application is not properly completed by a specified date, the applicant will be informed that the application is being carried forward to the next Virginia Bar Examination. The applicant must thereafter supply the missing attachments or information by the appropriate deadline to be considered *filed* for the subsequent examination.

FEES

No application will be considered filed unless at the time it is delivered to the Office of the Secretary there is attached the current application fee in the form of a money order, cashier's check or certified check payable to "Virginia Board of Bar Examiners." **This fee is**

RULE 24.5**ACTION ON SUPREME COURT'S DETERMINATION**

(a) Application Approved. If the application is approved by the Supreme Court, admission shall be subject to the Applicant's taking and passing the bar examination and complying with all other requirements for admission.

(b) Application Denied. If the application is denied, the Bar Association shall maintain a record of the application, hearing, and appeal in the Bar Association records. No new petition for admission shall be filed with a period of one year after the date of the Supreme Court decision denying the application.

[Adopted effective September 1, 2006; January 1, 2014.]

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Rules and Procedures Governing Admission to the Practice of Law

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General Information

Date Created: 05/20/1992

Date Effective: 07/01/1992

NOTE: On April 1, 2014, this rule will be repealed and revised.

Text of Rules

SECTION I GENERAL PROVISIONS

Rule 100. Statutory authority; Definitions.

(a) These Rules are promulgated pursuant to W.S. §§ 33-5-101 et seq. As to applications for

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standards set forth in the Wyoming Rules of Professional Conduct, and to act fairly, honestly, reasonably and with unquestionable integrity in all matters in which he or she acts as an attorney at law.

(b) The following may be treated as cause for non-recommendation or for further inquiry before the Committee determines whether the applicant possesses the character and fitness to practice law:

- (1) Unlawful conduct;
- (2) Academic misconduct;
- (3) Making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the application for admission to the Bar, or any amendment, or in any testimony or sworn statement submitted to the Board or the Committee;
- (4) Misconduct in employment;
- (5) Acts involving dishonesty, fraud, deceit or misrepresentation;
- (6) Abuse of legal process;
- (7) Neglect of financial responsibilities;
- (8) Neglect of professional obligations;
- (9) Violation of an order of a court;
- (10) Evidence of mental or emotional instability;
- (11) Evidence of drug or alcohol dependency;
- (12) Denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (13) Disciplinary action by the lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
- (14) Any other conduct which reflects adversely upon the character and fitness of the applicant.

(Amended August 27, 2014, effective October 1, 2014.)

Rule 402. Investigation of Applicants.

(a) Prior to the Board's recommendation to the Court that an applicant be admitted to practice law in Wyoming, the Committee shall make such investigation as it deems necessary into the applicant's character and fitness to practice law. Each applicant shall provide written authorization for such investigation, and each applicant shall authorize all persons with information about the applicant to furnish the Committee with such information and documents as it may request. The authority granted by an applicant shall expire upon the applicant's admission to the practice of law in Wyoming, denial of the application, or upon the applicant's written withdrawal of the application.

(b) The Committee may contact all persons who may have information which the Committee believes may be relevant to the determination of the applicant's character and fitness to practice law.

(c) To supplement the character report of the NCBE for applicants for admission the Committee may contact persons listed as references on an applicant's character report, persons providing requisite certification of character and fitness, an applicant's previous employer(s) or such other persons as may offer relevant information regarding the applicant's ability and fitness to assume the duties and responsibilities of a member of the Bar. When deemed appropriate by the Committee, the Committee may engage one or more non-lawyer consultants to assist in evaluating an applicant's character and fitness to practice law.

(d) The Committee may request additional information from an applicant and may request an applicant to appear before the Committee in person or otherwise prior to the Committee's determination on the applicant's character and fitness to practice law. An application will be deemed withdrawn if the applicant fails to provide additional information or to appear before the Committee within 60 days of the Committee's request, unless a longer response time is allowed the applicant.

(e) In making the determination on character and fitness of each applicant, the following factors should be considered in assigning weight and significance to prior conduct of the applicant:

(f) An applicant who affirmatively asserts rehabilitation from prior conduct as set forth in Rule 401(b) must produce evidence of rehabilitation which may include, but is not limited to, the following:

- (1) compliance with the specific conditions of any disciplinary, judicial, administrative, or other order, where applicable;
- (2) good character and moral standing in the community;

- (3) good reputation for professional ability, where applicable;
- (4) lack of malice and ill feeling toward those who, by duty, were compelled to bring about the disciplinary, judicial, administrative, or other proceeding;
- (5) personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;
- (6) restitution of funds or property, where applicable;
- (7) positive action showing rehabilitation by occupation, community service or civic service;
and
- (8) any other evidence which reflects rehabilitation of the applicant.
- (9) The applicant's candor in the admissions process;
- (10) The materiality of any omissions or misrepresentations.

(Amended August 27, 2014, effective October 1, 2014.)

Rule 403. Committee's Determination, Permissive Withdrawal of Applications, Reapplication.

- (a) If following its investigation the Committee determines that an applicant possesses the necessary character and fitness to practice law it shall so inform the Board.
- (b) If following its investigation the Committee determines that the applicant does not possess the necessary character and fitness to practice law, it shall promptly notify the applicant of its determination. Such notice shall be sent to the applicant by certified mail, return receipt requested, and to the applicant's counsel, if any. A copy of the notice shall be provided to the Board.
- (c) Upon written request an applicant may withdraw his/her application before a final recommendation on such application has been filed by the Board with the Court. In the event of a reapplication, any information obtained from any previous filing may be considered by the Board and the Committee.

(Amended August 27, 2014, effective October 1, 2014.)

Rule 404. Request for Hearing.

- (a) The applicant shall have the right to file with the Board a written request for hearing within 30 days after receipt of the notice described in Rule 403. Failure to file a timely request for hearing shall constitute a waiver of any right to hearing, and the applicant shall be deemed to have

abandoned the application.

(b) Following receipt by the Board of a request for a hearing the applicant shall be provided with a copy of all documents reviewed by the Character and Fitness Committee in arriving at its determination regarding the applicant's character and fitness to practice law.

(c) The Board shall notify the applicant and the Committee of the date, time and place of the hearing.

(Amended August 27, 2014, effective October 1, 2014.)

Rule 405. Procedure for Conduct of Formal Hearings.

At the hearing, the applicant shall have the burden of proving his/her character and fitness to practice law by clear and convincing evidence. Neither the Wyoming Rules of Civil Procedure nor the Wyoming Rules of Evidence shall apply.

(a) Pleadings. - The docket for all hearings before the Board shall be maintained at the office of the Bar. All original pleadings shall be filed with the Executive Director of the Bar. The form, style and content of all pleadings shall be: "In The Matter of An Application Before The Board".

(b) Service of Notice or Any Other Pleading. - All pleadings or other notices shall be served upon the Board and the Committee by delivery of duplicate copies of such pleadings to the Executive Director of the Bar by personal service or by U.S. mail. Service of any pleading or other notice upon an applicant or the applicant's attorney shall be by personal service or by U.S. mail.

(c) Conduct of Formal Hearings. -

(1) A stenographic record of the hearing shall be made with all testimony being received under oath. The hearing record shall include the information before the Committee in reaching its determination.

(2) The applicant shall have the right to be represented by counsel and shall have the right to call witnesses, introduce exhibits and cross-examine witnesses called by the Committee.

(3) The Committee shall be represented by Bar Counsel, who shall have the right to call witnesses, introduce exhibits and cross-examine witnesses called by the applicant.

(d) Findings and Conclusions. -

The Board's final decision as to the hearing shall be in writing and filed with the Court. If the Board recommends against admission, it shall make separate Findings of Fact and Conclusions of Law. The Board's final decision shall be mailed to the applicant at the

applicant's last known address by certified mail, return receipt requested, and a copy shall be mailed to the applicant's attorney of record, if applicable.

(e) Appeals. An applicant may file a response with the Court to a final decision of the Board which recommends against admission within fifteen (15) days of service of the final decision on the applicant. The applicant shall serve a copy of such response upon the Executive Director.

(1) A response shall state explicit reasons for the exceptions to the final decision together with a brief prepared in accordance with Rule 7.01, W.R.A.P.

(2) The applicant may file a statement that the applicant does not wish to file exceptions to the report.

(3) If the applicant files a statement that the applicant does not wish to file exceptions to the report or if the applicant fails to respond, the Court shall proceed with such action on the final decision as it may determine to be appropriate.

(4) If the applicant files proper exceptions, the Court shall calendar the matter for such briefs or argument as it may deem appropriate and shall thereafter enter its judgment. The Court shall not receive or consider any evidence that was not presented to the Board.

(Amended August 27, 2014, effective October 1, 2014.)

Rule 406. Reapplication after Denial.

The Board shall not accept a new application from an applicant who has received a recommendation of denial based on the applicant's fitness to practice law until two years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed, or a final decision is affirmed by the Court, the latest of which date is applicable.

SECTION ADMISSION TO PRACTICE

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Rule 501. Certification of Eligibility for Admission to the Bar.

Subject to the provisions of Rule 503, upon an applicant's satisfactory completion of the application process and provided that the applicant is certified to have the requisite character and fitness to practice law and the applicant has met all of the requirements of these rules, the Board shall certify its recommendation to the Court that the applicant is eligible for admission to the practice of law. Certification may be in such form as the Board prescribes, including a letter,

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *In re Application of Harper*, Slip Opinion No. 2015-Ohio-3277.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2015-OHIO-3277

IN RE APPLICATION OF HARPER.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *In re Application of Harper*, Slip Opinion No. 2015-Ohio-3277.]

Attorneys—Character and fitness—Application to retake the bar exam—Applicant has been convicted of a felony for assisting in the preparation of false federal income-tax returns and has failed to provide complete and accurate information on multiple applications to take the bar exam—Application disapproved and applicant is forever precluded from reapplying to take the bar exam.

(No. 2014-1552—Submitted February 24, 2015—Decided August 18, 2015.)

ON REPORT by the Board of Commissioners on Character and
Fitness of the Supreme Court, No. 494.

Per Curiam.

{¶ 1} Byron Louis Harper of Bedford Heights, Ohio, is a 1999 graduate of the University of Akron School of Law. He has taken but failed the Ohio Bar

offer) rebuttal—although he did submit two character references that were not solicited by the panel. We likewise reject Harper’s arguments that the board’s recommendation is based on his past conduct rather than his current character and abilities, that the board has failed to set forth the specific facts upon which its findings are based, and that his conduct is not sufficiently egregious to prevent him from reapplying in the future.

{¶ 17} Accordingly, we overrule each of Harper’s objections, adopt the board’s findings of fact, and conclude that Harper has failed to meet his burden of proving that he possesses the requisite character, fitness, and moral qualifications for admission to the bar. We also order that Harper be forever precluded from reapplying for the privilege of practicing law in this state.

Judgment accordingly.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, and KENNEDY, JJ., concur.

FRENCH and O’NEILL, JJ., dissent and would permit the applicant to reapply for the 2020 bar examination.

Daniel D. Wilt, for applicant.

Michael A. Creveling, for Akron Bar Association.

Respectfully submitted,

/s/ Deborah Zaccaro Hoffman, Esq.
Deborah Zaccaro Hoffman (0071599)
Law Office of Deborah Zaccaro Hoffman
5001 Mayfield Road
The Jefferson Centre – Suite 201
Lyndhurst, OH 44124
(216) 381-3400 (o)
(216) 381-3865 (f)
dzh@dzh-law.com (e)
Counsel for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above Citation has been served the 18th day of August 2015 by email (and U.S. mail as to Bar Admissions Committee) upon the following:

Paul G. Crist (0011894)
2233 Wellington Circle
Hudson, Ohio 44236
pgcrist@yahoo.com
Counsel for CMBA

Cleveland Metropolitan Bar Association
Bar Admissions Committee
One Cleveland Center
1375 East 9th Street, Floor 2

Deborah Zaccaro Hoffman (0071599)
Law Office of Deborah Zaccaro Hoffman
The Jefferson Centre Building
5001 Mayfield Road, Suite 201
Lyndhurst, Ohio 44124
(216) 381-3400 (o)
(216) 381-3865 (f)
dzh@dzh-law.com (e)
*Counsel for Citizens' Institute For.
Law and Public Policy and CURE-Ohio*

Rob Wall (0082356), Staff Attorney
Ohio Justice and Policy Center
215 East Ninth Street, Suite 601
Cincinnati, Ohio 45202
(513) 421-1108 x 18 (o)
(513) 562-3200 (f)
rwall@ohiojpc.org (e)
*Counsel for Ohio Justice
and Policy Center*

Robert L. Tobik (0029286)
John T. Martin (0020606)
Erika Cunliffe (0074480)
Jeffrey M. Gamso (0043869)
Linda Hricko (0077012)
Paul Kuzmins (0074475)
Christopher Scott Maher (0055318)

Pamela Daiker-Middaugh (0041716)
Avery Friedman (0006103)
C. Timothy Murphy (0091128)
Amy Hollaway (0092665)
Carole Heyward (0061750)
Doron Kalir (0088894)
Kenneth Kowalski (002487)

Cullen Sweeney (0077187)
310 Lakeside Avenue, Suite 200
Cleveland, Ohio 44113
(216) 443-7583
ecunliffe@cuyahogacounty.us
*Counsel for Amici Curiae in support of
Joseph V. Libretti, Jr.*

Stephen Lazarus (0014693)
Kevin O'Neill (0010481)
John Plecnik (NY 4465746)
Peter Sayegh (0091547)
Daniel Dropko (0075817)
Joseph Buckley (0041290)
Christopher Maher (0055318)
Dennis Terez (0024878)
*Fifteen Attorneys And Law Professors in
support of Joseph V. Libretti*

Respectfully submitted,

/s/ Deborah Zaccaro Hoffman
Deborah Zaccaro Hoffman (0071599)
Counsel for Applicant