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**DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS**

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

2020-RL-007

RULES RELATING TO ADMISSION OF ATTORNEYS

The attached Supreme Court Rules 709, 710, 712, and 722 are hereby amended, effective the date of this order.

Dated this 4th day of February 2020.

FOR THE COURT:



MARLA LUCKERT
Chief Justice

RULES RELATING TO ADMISSION OF ATTORNEYS

Rule 709

ADMISSION TO THE BAR UPON WRITTEN EXAMINATION

- (a) The Board shall conduct written bar examinations on the last Tuesday and Wednesday in February and the last Tuesday and Wednesday in July.
- (b) Only those applicants whose applications have been considered and approved by the Office of the Disciplinary Administrator, the Review Committee, or the Board will be permitted to take the bar examination.
- (c) Each applicant for admission to the bar upon written examination shall submit a completed application for admission to be received in the Office of Judicial Administration on or before October 1 (for the February examination) and on or before March 1 (for the July examination) on forms approved by the Court and procured from the Office of Judicial Administration. The completed application shall consist of:
 - (1) a verified application for admission;
 - (2) not less than three affidavits, on forms to be supplied by the Office of Judicial Administration, from responsible persons attesting that the applicant is a person of good moral character, or such other evidence of character as shall be satisfactory to the Board; and
 - (3) any other and further information as the Board then or thereafter may require for its consideration of the application.
- (d) Any applicant who wishes to submit a completed application for admission after the filing submission deadline, but on or before November 1 (for the February examination) and on or before April 1 (for the July examination), shall pay a late penalty fee in the amount of \$200 in addition to the application fee.
- (e) Notwithstanding the deadlines set out above, any applicant who is unsuccessful on the February Kansas Bar Examination will be given 30 days from the date of the letter announcing results to make reapplication for the following July examination without imposition of a late penalty fee. Reapplication for the following July examination will not be accepted after that 30-day period.
- (f) Any application returned to the applicant due to deficiencies, pursuant to Rule 713, will not be considered as timely submitted.
- (g) Any application received after November 1 (for the February examination) and April 1 (for the July examination) shall be considered as an application for the next ensuing bar examination.

- (h) If the applicant does not take the examination for which application is made, the original application shall remain valid for the next ensuing examination; however, the applicant must, by the filing submission deadline, submit an updated application or an affidavit verifying that the application on file remains current. The current application fee and late penalty fee, if applicable, shall be paid on or before the filing submission date. If the failure of an applicant to take the bar examination for which application is made is the result of delay attendant to investigation of the applicant's fitness and/or character, the need for a hearing thereon, or actions of the Office of the Disciplinary Administrator, the Review Committee, the Board, or the Supreme Court, the period for taking the examination and the viability of the application fee shall be extended for such additional time as shall be determined by the Board.
- (i) An applicant who is retaking the examination shall submit a completed application with the current application fee and late penalty fee, if applicable, on or before the filing submission date.
- (j) Upon the filing submission of an application, the name and address of the applicant shall be posted in a conspicuous place in the Office of Judicial Administration for not less than forty-five days prior to the date of the bar examination.
- (k) The Board shall conduct examinations of applicants for admission to the bar as to their learning in the law and educational qualifications for admission to the practice of law. The Board shall test applicants by administering the Uniform Bar Examination prepared by the National Conference of Bar Examiners which consists of six Multistate Essay Examination questions; two Multistate Performance Test questions; and the Multistate Bar Examination.
- (l) At every bar examination each applicant may be required to provide evidence of identification satisfactory to the Office of Judicial Administration. Each applicant shall place his or her name on the form furnished by the Office of Judicial Administration and deposit it in a sealed envelope with the Office of Judicial Administration. When the applicant shall have finished the examination, he or she shall mark it with his or her examination number only, as directed by the Board. Any other mark of identification placed upon the examination paper shall disqualify it, and the Board may refuse to read or consider it.
- (m) In lieu of taking the Multistate Bar Examination portion of the first Kansas bar examination taken by the applicant, the Board may, if requested by the applicant, accept any Multistate Bar Examination score achieved in another jurisdiction in a concurrent examination or in a prior examination conducted within thirteen months of the current examination, provided the applicant successfully passed the entire bar examination in the other jurisdiction in one sitting and achieved a minimum scaled score of 125 on the Multistate Bar Examination. An applicant desiring to use the Multistate Bar Examination score from a concurrent bar examination in another state will not be eligible for admission to the practice of law in Kansas until it is shown that the applicant successfully passed the entire bar examination of the other state in one sitting, regardless of the score obtained on the Multistate Essay Examination and the Multistate Performance Test portions of the Kansas examination. Applicants transferring a Multistate Bar Examination score to Kansas will not receive a Uniform Bar Examination score. In the event the applicant fails the bar examination in the other jurisdiction, the Multistate Bar Examination

score may not be used in Kansas in the current or any succeeding examination. If the applicant fails the Kansas examination, the Multistate Bar Examination score so transferred may not be used in any succeeding Kansas Bar Examination. All applicants shall notify the Office of Judicial Administration of their intention to use Multistate Bar Examination scores achieved in another jurisdiction at the time their application is submitted. It shall be the responsibility of the applicant to cause his or her Multistate Bar Examination scores to be certified to the Office of Judicial Administration by the National Conference of Bar Examiners or by the appropriate bar examination authority where the prior Multistate Bar Examination was taken. The Office of Judicial Administration shall adopt such procedures as are necessary to report such scores to the Board without divulging the identity of the applicant to the Board members.

- (n) To be eligible to sit for the Uniform Bar Examination in Kansas, an applicant must:
- (1) complete the Multistate Professional Responsibility Examination;
 - (2) request the official score to be reported to the Office of Judicial Administration; and
 - (3) receive a passing score as determined by the Board.

An official score report must be sent by the National Conference of Bar Examiners and received by the Office of Judicial Administration no later than January 15 for the February examination and June 15 for the July examination.

- (o) As soon as practicable after the completion of a bar examination, the Board shall submit a report to the Office of Judicial Administration recommending granting or denying admission of the applicant. When such report recommends granting admission, unless some reason appears to the contrary, the Supreme Court will make an order admitting the applicant to practice in all the courts of the state, which order shall become effective upon taking an oath pursuant to Rule 720.
- (p) When the Board recommends denying admission by reason of an applicant's failure to make a satisfactory grade on the bar examination, its report shall be final and shall be submitted to the Office of Judicial Administration.
- (q) An applicant who has failed the examination four times shall no longer be eligible to apply for admission.
- (r) Any applicant whose admission is denied because of failure to make a satisfactory grade on the bar examination shall have the right to receive a copy of his or her Multistate Essay Examination and Multistate Performance Test papers if such request is made in writing no later than the ninetieth day after the mailing by the Office of Judicial Administration of the notice of denial of admission. Because of the need for confidentiality to protect the integrity of the examination, no review or inspection of questions asked or answers given on the Multistate Bar Examination is permitted. No examination papers of an applicant who successfully passes the examination shall be retained beyond the administration date of the next succeeding examination.

Rule 710

TEMPORARY PERMIT TO PRACTICE

- (a) **Application for Temporary Permit to Practice.** An applicant for admission to the bar may submit to the Office of Judicial Administration an application for a temporary permit to practice law if the applicant has:
- (1) satisfied the educational requirements;
 - (2) achieved the required Kansas score on the Multistate Professional Responsibility Examination; and
 - (3) met the character and fitness requirements under Rule 707 and been certified by the Office of the Disciplinary Administrator, the Review Committee, or the Board, under Rule 721.
- (b) **Certificate from the Supervising Attorney.** The application must include a written certificate from an attorney in good standing who is actively engaged in the practice of law in Kansas that such attorney will supervise and be responsible for the acts of the applicant during the period covered by the temporary permit.
- (c) **Issuing a Temporary Permit to Practice.** If the Supreme Court shall find that the circumstances are such to justify it, a temporary permit may be issued.
- (d) **Effective Date of a Temporary Permit to Practice.** The temporary permit shall be effective upon the applicant's taking an oath to support the Constitution of the United States and the Constitution of the State of Kansas, in conformity with the oath prescribed by Rule 720.
- (e) **Expiration of Temporary Permit to Practice.**
- (1) For applicants seeking admission to the bar upon written examination, the temporary permit will expire on the date the results of the examination are announced, if unsuccessful, or, if successful, on the last Friday in April or September following the bar examination. If the applicant withdraws the application, the temporary permit expires on the date the application is withdrawn. If the applicant does not take the bar examination, the temporary permit expires on the first day of administration of the bar examination. If the Office of the Disciplinary Administrator, the Review Committee, or the Board re-opens the investigation into the applicant's good moral character and current mental and emotional fitness to engage in the active and continuous practice of law, the temporary permit is revoked on the date the applicant is informed that the investigation has been re-opened.
 - (2) For applicants seeking admission to the bar by Uniform Bar Examination score, the temporary permit will expire at the time the applicant takes the oath and signs the roll of attorneys or 90 days after the applicant's UBE score is released, whichever date is earlier. If the applicant withdraws the application, the temporary permit expires on the date the

application is withdrawn. If the Office of the Disciplinary Administrator, the Review Committee, or the Board re-opens the investigation into the applicant's good moral character and current mental and emotional fitness to engage in the active and continuous practice of law, the temporary permit is revoked on the date the applicant is informed that the investigation has been re-opened.

(3) For applicants seeking admission to the bar by Uniform Bar Examination score who have not yet taken the UBE in another jurisdiction, the applicants must, within 7 days of official notification of the Uniform Bar Examination score, request that the National Conference of Bar Examiners transfer the Uniform Bar Examination score to the Office of Judicial Administration. Failure to timely report a minimum passing score on the Uniform Bar Examination will result in expiration of the temporary permit to practice.

(4) For applicants seeking admission to the bar without written examination, the temporary permit will expire at the time the applicant takes the oath and signs the roll of attorneys or 90 days after issuance. If the applicant withdraws the application, the temporary permit expires on the date the application is withdrawn. If the Office of the Disciplinary Administrator, the Review Committee, or the Board re-opens the investigation into the applicant's good moral character and current mental and emotional fitness to engage in the active and continuous practice of law, the temporary permit is revoked on the date the applicant is informed that the investigation has been re-opened.

(f) **Eligibility to Receive a Temporary Permit to Practice.** An applicant who, within 10 years prior to ~~filing~~ submission of an application in Kansas, has failed a bar examination in Kansas or any other state or jurisdiction will not thereafter be eligible for a temporary permit.

Rule 712

RESTRICTED LICENSURE OF ATTORNEYS PERFORMING LEGAL SERVICES FOR SINGLE EMPLOYERS

(a) Any applicant for admission to the Bar of Kansas who was duly admitted to and continuously licensed for the practice of law upon written examination by the highest Court of another state's judicial system or that of the District of Columbia, and who has accepted or intends to accept or continue employment by a person, firm, association, corporation, or accredited law school engaged in business in Kansas other than the practice of law, and whose full time is, or will be, limited to the business of such employer, and who receives, or will receive, his or her entire compensation from such employer for the rendering of services, which include legal services, may be granted a restricted license to practice law in Kansas and the courts of this state, without examination, upon showing that the applicant:

(1) has submitted a completed application pursuant to subsection (b) of this rule within ninety (90) days of the beginning of employment;

- (2) would be fully qualified to take the written bar examination in Kansas under the Rules of the Supreme Court;
 - (3) has satisfied any applicable continuing legal education requirements specified by the rules of the jurisdictions in which the applicant has been admitted prior to making application in Kansas;
 - (4) is now and has been a person of good moral character, is currently mentally and emotionally fit to engage in the active and continuous practice of law, and in all respects is a proper person to be granted a restricted license to practice law in this state; and
 - (5) has never failed a Kansas bar examination.
- (b) Subsequent to ~~filing~~ submitting the completed application and pending issuance of the restricted license, an applicant may engage in the business of his or her employer, including legal services, if an attorney actively engaged in the practice of law in Kansas agrees, in writing, to supervise and be responsible for the acts of the applicant during that interim period. A restricted license granted under the provisions of this rule shall remain in effect for so long as such person remains in the employ of, and devotes his or her full time to the business of, and receives compensation for legal services from no source other than such employer. Upon the termination of such employment, the right of such person to practice law in Kansas shall terminate unless he or she shall have accepted like employment with another Kansas employer. Persons granted a restricted license under this rule shall be subject to all of the rules for practice in this state, including the requirements for continuing legal education.
- (c) Each applicant for a restricted license under this rule shall submit in duplicate on forms approved by the Court and procured from the Office of Judicial Administration:
- (1) a verified application for admission;
 - (2) a written certificate from the authority charged with the administration of discipline in each jurisdiction in which the applicant holds a license to practice law, certifying that the applicant is in good standing, has not been disciplined by such jurisdiction for violations of the Code of Professional Responsibility, Kansas Rules of Professional Conduct or any other ethical standards therein applicable, and that there are no complaints of such violations then pending against the applicant;
 - (3) where required by the rules of such jurisdictions, a written certificate from the authority charged with the administration of continuing legal education in the jurisdictions in which the applicant has been admitted to practice, certifying that the applicant has satisfied the continuing legal education requirements of such jurisdictions for any required years prior to making application in Kansas;
 - (4) a written certificate from the employer of such applicant evidencing the applicant's employment by such employer and that his or her full-time employment will be by such employer in Kansas; and

- (5) not less than three affidavits, on forms to be supplied by the Office of Judicial Administration, from responsible persons attesting that the applicant is a person of good moral character, or such other evidence of character as shall be satisfactory to the Office of the Disciplinary Administrator, the Review Committee, or the Board; and
 - (6) such other and further information as the Office of the Disciplinary Administrator, the Review Committee, or the Board may require in the consideration of the application.
- (d) The provisions of Rules 706, 707, and 721 apply to applicants under this rule.
- (e) When the Board recommends denial of an application under this rule, its recommendation shall be submitted to the Supreme Court and a copy thereof shall be submitted to the Office of Judicial Administration, which will mail or otherwise furnish a copy to the applicant. The applicant may, within twenty days of service thereof, submit to the Office of Judicial Administration exceptions to the Board's recommendation. The Board shall submit a response to any such exceptions within twenty days following service of the exceptions. The Supreme Court will then make a final determination based upon the record, exceptions and response, if any, and enter its final order, subject to the provisions of Rule 722(g) and (h).
- (f) When an application under this rule is granted by the Supreme Court, the applicant shall take an oath pursuant to Rule 720. The judicial administrator shall thereafter issue the applicant a restricted license to practice law in this State. The restricted license shall recite that it is issued under this rule and shall limit the licensee to perform only legal services for the employer's business. Such restricted license shall expire upon (i) termination of the applicant's employment by his full-time employer, or (ii) admission of the applicant to practice in Kansas under the terms of Rule 708, 709, 709A or, if the applicant shall fail the bar examination, on the date the results of the examination are announced.
- (g) Time in practice under a restricted license issued pursuant to this rule may not be used to satisfy requirements of any statute or regulation of the State of Kansas.
- (h) Any applicant for admission under this rule who withdraws or fails to pursue his or her application within one year of the date of filing submitting thereof, shall thereafter be required to submit a new application and pay the same fee required for the initial application. However, if the failure of an applicant to pursue said application during such period is the result of delay attendant to investigation of the applicant's fitness and/or character, the need for a hearing thereon, or actions of the Office of the Disciplinary Administrator, the Review Committee, the Board, or the Supreme Court, such period shall be extended for such additional time as shall be determined by the Board.
- (i) An attorney licensed under this rule is authorized to practice as provided in Rule 712B.

Rule 722

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 submitted to the Office of Judicial Administration, which will mail a copy to the applicant.
- (b) Upon the filing submission of the written decision, the Office of Judicial Administration shall order a copy of the transcript of the hearing before the Board that shall be mailed to the applicant; upon receipt in the Office of Judicial Administration.
- (c) The applicant may, within twenty days of service of the transcript of the hearing, submit to the Office of Judicial Administration 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 submitted, the Board shall submit a response to the Office of Judicial Administration within twenty days after service of the exceptions.
- (e) If the applicant fails to submit 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 that 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.