

PROPOSED AMENDMENTS TO THE SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until August 31, 2023, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Gina Palmer, Attorney Services Division Director, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431 or gina.palmer@sc.ohio.gov not later than August 31, 2023. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE I. ADMISSION TO THE PRACTICE OF LAW

[Existing language unaffected by the amendments is omitted to conserve space]

Section 10. Admission Without Examination.

(A) As used in this section:

(1) “Active practice of law” means one or more of the following:

(a) Private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction;

(b) Representation of one or more clients in the private practice of law;

(c) Practice as an attorney for a corporation, partnership, trust, individual, or other entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction and involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, or preparing, trying, or presenting cases before courts, tribunals, executive departments, administrative bureaus, or agencies;

(d) Practice as an attorney for the federal government, a branch of the United States military, or a state or local government with the same primary duties as described in division (A)(1)(c) of this section;

(e) Employment as a judge, magistrate, referee, or similar official for the federal or a state or local government, provided that such employment is available only to attorneys;

(f) Fulltime employment as a teacher of law at a law school approved by the American Bar Association.

(2) “Jurisdiction” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(3) “Primarily engaged” means that for each year in the five-year period prior to the submission of an application pursuant to division (C) of this section, the applicant spent at least one thousand hours per year engaged in one or more activities listed in division (A)(1) of this section.

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(B) An applicant may apply for admission to the practice of law in Ohio without examination if all of the following apply:

(1) The applicant has been admitted as an attorney at law in the highest court of another state or in the District of Columbia, which jurisdiction shall be considered the jurisdiction from which the applicant seeks admission;

(2) The applicant has primarily engaged in the active practice of law, provided, however, that the practice of law:

(a) Was engaged in subsequent to the applicant’s admission as an attorney at law in another jurisdiction;

(b) Occurred for at least five ~~full~~ years out of the last ~~ten~~ seven years prior to the applicant’s submission of an application pursuant to division (C) of this section; ~~and~~

(c) ~~Was engaged in on a fulltime basis.~~

(3) The applicant has not taken and failed an Ohio bar examination within the past five years of applying for admission without examination;

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

(5) The applicant is a citizen or a resident alien of the United States;

(6) The applicant satisfies the general admission requirements of Section 1(A) ~~to (C)~~ through (D) of this rule;

(7) If applicable, the applicant has registered pursuant to Gov. Bar R. VI, Section 3.

(B) ~~For purposes of this section, “practice of law” shall mean any one or more of the following:~~

(1) ~~Private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction;~~

(2) ~~Practice as an attorney for a corporation, partnership, trust, individual, or other entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction and involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, or preparing, trying, or presenting cases before courts, tribunals, executive departments, administrative bureaus, or agencies;~~

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91 (3) Practice as an attorney for the federal government, a branch of the United States
92 military, or a state or local government with the same primary duties as described in division (B)(2)
93 of this section;

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95 (4) Employment as a judge, magistrate, referee, or similar official for the federal or a
96 state or local government, provided that such employment is available only to attorneys;

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98 (5) Fulltime employment as a teacher of law at a law school approved by the American
99 Bar Association.

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101 (C) An applicant for admission to the practice of law in Ohio without examination shall
102 file with the Office of Bar Admissions an “Application for Admission to the Practice of Law
103 Without Examination.” The application shall include all of the following:

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105 (1) An affidavit stating all of the following:

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107 (a) That the applicant has not engaged in the unauthorized practice of law;

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109 (b) That the applicant has studied the Rules for the Government of the Bar of Ohio, the
110 Ohio Rules of Professional Conduct, and the Code of Judicial Conduct, all as adopted by the Court;

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112 (c) That the applicant is a citizen or a resident alien of the United States;

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114 (2) A certificate of good standing from each jurisdiction in which the applicant is
115 admitted to practice law, dated no earlier than sixty days prior to the submission of the application;

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117 (3) An affidavit that demonstrates that the applicant has complied with division (A)(2)
118 (B)(2) of this section and that includes a description of the applicant’s practice of law, the dates of
119 such practice, and, if applicable, a description of the applicant’s employment subsequent to ceasing
120 such practice;

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122 (4) To confirm that the applicant has primarily engaged in the ~~full-time~~ active practice
123 of law for at least five ~~full~~ years out of the last ~~ten~~ seven years prior to the applicant’s submission
124 of the application, an affidavit from the applicant’s employer or employers verifying the applicant’s
125 ~~full-time~~ practice of law or, if the applicant has been self-employed, an affidavit from an attorney
126 who is a member of the bar in the jurisdiction in which the applicant practiced and who knows the
127 applicant, verifying the applicant’s ~~full-time~~ practice of law. For purposes of this section, judicial
128 law clerks, provided they are admitted to practice law in another jurisdiction ~~and are working full-~~
129 ~~time~~, are engaged in the active practice of law.

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131 (5) To confirm that the applicant’s practice was performed in a jurisdiction that
132 affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction, if
133 applicable, a rule, statute, or other authority verifying that the applicant’s practice was lawful at
134 the time the practice occurred;

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136 (6) Such other evidence, as may be reasonably requested by the Court, demonstrating
137 that the applicant has met the requirements of division ~~(A)~~(B) of this section;

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139 (7) A certificate by an attorney admitted to the practice of law in Ohio and duly
140 registered pursuant to Gov. Bar R. VI, who may present the applicant to the Court pursuant to
141 division (G) of this section, stating that the applicant is of good moral character and recommending
142 the applicant for admission to the practice of law in Ohio without examination;

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144 (8) Fingerprint identification taken by a sheriff, deputy sheriff, municipal police
145 officer, or state highway patrol officer;

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147 (9) A questionnaire, typed and in duplicate, for use by the NCBE, the Board of
148 Commissioners on Character and Fitness, and the regional or local bar association admissions
149 committee in conducting a character investigation of the applicant;

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151 (10) A fee of one thousand five hundred dollars;

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153 (11) A fee in the amount charged by the NCBE for its character investigation and report;

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155 (12) Certificates or official transcripts evidencing compliance with Section 1(B) ~~and (C)~~
156 through (D) of this rule. If the applicant's undergraduate or legal education was not received in
157 the United States, a one hundred fifty dollar fee shall accompany the application for evaluation of
158 the applicant's legal education. If the applicant's legal education was not received in the United
159 States, the application shall not be processed until the applicant's legal education is approved by
160 the Court.

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162 **[Existing language unaffected by the amendments is omitted to conserve space]**

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164 (F)(1) The Court shall review the application and in its sole discretion shall approve or
165 disapprove the application. In reaching its decision, the Court shall consider both of the following:

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167 (a) Whether the applicant has met the requirements of division ~~(A)~~(B) of this section;

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169 (b) Whether the applicant's past practice of law is of such character, description and
170 recency as shall satisfy the Court that the applicant currently possesses the legal skills deemed
171 adequate for admission to the practice of law in Ohio without examination.

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173 (2) The Office of Bar Admissions shall notify the applicant of the Court's
174 determination.

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176 (G)(1) An applicant who has been approved for admission under this section may be
177 presented to the Court in regular session by an attorney at law of this State, or may appear before
178 and take an oath of office administered by an active Ohio judge or a justice from the highest court
179 in a jurisdiction in which the applicant is admitted.

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181 **[Existing language unaffected by the amendments is omitted to conserve space]**

182 [Effective: February 28, 1972; amended effective October 30, 1972; November 27, 1972; March
183 19, 1973; November 12, 1973; March 1, 1974; July 8, 1974; April 26, 1976; January 24, 1977;
184 March 9, 1977; August 1, 1977; January 1, 1982; March 9, 1983; July 1, 1983; May 7, 1984; May
185 28, 1984; December 31, 1984; April 1, 1987; May 6, 1987; January 1, 1989; July 1, 1989; January
186 1, 1991; February 1, 1991; October 1, 1991; February 1, 1992; May 1, 1992; July 1, 1992; August
187 1, 1992; January 1, 1993; September 15, 1993; January 1, 1995; May 1, 1997; August 3, 1998;
188 June 1, 2000; October 1, 2000; February 1, 2003; October 1, 2003; February 1, 2007; May 1, 2007;
189 October 1, 2007; January 1, 2008; February 1, 2009; August 1, 2010; January 1, 2013; January 1,
190 2014, July 1, 2014; January 1, 2015; January 1, 2017; July 1, 2017; September 2, 2019; June 1,
191 2020; March 2, 2021; September 1, 2021; January 17, 2023;_____.]
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194 **RULE XX. TITLE AND EFFECTIVE DATES**

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196 [Existing language unaffected by the amendments is omitted to conserve space]
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198 **Section 2. Effective Dates.**

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200 [Existing language unaffected by the amendments is omitted to conserve space]
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202 **(Insert division letter)** The amendments to Gov. Bar R. I, Section 10, adopted by
203 the Supreme Court on _____, shall take effect on _____.