

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

Section 1. General Requirements.

To be admitted to the practice of law in Ohio, an applicant shall satisfy all of the following requirements:

(A) Be at least twenty-one years of age;

(B) Have earned a bachelor's degree or doctoral-level degree from an accredited college or university;

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

Section 2. Preliminary Registration Requirements.

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

(B) The registration application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

(1) A certificate from the dean of the law school the applicant is attending, certifying that the applicant has begun the study of law;

(2) A properly authenticated transcript of college credits showing the applicant has earned a bachelor's degree in compliance with Section 1(B) of this rule or a certificate from the dean of the law school the applicant is attending, certifying that the applicant is participating in a three-plus-three program;

(3) ~~Fingerprint identification taken by a sheriff, deputy sheriff, municipal police officer, or state highway patrol officer~~ A front and back copy of a driver's license, other state-issued photo identification card, or passport-style photo;

(4) A registration fee of seventy-five dollars;

(5) A fee in the amount charged by the National Conference of Bar Examiners (NCBE) for its character investigation and report;

(6) A typed and completed character questionnaire, ~~in duplicate,~~ in the form prescribed by the Board of Commissioners on Character and Fitness;

(7) Authorization and release forms in the number required by the Office of Bar Admissions.

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(C) If an applicant’s undergraduate or legal education was not received in the United States, an additional fee of one hundred fifty dollars shall accompany the application for the evaluation of the applicant’s education. ~~The Supreme Court shall review the~~ An applicant’s education and shall be reviewed to determine whether the education is equivalent to the education required of applicants educated in the United States. In order to receive a review of education received outside of the United States, an applicant must submit the following documents with the registration application:

(1) If an applicant’s undergraduate education was not received in the United States, the applicant must submit an education evaluation completed by an education evaluation service approved by the Court. The applicant’s education evaluation from an education evaluation service must show that the applicant has completed at least three years of fulltime post-secondary education in order ~~for the Court to find undergraduate educational equivalence. The Court may find undergraduate~~ Undergraduate equivalence may be found where an applicant’s education evaluation shows that the applicant has completed at least two years of fulltime post-secondary education, provided the applicant also submits an educational evaluation showing that the applicant’s secondary education included study equivalent to one year of undergraduate study. The registration application shall be processed while the applicant’s undergraduate education is evaluated ~~by the Court.~~

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

Section 3. Application for Ohio Bar Examination; Updating Character and Fitness Information after the Examination.

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

(B) The examination application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

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

(4) A typed and completed supplemental character questionnaire, ~~in duplicate,~~ in the form prescribed by the Board of Commissioners on Character and Fitness, updating the information on the applicant’s character, fitness, and moral qualifications furnished on the applicant’s registration application pursuant to Section 2 of this rule;

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

(H) As used in this rule:

(1) “Accredited college or university” means a college or university approved by one of the following accrediting associations or, if not located in the United States or Canada, a college or university evaluated and approved in accordance with Sections 2(C), 10(C)(12), or 11(B)(7) of this rule: Middle States Association of Colleges and Schools/Commission on Higher Education;

90 New England Association of Schools and Colleges--Commission on Institutions of Higher
91 Education; ~~North Central Association of Colleges and Schools~~ Higher Learning Commission;
92 Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools--
93 Commission on Colleges; Western Association of Schools and Colleges--Accrediting Commission
94 for Senior Colleges--; and Association of Universities and Colleges of Canada.

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

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98 **Section 8. Application for Reexamination.**

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

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102 (B) The reexamination application shall be on forms furnished by the Office of Bar
103 Admissions and shall include all of the following:

104 (1) An affidavit that the applicant has not engaged in the unauthorized practice of law;

105
106 (2) A typed and completed supplemental reexamination character questionnaire, ~~in~~
107 ~~duplicate~~, in the form prescribed by the Board of Commissioners on Character and Fitness,
108 updating the previously furnished information on the applicant's character, fitness, and moral
109 qualifications;
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112 **[Existing language unaffected by the amendments is omitted to conserve space]**

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114 **Section 10. Admission Without Examination.**

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

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

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

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124 (8) ~~Fingerprint identification taken by a sheriff, deputy sheriff, municipal police~~
125 ~~officer, or state highway patrol officer;~~

126
127 (9) A typed questionnaire, ~~typed and in duplicate~~, for use by the NCBE, the Board of
128 Commissioners on Character and Fitness, and the regional or local bar association admissions
129 committee in conducting a character investigation of the applicant;

130
131 ~~(10)~~(9) A fee of one thousand five hundred dollars;

132
133 ~~(11)~~(10) A fee in the amount charged by the NCBE for its character investigation and
134 report;

135

136 ~~(12)~~(11) Certificates or official transcripts evidencing compliance with Section 1(B) and
137 (C) of this rule. If the applicant's undergraduate or legal education was not received in the United
138 States, a one hundred fifty dollar fee shall accompany the application for evaluation of the
139 applicant's legal education. If the applicant's legal education was not received in the United States,
140 the application shall not be processed until the applicant's legal education is approved by the Court.

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

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144 **Section 11. Admission by Transferred UBE Score.**

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

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148 (B) An applicant under this section shall file with the Office of Bar Admissions an
149 Application for Admission to the Practice of Law by Transferred UBE Score. The application
150 shall include all of the following:

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152 (1) An affidavit stating both of the following:

153
154 (a) That the applicant has not engaged in the unauthorized practice of law;

155
156 (b) That the applicant has studied the Rules for the Government of the Bar of Ohio, the
157 Ohio Rules of Professional Conduct, and the Code of Judicial Conduct.

158
159 (2) A certificate of good standing from each jurisdiction, if any, in which the applicant
160 is admitted to practice law, dated no earlier than sixty days prior to the submission of the
161 application;

162
163 (3) ~~Fingerprint identification taken by a sheriff, deputy sheriff, municipal police~~
164 ~~officer, or state highway patrol officer;~~

165
166 (4) A questionnaire provided for use by the NCBE, the Board of Commissioners on
167 Character and Fitness, and the regional or local bar association admissions committee in
168 accordance with NCBE and the Office of Bar Admissions' policies in conducting a character
169 investigation of the applicant;

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171 ~~(5)~~(4) A seven hundred and fifty dollar fee;

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173 ~~(6)~~(5) A fee in the amount charged by the NCBE for its character investigation and report;

174
175 ~~(7)~~(6) Certificates or official transcripts evidencing compliance with Section 1(B) and (C)
176 of this rule. If the applicant's undergraduate or legal education was not received in the United
177 States, a one hundred and fifty dollar fee shall accompany the application for evaluation of the
178 applicant's foreign education. If the applicant's legal education was not received in the United
179 States, the application shall not be processed until the applicant's legal education is approved by
180 the Court.

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

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184 **Section 14. Appeal to Board of Commissioners on Character and Fitness.**

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

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188 (F)(1) On the filing of the Board's report and record with the Clerk of the Supreme Court,
189 the Court shall issue an order to show cause why the report should not be confirmed and why the
190 Board's recommendation should not be adopted. The Clerk shall send a copy of the show cause
191 order and a copy of the Board's report, by both ordinary and certified mail, to the applicant at the
192 address listed in the application or as supplemented by the applicant, to the admissions committee,
193 and to all counsel of record.

194
195 (2) Within thirty days after issuance of the show cause order, the applicant and the
196 admissions committee may file objections to the findings or recommendation of the Board. ~~The~~
197 ~~objections shall be accompanied by the original and eighteen copies of a brief in support of the~~
198 ~~objections.~~ An

199
200 ~~(3) The original and eighteen copies of an answer brief may be filed within fifteen days~~
201 ~~after the objections have been filed with the Clerk. Briefs and answer briefs shall be filed in~~
202 ~~number and form as required by the Rules of Practice of the Supreme Court of Ohio.~~

203
204 ~~(4)~~(3) Unless clearly inapplicable, the Rules of Practice of the Supreme Court of Ohio
205 shall apply to proceedings filed in the Supreme Court under this division. Service of briefs and
206 other documents shall be made upon the applicant, the admissions committee, and all counsel of
207 record.

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

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211 **Section 15. Confidentiality of Character and Fitness Matters.**

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

214
215 (C) A record filed with the Clerk of the Supreme Court pursuant to Section 14(E) of
216 this rule shall be filed under seal. After ~~sixty~~ thirty days, the record shall become public unless
217 the Supreme Court, on motion by the applicant or *sua sponte*, orders that the record or portions of
218 the record remain confidential.

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

221
222 **Section 18. Military Spouse Attorneys Admission.**

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

225

226 (B) An applicant for temporary admission to the practice of law in Ohio as a military
227 spouse attorney shall file an application with the Office of Bar Admissions. The application shall
228 be on a form furnished by the office and include all of the following:
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230 **[Existing language unaffected by the amendments is omitted to conserve space]**
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232 (6) A typed questionnaire, ~~typed and in duplicate~~, for use by the NCBE and the Board
233 of Commissioners on Character and Fitness in conducting a character investigation and report of
234 the applicant;
235

236 **[Existing language unaffected by the amendments is omitted to conserve space]**
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238 **Section 19. Practice Pending Admission during the Admission to the Practice of**
239 **Law Process.**
240

241 (A)(1) An applicant who has completed and filed with the Office of Bar Admissions one
242 of the following applications for the admission to the practice of law may file with the Office an
243 Application to Practice Pending Admission during the admission process pursuant to division
244 ~~(A)(4)~~(A)(2) of this section:
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246 **[Existing language unaffected by the amendments is omitted to conserve space]**
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248 [Effective: February 28, 1972; amended effective October 30, 1972; November 27, 1972; March
249 19, 1973; November 12, 1973; March 1, 1974; July 8, 1974; April 26, 1976; January 24, 1977;
250 March 9, 1977; August 1, 1977; January 1, 1982; March 9, 1983; July 1, 1983; May 7, 1984; May
251 28, 1984; December 31, 1984; April 1, 1987; May 6, 1987; January 1, 1989; July 1, 1989; January
252 1, 1991; February 1, 1991; October 1, 1991; February 1, 1992; May 1, 1992; July 1, 1992; August
253 1, 1992; January 1, 1993; September 15, 1993; January 1, 1995; May 1, 1997; August 3, 1998;
254 June 1, 2000; October 1, 2000; February 1, 2003; October 1, 2003; February 1, 2007; May 1, 2007;
255 October 1, 2007; January 1, 2008; February 1, 2009; August 1, 2010; January 1, 2013; January 1,
256 2014, July 1, 2014; January 1, 2015; January 1, 2017; July 1, 2017; September 2, 2019; June 1,
257 2020; March 2, 2021; September 1, 2021; January 17, 2023;_____.]
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260 **RULE II. LIMITED PRACTICE OF LAW BY A LEGAL INTERN**
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262 **[Existing language unaffected by the amendments is omitted to conserve space]**
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264 **Section 2. Eligibility.**
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266 To be eligible for a legal intern certificate, ~~an applicant shall satisfy all~~ either of the
267 following shall apply:
268

269 (A) ~~Be~~ The applicant shall be enrolled in a law school approved by the American Bar
270 Association; and meet all of the following requirements:
271

272 ~~(B)~~(1) Have received at least ~~two-thirds~~ one-third of the total hourly academic credits
273 required for graduation;

274
275 ~~(C)~~(2) Be approved for a legal intern certificate by the dean of the law school in which the
276 applicant is enrolled;

277
278 ~~(D)~~(3) Have read and agreed to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules
279 of Professional Conduct as adopted by the Supreme Court.

280
281 (B) The applicant shall be a graduate of a law school approved by the American Bar
282 Association and meet both of the following requirements:

283
284 (1) Have applied to take or has taken and is awaiting the results of the first Ohio bar
285 examination following graduation;

286
287 (2) Have read and agrees to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules
288 of Professional Conduct as adopted by the Supreme Court.

289
290 **Section 3. Application.**

291
292 An applicant for a legal intern certificate shall file an application with the Office of Bar
293 Admissions of the Supreme Court. The application shall be on forms provided by the Office of
294 Bar Admissions and shall include all of the following:

295
296 (A) ~~A~~ If the applicant is applying pursuant to Section 2(A) of this rule, a certificate
297 from the dean of the law school in which the applicant is enrolled, certifying both of the following:

298
299 (1) That the applicant satisfies ~~Sections 2(A) and (B)~~ Section 2(A)(1) of this rule and
300 has met all of the academic and ethical standards of the law school;

301
302 **[Existing language unaffected by the amendments is omitted to conserve space]**

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304 [Effective: February 28, 1972; amended effective February 12, 1973; January 1, 1979; July 1,
305 1983; January 1, 1992; October 1, 2000; February 1, 2007; May 1, 2007; August 1,
306 2009; _____.]

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309 **RULE IX. TEMPORARY CERTIFICATION FOR PRACTICE IN LEGAL**
310 **SERVICES, PUBLIC DEFENDER, AND LAW SCHOOL PROGRAMS**

311
312 **[Existing language unaffected by the amendments is omitted to conserve space]**

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318 **Section 2. Application.**
319

320 An applicant for certification under this rule shall file with the Office of Bar Admissions
321 of the Supreme Court an Application for Temporary Certification. The application shall be on
322 forms furnished by the Office of Bar Admissions and shall include all of the following:
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324 **[Existing language unaffected by the amendments is omitted to conserve space]**
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326 (F) A questionnaire, ~~in duplicate~~, for use by the National Conference of Bar Examiners
327 and the Board of Commissioners on Character and Fitness in conducting a character investigation
328 of the applicant;
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330 **[Existing language unaffected by the amendments is omitted to conserve space]**
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332 [Not analogous to former Rule IX, effective January 1, 1981; amended effective July 2,
333 1990; July 2, 1991; October 1, 2000; October 1, 2003; February 1, 2007; May 1, 2007; January 1,
334 2008; June 1, 2020;_____.]
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336 The Supreme Court, on June 4, 1991, amended Section 5 of this rule, effective July 2, 1991,
337 but did not modify the repeal provision of Section 7. The Supreme Court Reporter has advised
338 that the June 4 order supersedes the repeal provision of Section 7 and that Rule IX remains in
339 effect.
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342 **RULE XII. PRO HAC VICE ADMISSION**
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344 **Section 1. Definitions**
345

346 As used in this rule:
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348 (A) *Tribunal*: A tribunal is defined as a court, legislative body, administrative agency,
349 the Supreme Court of Ohio Board on the Unauthorized Practice of Law, or other body acting in an
350 adjudicative capacity. A legislative body, administrative agency, or other body acts in an
351 adjudicative capacity when a neutral official, after the presentation of evidence or legal argument
352 by a party or parties, will render a binding legal judgment directly affecting a party's interests in a
353 particular matter.
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355 **[Existing language unaffected by the amendments is omitted to conserve space]**
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357 [Effective: January 1, 2011; January 1, 2013; January 1, 2014; July 1, 2016; January 1, 2017; July
358 1, 2017; July 1, 2019; September 1, 2021; December 1, 2022;_____.]
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361 **RULE XX. TITLE AND EFFECTIVE DATES**
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363 **[Existing language unaffected by the amendments is omitted to conserve space]**

364 **Section 2. Effective Dates.**

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

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368 **([Insert division letter])** The amendments to Gov. Bar R. I, Sections 1 through 3, 8,
369 10, 11, 14, 15, 18, and 19; Gov. Bar R. II, Sections 2 and 3; Gov. Bar R. IX, Section 2; and Gov.
370 Bar R. XII, Section 1, adopted by the Supreme Court on _____, shall take effect on
371 _____.