

RULES GOVERNING ADMISSION TO THE BAR

CURRENT THROUGH DECEMBER 3, 2020

Rule I. Composition of Board of Law Examiners

The State Board of Law Examiners, (hereinafter Board), is hereby constituted, before whom all applicants for license must appear.

Said Board shall consist of eleven members: two from each Congressional District (as now or hereafter constituted), and the remainder from the State at large. Each appointment shall be for a term of six years, unless otherwise designated by the Supreme Court. Vacancies occurring from causes other than expiration of term of office will be filled by the Supreme Court as they occur, and the person so appointed shall serve the remainder of the term of his or her predecessor. The Board, from its members, shall annually select its own chair. Members shall continue to serve beyond their designated term until such time as their successor is qualified and appointed by the Court.

The Board, its individual members, Executive Secretary and employees and agents of the Board are absolutely immune from suit or action for their activities in discharge of their duties hereunder to the full extent of judicial immunity in Arkansas.

The Board may adopt regulations consistent with these rules, to be submitted to the Arkansas Supreme Court for approval prior to their implementation. Any regulations adopted by the Board and approved by the Court shall appear as an appendix to the Rules Governing Admission to the Bar.

HISTORY

(Per Curiam, February 10, 1969; amended by Per Curiam May 18, 1992; amended by Per Curiam July 17, 1995; amended by Per Curiam September 30, 1999.)

Rule II. Time and Place of Examination

The Board shall hold semiannual examinations of applicants to be given in the months of February or March and July or August of each year in Little Rock, or at other locations it may designate. The Board shall meet following each of said examinations for the purpose of grading examination papers and certifying the grades thereon. The grades on such examinations shall be certified to the Clerk of the Court within 45 days following the giving of the examination, unless further investigation of moral or ethical character is deemed necessary by the Board; or, receipt of additional scores is required. The Board may meet at such other times as it may designate to carry out its duties specified herein. (Per Curiam May 18, 1992.)

Rule III. Board Records

The activities, files and records of the Board shall be kept confidential except in the following instances: Public hearings required under these rules; The certification of names and addresses of all applicants who complete the examination and whether they have passed or failed the examination; Subsequent to the release of the bar examination results, the Secretary shall provide each examinee with his or her examination grades; When necessary for disbarment suit, or in defense of litigation brought against the Executive Secretary, the Board, or members of the Board; Such statistical data as the Board may maintain, protecting the identity of the individual applicant; and, The top examination paper in each subject shall be available for review in the Office of the Supreme Court Library and the libraries of any American Bar Association accredited law school in Arkansas, but the name of the author shall not be disclosed. The Board may provide pass/fail information, which may include applicant names, to the national entity which has been authorized by the United States Department of Education (Department) to collect such information in order to allow the Department, or its appointed agent, to determine whether law schools across the country have met "minimum passage" standards currently in effect or as they may be adopted in the future. Records of the Arkansas State Board of Law Examiners shall be subject to the following records retention schedule: Applications to take examination or seek admission on motion - shall be maintained for a period of ten (10) years and then shall be destroyed; Fiscal records - shall be maintained for a period of ten (10) years and then shall be destroyed; and, Lists of applicants and scores - the list of all individuals who actually take a given examination, along with statistical analyses which contain information on the scores obtained, and, all documentation concerning the conduct of the examination shall be maintained for a period of twenty-five (25) years and then shall be destroyed; and, Any information furnished to the Board or its Executive Secretary in connection with any application shall be confidential unless the person furnishing that information waives its confidentiality in writing. Any proceeding at which the testimony of witnesses is being taken under oath shall be open to the public and all evidence considered by the Board at such a proceeding shall be public.

HISTORY

(Per Curiam February 10, 1969; amended by Per Curiam September 11, 1972; amended by Per Curiam October 25, 1976; amended by Per Curiam December 10, 1979; amended by Per Curiam April 4, 1988; amended by Per Curiam July 18, 1988; amended by Per Curiam May 18, 1992; amended by Per Curiam May 15, 1995; amended by Per Curiam June 17, 2004; amended by Per Curiam December 2, 2010, to add subsection (g).)

Rule IV. Duties of the Board

The Board shall cause to be provided questions to be used on examinations, and shall furnish to each applicant a set of such questions, on the day of examination.

The Board shall cause to be graded the examination papers and provide those raw written scores to the NCBE for scaling to the MBE for determination of an applicant's total scaled score.

The names and addresses of applicants passing the examination as determined pursuant to Rule IX of these rules and who are otherwise eligible for admission in accord with rule XIII of these

rules; or, who are eligible for admission or reinstatement pursuant to Rule XVI, Rule XVII, Rule XVIII, or Rule VII of these rules; and who meet the requirements of Rule XIII of these rules, may be certified by the Executive Secretary to the Clerk of the Supreme Court, with a recommendation that they be licensed as attorneys-at-law.

HISTORY

(237 Ark. 976, January, 1963, as amended April 8, 1963; amended by Per Curiam October 25, 1976; amended by Per Curiam July 1, 1985; amended by Per Curiam May 18, 1992; amended by Per Curiam February 1, 2001; amended by Per Curiam September 6, 2001; amended by Per Curiam June 17, 2004; amended by Per Curiam October 9, 2008; amended and effective December 3, 2020.)

Rule V. Duties of the Clerk

The Executive Secretary or the Clerk shall make available to each qualified applicant a petition for license and oath of office. Said petition, when properly executed and returned, shall be presented to the Clerk, where the order of enrollment will be made and license issued.

HISTORY

(237 Ark. 976, January 1963; amended by Per Curiam May 18, 1992.)

Rule VI. Duties of the Applicant

The applicant shall execute the petition and take the oath before some officer authorized by law to administer official oaths (a notary public cannot do so), and return the petition to the Clerk of the Supreme Court, together with such fees or dues as provided by law or Order of the Court. Each applicant for admission to the Bar is required to answer under oath a questionnaire on forms prescribed by the Board. Should any answer be false in a material respect, the application will be rejected if the fact is ascertained before enrollment; but if enrolled, such attorney is subject to disbarment.

HISTORY

(237 Ark. 977, January 1963; amended by Per Curiam May 18, 1992.)

Rule VII. Application for License

A. LICENSE FEE. An annual license fee as set by the Court, from time to time, shall be imposed upon each attorney actively licensed to practice law in this State. The fee shall be paid annually to the Clerk of the Arkansas Supreme Court. The amount shall be payable January 1 of each year, and must be paid not later than March 1 of each year to avoid penalties and suspension as described in subsection (C) of this Rule. Funds thus realized shall be used as ordered by the Supreme Court of the State of Arkansas.

(1) Attorneys licensed in this State who have transferred to voluntary inactive status pursuant to Section 25 A(7) of the Procedures of the Arkansas Supreme Court Regulating

Professional Conduct of Attorneys at Law, or its successor provision, shall pay fifty percent (50%) of the fee required of actively licensed attorneys.

(2) Attorneys age 65 or older licensed in this State who have certified that their primary source of income does not derive from the practice of law shall pay ten percent (10%) of the fee required of actively licensed attorneys.

(3) Upon request by an attorney or the attorney's representative, the Clerk shall have the discretion to place an attorney on voluntary non-payment status if the attorney is incapacitated due to injury, illness, or advanced age. Attorneys placed on voluntary non-payment status shall not practice law in this State and shall not be required to pay an annual license fee unless reinstated to active status.

(4) Attorneys who have been licensed to practice law in Arkansas for fifty years or more and are in good standing as a member of the Bar of Arkansas shall be exempt from the annual license fee and have the status as Emeritus Attorney.

B. LICENSE DENIED. No person shall be admitted to practice law in this State who has been disbarred or suspended from the practice of law in any other state, unless good cause is shown.

C. SUSPENSION FOR FAILURE TO PAY FEE.

(1) Failure to pay the annual license fee provided in subsection A of this Rule VII shall automatically suspend the delinquent lawyer as provided herein from the practice of law in Arkansas and result in the imposition of additional penalties.

(2) All notices required to be sent by the Supreme Court Clerk under this Rule shall be sent by regular mail to the address of record on file with the Clerk for each licensed attorney who is required to pay the annual fee. However, attorneys may elect to be provided notices at their email address of record on file with the Clerk in lieu of service by mail.

(3) All required submissions to the Clerk's office under this Rule shall be deemed to be dated and submitted as of the date of receipt in the Clerk's office in Little Rock.

(4) All deadlines imposed by this subsection shall be subject to the extension of time for deadlines occurring on a day when the Clerk's office is closed, as provided in Rule 9 of the Rules of Appellate Procedure-Civil.

(5) The Clerk shall send each attorney a notice in December stating that the annual license fee is due on January 1; that the fee is delinquent if not paid by March 1, and will result in a penalty in the amount of fifty percent (50%) of the attorney's annual fee; that if the fee and penalty are not paid by April 1, an additional penalty of fifty percent (50%) of the attorney's annual fee will be imposed; that the attorney's license shall be automatically suspended if the license fee and all penalties due are not paid in full by April 15 and; that the suspended attorney shall be listed as being in a suspended-license status in a per curiam opinion issued by the Supreme Court after April 15.

(6) After March 1, the Clerk shall send another notice to all attorneys not yet having paid their license fee that they are delinquent and owe a penalty of fifty percent (50%) of the attorney's annual fee; such notice shall also contain the same information included in the December notice.

(7) After April 1, the Clerk shall send a third and final notice to all attorneys not yet having paid their license fee that they are delinquent and owe a second penalty of fifty percent (50%) of the attorney's annual fee; such notice shall also contain the same information included in the December notice.

(8) The final deadline for payment of the license fee and all penalties shall be April 15. Each attorney who fails to pay all fees and penalties by the final deadline shall be suspended thereafter from the practice of law in the State of Arkansas.

(9) The names of all suspended attorneys shall be listed by the Clerk in a per curiam opinion (the "April 16 per curiam") presented to the Court as soon as practicable after the final deadline. The Clerk shall promptly post a copy of the per curiam on the Court's website, send a copy of the per curiam to all state and federal judges in Arkansas by mail or email, and provide a copy to each attorney named in the per curiam in any manner permitted by Paragraph 2 of this subsection.

(10) For any attorney paying in full the license fee and all penalties due after the final deadline, the Clerk shall issue for payment in such form that the receipt shall act as proof of good standing as to the payment of the license fee until the final deadline of the year following suspension.

(11) The critical license-renewal dates are:

- a. January 1 License fee due
- b. March 2 Delinquency occurs and late-payment penalty of fifty percent (50%) of the attorney's annual fee imposed
- c. April 2 Additional late-payment penalty of fifty (50%) of the attorney's annual fee imposed
- d. April 15 Final deadline to pay license fee and penalties
- e. April 16 The April 16 per curiam order shall issue listing those attorneys suspended for license fee and penalties not paid by the final deadline.

(12) Any attorney who believes his or her name is listed in the April 16 per curiam order by mistake, or that serious circumstances should serve as a basis to excuse the failure to pay, may appeal administratively within 30 days from the date of the per curiam by providing evidence of the mistake or serious and excusable mistake to the Clerk. Any appeal to the Clerk shall be accompanied by full tender to the Clerk of the license fee and all penalties in issue. Any appeal to the Clerk under this Rule shall not be docketed as a

case before the Supreme Court, but shall be treated as an administrative matter with the Clerk.

(13) The Clerk will notify the attorney if the Clerk agrees that a mistake was made or that serious and excusable circumstances exist. If the Clerk determines that there was a mistake and that the license fee and any penalty due were timely paid or that serious and excusable circumstances exist, the matter will be concluded, and the attorney shall be reinstated retroactively as appropriate under the circumstances. Any excess payment received by the Clerk shall be refunded to the attorney within thirty (30) days of the Clerk's determination.

(14) If the Clerk concludes that there was no mistake or that there were no serious and excusable circumstances, the Clerk shall notify the attorney. Within thirty (30) days from receipt of the notice, the attorney may then petition the Supreme Court for retroactive license reinstatement. Any such original action shall be docketed as a civil case before the Court, be accompanied by the standard filing fee for a civil appeal, and shall identify the Clerk as the respondent. If the Court grants relief and orders retroactive reinstatement, any excess payment of license fee and penalties received by the Clerk shall be refunded to the attorney within thirty (30) days of the Court's order.

(15) Filing any administrative appeal or a petition for reinstatement shall automatically result in a stay of the license suspension from the date of filing until final action on the appeal or petition.

(16) Any time after April 15 of the first year and before a suspension of more than three (3) consecutive years, an attorney shall be reinstated upon payment of all license fees and penalties and a reinstatement filing fee of \$100.

(17) If a suspension is for more than three (3) consecutive years, the attorney shall be deemed to have surrendered his or her license voluntarily, and the attorney's name shall be removed from the rolls of licensed attorneys. To be reinstated, application must be made to the Board of Law Examiners by the suspended attorney on a form supplied by the Executive Secretary of the Board and accompanied by a tender of all unpaid license fees and penalties and a Board reinstatement fee of \$100.

(18) Periodically, the Clerk shall submit to the Court a proposed updated per curiam opinion consisting of two categories and listings of attorneys. Category One shall list all attorneys who are still in suspended-license status for nonpayment of license fee and penalties. Category Two shall list all attorneys who have become current on payment of fees and penalties since the last per curiam opinion on the status of license fees. The names of the attorneys appearing in Category Two shall not appear in subsequent periodic opinions issued.

(19) Attorneys who remain suspended for failure to pay the annual fee in a previous year after having been provided the pre-suspension notices required by this subsection in that previous year shall be deemed to be on notice of the suspension, and no further notice to the attorney is required.

(20) This subsection, as amended in 2015, shall not be applied retroactively to any year prior to 2015.

D. REINSTATEMENT. An application for reinstatement pursuant to paragraph (C)(17) of this Rule for non-payment of dues for more than three (3) years shall be accompanied by the payment of an application fee of \$100.00 which shall be payable to the Board. All applications for reinstatement will be referred to the Board in accord with Rule XIII of these rules for investigation and recommendation and the taking of a new examination may be required by the Board.

E. PUBLIC RECORDS. It shall be the duty of the Clerk to maintain a public record of licensed attorneys in the state of Arkansas and a list of all attorneys no longer licensed and the reason therefore, e.g., deceased, suspended, disbarred, surrender of license, inactive, delinquency of fee, disabled or retired.

F. At the time of licensure, the new admittee shall provide a mailing address and an email address to the Clerk of this Court. The address on record with the Clerk shall constitute the address for service by mail, and the email address on record with the Clerk shall constitute the email address for service by email. Attorneys shall be responsible for informing the Clerk in writing and within a reasonable time of any change of such mailing address or email address. The Clerk may require any attorney to provide a mailing address or email address for service if the information was not provided at the time of licensure or if it appears the mailing address or email address is no longer valid or correct.

G. ATTORNEY OATH OF ADMISSION. The following oath shall be administered to and signed by members of the Arkansas Bar:

State of Arkansas)

In the Supreme Court)

To the Honorable, the Supreme Court of Arkansas:

Your petitioner prays to be licensed as an Attorney-at-Law.

I DO SOLEMNLY SWEAR OR AFFIRM:

I will support the Constitution of the United States and the Constitution of the State of Arkansas, and I will faithfully perform the duties of attorney at law.

I will maintain the respect and courtesy due to courts of justice, judicial officers, and those who assist them.

I will, to the best of my ability, abide by the Arkansas Rules of Professional Conduct and any other standards of ethics proclaimed by the courts, and in doubtful cases I will attempt to abide by the spirit of those ethical rules and precepts of honor and fair play.

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.

I will not reject, from any consideration personal to myself, the cause of the impoverished, the defenseless, or the oppressed.

I will endeavor always to advance the cause of justice and to defend and to keep inviolate the rights of all persons whose trust is conferred upon me as an attorney at law.

ATTORNEY SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 2_____.

OFFICIAL AUTHORIZED TO ADMINISTER OATH

HISTORY

(237 Ark. 977, January 1963; amended by Per Curiam May 18, 1992; amended by Per Curiam May 3, 1993; amended by Per Curiam June 17, 2004; amended by Per Curiam February 2, 2006; amended and effective by Per Curiam February 23, 2012; amended and effective November 20, 2014; amended and effective June 18, 2015; amended and effective November 17, 2016; amended October 20, 2016; effective January 1, 2017.)

Rule VIII. Duties of the Executive Secretary

The Board shall receive administrative and clerical support as provided by order of the Arkansas Supreme Court. If an individual is employed by the Court to provide such support, that person shall be known as the Executive Secretary of the Arkansas State Board of Law Examiners. Compensation for the Executive Secretary shall be set by the Court.

The duties of the Executive Secretary are purely ministerial. The Executive Secretary shall attend to all necessary correspondence of the Board and make available to applicants all needed information relative to admission to the Bar of Arkansas.

The Executive Secretary shall give such bond as may be required by the Board, and shall keep a faithful account of all fees collected and expenditures made; make a detailed report of same to the Board at each regular meeting; and shall perform such other duties as may be directed by the Board, or the Court. The Executive Secretary, with the advice and counsel of the Board, shall be authorized to develop and utilize appropriate forms, letters, and other documents to enhance efficient administration of the bar admission process.

HISTORY

(237 Ark. 977, January 1963; amended by Per Curiam May 18, 1992; amended by Per Curiam June 17, 2004.)

Rule IX. Examination - Subjects - Passing Grade.

A. Uniform Bar Examination. All examinations given by the Arkansas Board of Law Examiners (beginning with the February 2020 Exam) shall be prepared by the National Conference of Bar Examiners and shall consist of six Multistate Essay Examination questions, two Multistate Performance Test questions and the Multistate Bar Examination, which is made up of 200 multiple choice questions.

Subjects tested on the UBE may include, but not be limited to: Business Associations, Civil Procedure, Conflicts of Law, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Secured Transactions, Torts, and Trusts and Estates.

Multistate Performance Test (MPT) presents problems which arise in a variety of fields of law which include the subject area as set forth in the preceding paragraphs as well as other fields of law. However, materials provided with the examination provide sufficient substantive information to complete the task set forth in each MPT question.

Pass/Fail Determination The answers to each essay question and each MPT question will be graded on a scale ranging from 65 to 85. This score shall be designated as the applicant's "raw" score on a question.

The distribution of the total written raw scores acquired by applicants on a given examination will be converted to a score distribution that has the same mean and standard deviation as those same applicants' Multistate Bar Examination scale scores on that examination. The score on this converted scale that corresponds to the applicant's total written raw score shall be designated as the applicant's "written scale" score. An applicant's total examination score shall be determined by the following formula: **total score = written scale score + MBE scale score**. An applicant shall pass the examination if he or she earns a total score of 270 points or higher.

The Board shall destroy all examination papers, including questions and answers, at the time of the next succeeding bar examination. However, the original copy of each question shall be maintained in accordance with Rule III.

B. Multistate Professional Responsibility Examination. The provisions of Section A of this rule, titled UNIFORM BAR EXAMINATION, and the provisions of Rules II and IV of the Rules Governing Admission to the Bar shall govern the semiannual general examinations conducted by the Arkansas State Board of Law Examiners.

As a prerequisite for admission to the Bar of Arkansas by examination each applicant shall be required to attain a scaled score of 85 or more on the Multistate Professional Responsibility Examination (MPRE). This score shall be considered independent of the total score as set out in Section A of this rule. Any applicant may take the MPRE prior to a general examination, or within one (1) year from conduct of a general examination at which the applicant receives a passing score. Individuals who successfully complete the MPRE are allowed to retain, or transfer from another jurisdiction, their passing score for a period not exceeding three years from the date upon which the individual took the MPRE. There is no limit on the number of times that an applicant may take the MPRE without passing.

(Per Curiam November 1, 1971; amended by Per Curiam June 18, 1984; amended by Per Curiam April 4, 1988; amended by Per Curiam May 18, 1992; amended by Per Curiam June 7, 1998; amended by Per Curiam January 18, 1994; amended by Per Curiam May 15, 1995; amended by Per Curiam May 10, 2001; amended by Per Curiam April 25, 2002; amended by Per Curiam June 17, 2004; amended by Per Curiam March 4, 2010; amended by Per Curiam April 18, 2019 and effective October 1, 2019; amended and effective December 3, 2020.)

Rule X. Applications to Take Examination

All applications for leave to take the examination shall be filed with the Executive Secretary on or before November 15 of the year which precedes the February examination and April 1 which precedes the July examination. Applicants who fail the February Arkansas examination shall have until the following May 15 to file an application for the immediately subsequent July examination. If such date falls on a Saturday, Sunday, or legal holiday, the application deadline shall be on the next day which is not a Saturday, Sunday or legal holiday.

(Per Curiam January 18, 1965; amended by Per Curiam January 15, 1979; amended by Per Curiam May 18, 1992; amended by Per Curiam June 2, 1997; amended by Per Curiam November 11, 1999.)

Rule XI. Expense Fee

A fee, as established from time to time by the Court must accompany initial and subsequent applications to take the bar examination as well as applications for admission on motion as set forth in Rule XVI Admission on Motion, Rule XVII Military Spouse Temporary Admission, and Rule XVIII Admission by Transfer of UBE Score of these rules. Remittances for such fees shall be made by Post-Office Money Order or Cashier's Check payable to the Clerk of the Supreme Court. Fees thus provided shall be used by the Board to defray the expenses of examination, and necessary expenses of the Board Members while attending meetings. The members of the Board shall be entitled to receive per diem, and reasonable reimbursement for expenses of meals, lodging, and transportation as may be set from time to time by the Court. Fees shall also be used to assist the Board and the Executive Secretary in carrying out their duties under these rules. (Per Curiam April 21, 1969; amended by Per Curiam October 25, 1976; amended by Per Curiam April 23, 1979, effective July 1, 1979; amended by Per Curiam June 30, 1980, effective September 1, 1980; amended by Per Curiam May 18, 1992; amended by Per Curiam June 17, 2004; amended and effective December 3, 2020.)

Rule XII. Requirements for Taking Examination

Graduation from a law school shall not confer the right of admission to the bar. Candidates may be a United States citizen, an alien lawfully admitted for permanent residence, or an alien otherwise authorized to work or study lawfully in the United States. No candidate shall be allowed to take the bar examination unless the applicant has graduated, or completed the requisites for graduation, from a Law School approved by the American Bar Association. An applicant shall not be limited to the number of times he or she may take the Arkansas Bar Examination. The requirements set forth in this rule, as well as the other Rules Governing Admission to the Bar, are exclusive and may not be contravened or supplemented except by further order of the Arkansas Supreme Court. (Per Curiam, February 10, 1969 as amended by Per

Curiam, September 22, 1969; amended by Per Curiam September 11, 1972; amended by Per Curiam December 10, 1979; amended by Per Curiam March 23, 1983; amended by Per Curiam May 18, 1992; amended by Per Curiam January 18, 1994; amended by Per Curiam June 17, 2004.)

Rule XIII. Standards and Procedures for Admission; Readmission; And Reinstatement

The practice of law is a privilege. Admission to practice is based upon the grade made on the examination if one is taken, moral qualifications, and mental and emotional stability.

Generally

Every applicant for admission, readmission, or reinstatement, shall complete and file with the Executive Secretary (Secretary) of the Board of Law Examiners (Board) an application, verified under oath, on a form approved by the Board. The Board may conduct whatever investigation it deems appropriate as to any applicant.

Upon receipt of a petition seeking readmission to the bar after disbarment or surrender of license, the Board shall cause a public notice of pendency of the petition to be placed in a newspaper of general circulation in the State and one newspaper of local circulation. The site for publication of the local notice shall be left within the discretion of the Secretary based upon the circumstances surrounding the applicant's surrender or disbarment. These notices shall be published at least 30 days prior to the hearing or decision by the Chair of the Board (Chair) pursuant to this rule. The notice shall be in such form as designated by the Board.

Further, where an application is for readmission subsequent to disbarment or surrender of license, such application shall be subject to the limitations set forth in Section 24 -Readmission to the Bar - of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, or its successor rule.

The determination of eligibility of every applicant shall be made in accordance with this rule and the burden of establishing eligibility shall be on the applicant. The standard of proof is preponderance of the evidence.

Any proceedings at which the testimony of witnesses is being taken under oath shall be open to the public.

A. Initial Review

Applications for admission, readmission after disbarment or surrender, or reinstatement after suspension pursuant to Rule VII(D) of these rules, shall be reviewed by the Secretary of the Board. Any application which raises questions of eligibility based upon the standards set out in this rule shall be referred to the Chair. The Chair, applying the standards set out in this rule, shall determine whether: the applicant is eligible for admission, readmission, or reinstatement; to recommend the deferral of the admission decision; or, the Chair is unable to determine eligibility for admission, readmission, or reinstatement.

B. Standards

In addition to meeting all other requirements of the Rules Governing Admission to the Bar, every applicant for admission and every applicant for readmission or reinstatement of license to practice must be of good moral character and mentally and emotionally stable.

C. Decision of Chair — Admission, Readmission, or Reinstatement Granted

In the event the Chair determines that an applicant for admission is eligible, the Chair shall notify the Secretary, who shall certify to the Clerk of the Supreme Court (Clerk) that the applicant is eligible for admission.

In the event the Chair determines that an applicant for reinstatement is eligible, the Chair shall certify to the Clerk that the applicant is eligible for reinstatement. The Chair may condition such reinstatement upon the applicant taking the examinations as set forth in Rule IX of these rules or its successor rule.

In the event the Chair determines that an applicant for readmission after disbarment or surrender of license is eligible, the Chair shall so notify the applicant. The applicant will then be required to file a motion with the Arkansas Supreme Court as set forth in paragraph 2 of Section G of this rule. The Chair may condition such readmission upon the applicant taking the examinations as set forth in Rule IX of these rules or its successor rule.

D. Deferral of Admission Decision

The Chair shall annually appoint a Deferral of Admission Committee (Committee) composed of three (3) members. The committee members shall serve terms of one year subject to reappointment by the Chair. The Chair shall not be eligible to serve on the committee. The Chair shall designate the Chair of the committee.

In the event the Chair concludes that an applicant by examination might be eligible for admission absent circumstances set out hereafter, then the Chair may defer the eligibility decision and provide the applicant with the alternative of participation in a deferral of admission program (program). The circumstances which might warrant such a deferral are: an applicant currently has a condition or impairment resulting from alcohol or other chemical or substance abuse which currently adversely affects the applicant's ability to practice law in a competent and professional manner.

In such cases, the applicant shall be notified of the Chair's determination by certified, return receipt, restricted delivery mail. The applicant shall have thirty (30) days from receipt of notice in which to advise the Secretary that he or she is agreeable to participating in the program on such terms, and for such period of time, as may be set by the Committee. Failure of the applicant to timely agree to the program shall cause the application to be referred to the Board and processed as set forth in section E of this rule.

In the event an applicant elects the deferral of admission program, the committee shall secure such evidence as may be necessary to establish the terms and duration of the program. Such materials may include: documentary evidence supplied by the applicant; evidence secured by the Secretary; evidence acquired by an informal conference with members of the committee; or such other evidence as the committee may consider necessary to their decision. Prior to establishing

the terms and duration of any deferral of admission program, the committee may reject the applicant as a candidate for the program. In such case, the applicant shall then be referred to the Board and processed as set forth in section E of this rule.

In the event the committee accepts the applicant as a participant in the program, then the applicant will sign an agreement with the committee which sets forth the terms and duration of the program. All expenses relating to the program shall be borne by the applicant, and this shall be part of the agreement. In the event the applicant does not sign the agreement within thirty (30) days of notification thereof, the deferral of admission for that applicant shall be deemed to have been waived. The applicant shall then be referred to the Board for disposition in accord with section E of this rule.

The deferral agreement may continue for a period not to exceed two (2) years.

At the conclusion of the deferral period, or anytime prior thereto, the committee shall determine whether the applicant has complied with all terms and conditions of the deferral agreement, and the committee shall so notify the Board. The Board shall then, by majority vote, make a determination as to whether the applicant is eligible for admission. In the event of a favorable Board vote, The Secretary shall then certify to the Clerk that the applicant is eligible for admission.

In the event the Committee determines that the applicant has failed to comply with the terms and requirements of the deferral agreement he or she shall be referred to the full Board for disposition in accord with the provisions of section E of this rule.

E. Referral to Board - Hearing - Procedures

In the event the Chair is unable to determine eligibility of the referred applicant, or in instances where other provisions of this rule mandate referral of the applicant to the Board for determination of eligibility, then the applicant shall be notified of such determination. The applicant shall be advised that he or she has a right to a hearing on the question and the right to be represented by counsel at the expense of the applicant. Such notice shall be sent by certified, return receipt, restricted delivery mail. The applicant shall have thirty (30) days from receipt of the notice to request a hearing. Such request shall be in writing and addressed to the Secretary.

Upon request of the applicant, the Chair shall appoint a hearing panel (panel) from the Board comprised of not less than three members who shall proceed to a hearing as hereafter provided. The Chair shall not be eligible to serve thereon. Absent exigent circumstances, the hearing shall be conducted within 60 days after the Secretary is notified that the applicant requests a hearing. The Chair shall designate a member to serve as Chair of the panel. For good cause shown, the Chair of the panel may grant extensions of time.

This panel shall be appointed for the sole purpose of making a full and accurate record of all facts and circumstances affecting the application.

The Secretary shall act as evidence officer for the hearing with the responsibility of procuring and presenting evidence that may be pertinent, either for or against the applicant. However, for good cause shown, the Chair of the Board is authorized to appoint a substitute evidence officer.

At the start of the hearing, the evidence officer shall establish that all procedural requirements have been met as required by this rule and introduce documentary evidence. The applicant shall then present evidence in support of the application without regard to rules of evidence but subject to cross-examination. At the close of the applicant's presentation, the evidence officer shall then present any additional evidence which is pertinent, subject to cross-examination, and the applicant shall then be permitted to introduce any additional evidence which may be pertinent in rebuttal, subject to cross-examination. The record may be held open for a set period to acquire additional evidence.

All costs and expenses attributable to the preparation and distribution of the transcript shall be borne by the applicant. The applicant shall be required to post a bond as set by the Secretary to insure payment of such costs and expenses. The panel shall have authority to issue summons for any person or subpoenas for any witness, directed to any Sheriff or State Police Officer within the State, requiring the presence of any party or the attendance of any witness before it, to include production of pertinent documents or records. Such process shall be issued under the seal of the Supreme Court of the State of Arkansas and be signed by the Chair of the panel, or the Secretary. Summonses or subpoenas shall be served in any manner provided by the Arkansas Rules of Civil Procedure for service of process. Likewise, the affected applicant shall be entitled to compel, by summons or subpoena issued in the same manner, the attendance and testimony of witnesses, and the production of pertinent documents or records. The Circuit Court of Pulaski County shall have the power to enforce process. Disobedience of any summons or subpoena or refusal to testify shall be regarded as constructive contempt of the Arkansas Supreme Court.

Failure of the applicant to timely request a hearing or tender the bond required by the Secretary shall cause the application to be administratively terminated. After such termination, the applicant must file a new application for admission, readmission, or reinstatement, accompanied by the appropriate fees.

At the conclusion of the hearing, a copy of the transcript of the proceedings shall be submitted without comment to each member of the Board and the applicant. The Board, within thirty (30) days of receipt of the transcript, after considering the entire record de novo, shall by majority vote, determine the eligibility of the applicant. Thereafter, within sixty (60) days of said vote, the Board shall cause to be filed with the Secretary the findings of fact and conclusions of the Board, a copy of which shall be delivered to the applicant. Any concurrence or dissent in writing shall be made a part of the record and a copy furnished to the applicant. In instances where the Board votes to grant admission of a new applicant, no findings of fact and conclusions are required.

F. Board Decision - Evidentiary Hearing - Admission, Readmission or Reinstatement Denied - Appeal

Within thirty (30) days of receipt of written findings of the Board denying eligibility, the applicant may appeal said findings to the Supreme Court of Arkansas for review de novo upon the record. Such appeal shall be prosecuted by filing a written notice of appeal with the Clerk with a copy to the Secretary. The notice of appeal shall specify the party taking the appeal; shall designate the order of the Board from which appeal is sought; and, shall designate the contents of the record on appeal. The notice shall also contain a statement that the transcript, or specific portions thereof, have been requested from the Secretary. The Secretary shall certify the record as being a true and correct copy of the record as designated by the parties and it shall be the

responsibility of the appellant to transmit such record to the Clerk. The record on appeal shall be filed with the Clerk within ninety (90) days from filing of the notice of appeal, unless the time is extended by order of the Board. In no event shall the time be extended more than seven (7) months from the date of entry of the order of the Board. Such appeals shall be processed in accord with pertinent portions of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas.

G. Board Decision - Evidentiary Hearing - Admission, Readmission or Reinstatement Recommended

The Board may recommend that an applicant be certified for admission. In such cases, the Secretary shall certify to the Clerk that the applicant is eligible for admission.

The Board may recommend readmission of an applicant subsequent to disbarment or surrender of license, or reinstatement after suspension of license pursuant to Rule VII (D) where a hearing panel has been appointed. In the Board's discretion, the applicant may be required to take the examinations set forth in Rule IX of these rules, or its successor rule. Subsequent to such recommendation the applicant shall file with the Court a motion pursuant to Rule 2-1 of the Rules of the Supreme Court and Court of Appeals, or its successor rule. Such a motion must be filed within thirty (30) days of receipt of notice that the Board has recommended readmission or reinstatement. The applicant shall file a single copy of the original transcript of the hearing, if one has been conducted, to include the findings of fact and conclusions, or, the original copy of the authorization for readmission which has been issued by the Chair of the Board. The motion filed in conjunction with the transcript or recommendation from the Chair shall briefly summarize the circumstances leading to the disbarment, surrender, or suspension. The matter shall then be referred to the Arkansas Supreme Court for disposition, at its discretion, in accordance with regular motion practice pursuant to Rule 2-1 or its successor rule.

H. General

All Other Rules Governing Admission to the Bar are hereby amended to conform with the provisions of this rule.

HISTORY

(Adopted and republished by Per Curiam November 20, 2003; amended by Per Curiam June 17, 2004.)

Rule XIV. Practice by Comity. Pro Hac Vice Appearance. Requirements for Participation in Arkansas Proceedings by a Non-Resident Attorney, not licensed to practice law in Arkansas by the Arkansas Supreme Court.

(a) For purpose of this specific rule, the term "Non-Resident Attorney" refers specifically to an attorney admitted to practice law in another State, District of Columbia, or territory, which would allow an Arkansas attorney to seek permission to participate in the proceedings of any particular case in the other courts of the State of licensure of the "Non-Resident Attorney."

(b) A non-resident attorney requesting permission to participate in proceedings in a court in this State shall pay a fee of \$200 for each case in which the attorney is requesting to participate. Fees under this Rule shall be collected in the same manner as the annual attorney license fee collected by the Clerk of the Arkansas Supreme Court. The Clerk shall cause the fees received pursuant to this Rule to be allocated to the Bar of Arkansas. A nonresident attorney who files a motion requesting permission to participate in proceedings in a court in this State shall provide to that court accompanying proof of payment of the fee required herein. Proof shall be provided to the non-resident attorney by the Clerk of the Arkansas Supreme Court. Except as otherwise provided by this rule, the non-resident attorney fee is a mandatory initial requirement. Upon completion of this requirement and receipt of payment issued by the Clerk of the Supreme Court, the non-resident attorney shall file with the applicable Arkansas court a written, sworn motion requesting permission to participate in a particular case. The motion shall contain: (1) the office address, telephone number, fax number, and email address of the non-resident attorney movant; (2) the name and Arkansas Bar ID number of an attorney licensed in Arkansas, with whom the non-resident attorney will be associated in the Arkansas proceedings, and that attorney's office address, telephone number, fax number, and email address; (3) a list of all cases, including case number and caption, in Arkansas courts in which the non-resident attorney has participated or served as counsel or sought leave to appear or participate within the two years preceding the filing of the Motion; (4) a list of jurisdictions in which the non-resident attorney is licensed, including federal courts, and a statement that the non-resident attorney is or is not an active member in good standing in each of those jurisdictions; (5) a statement that the non-resident attorney has or has not been the subject of disciplinary action by the Bar or courts of any jurisdiction in which the attorney is licensed and a description of any such disciplinary actions; (6) a statement that the non-resident attorney has or has not been denied admission, including admission pro hac vice, to the courts of any State or to any federal court; (7) a statement that the non-resident attorney is familiar with the Arkansas Supreme Court Rules of Professional Conduct governing the conduct of members of the Bar of Arkansas, and will at all times abide by and comply with the same so long as such Arkansas proceeding is pending and said Applicant has not withdrawn as counsel therein.

(c) Except as otherwise provided by this rule, the motion of the non-resident attorney seeking permission to participate in Arkansas proceedings must be accompanied by an affidavit of the resident practicing Arkansas attorney with whom the non-resident attorney will be associated in the proceeding of a particular case. The affidavit must contain a statement that the resident attorney recommends the non-resident attorney applicant be granted permission to participate in the particular proceeding before the court. In addition, the resident practicing Arkansas attorney must sign the Motion filed by the non-resident attorney.

(d) In the case of a non-resident attorney who seeks to represent an indigent person in proceedings in a court of this state as provided in Administrative Order No. 15.2, the fee required by this rule shall be waived. For purposes of this rule, a motion of the non-admitted attorney stating that the requirements of Administrative Order No. 15.2 have been satisfied, along with a letter from the sponsoring entity to that effect, shall be sufficient to satisfy the requirements of (b) and (c) of this rule.

(e) The court may examine the non-resident attorney to determine that the non-resident attorney is aware of and will observe the ethical standards required of attorneys licensed in

Arkansas. If the court determines that the non-resident attorney is not a reputable attorney who will observe the ethical standards required of Arkansas attorneys, that the non-resident attorney has been engaging in the unauthorized practice of law in the state of Arkansas, or that other good cause exists, the court may deny the motion.

(f) The court shall deny the pro hac vice motion of a non-resident attorney when the non-resident resident attorney has participated, served as counsel, or entered an appearance pro hac vice in three (3) cases in the State of Arkansas during the twelve months prior to the filing of the motion.

(g) If, after being granted permission to participate in the proceedings of any particular case in Arkansas, the non-resident attorney engages in professional misconduct as that term is defined by the Arkansas Supreme Court Rules of Professional Conduct, the court may revoke the non-resident attorney's permission to participate in the Arkansas proceedings and may cite the non-resident attorney for contempt. In addition, the court may refer the matter to the Arkansas Supreme Court Office of Professional Conduct.

(h) The filing of any motion under this Rule constitutes submission to the jurisdiction of the Arkansas Supreme Court Committee on Professional Conduct.

HISTORY

This rule shall supersede Act 222 of the General Assembly of 1911, as amended. Ark. Stat. Ann. [Section 25-108 through Ark. Stat. Ann. Section 25-111 (Repl. 1962)]. (Per Curiam October 6, 1975; amended by Per Curiam May 18, 1992.); amended October 20, 2016, effective January 1, 2017.

Rule XV. Student Practice

A. Purpose

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction of varying kinds, this rule is adopted by the Arkansas Supreme Court (Court).

B. Activities

An eligible law student (student) may appear in any court or before any administrative tribunal in this State on behalf of any person if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer (lawyer) has also indicated in writing approval of that appearance.

A student may also appear in any criminal matter on behalf of the State or prosecuting authority with the written approval of the prosecuting attorney (lawyer) or his or her authorized representative.

When a student appears pursuant to paragraphs B(1) or (2) above the lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

In civil cases and cases in which the student represents a defendant in a criminal case, the written consent of the person on whose behalf an appearance is being made and the approval of the lawyer shall be filed in the record of the case. In courts or administrative tribunals in which the student represents the State or prosecuting authority, the approval of the lawyer shall be filed of record with the clerk of the court or administrative tribunal.

An eligible law student may also participate in a law school clinical program emphasizing transactional and drafting skills including client counseling.

C. Requirements of Eligibility

In order to make an appearance or provide counsel pursuant to this rule, the law student shall:

Be duly enrolled in a law school approved by the American Bar Association;

Have completed a course in professional responsibility, or the equivalent of such a course;

File with the Clerk of this Court the law school dean certification described in paragraph E of this rule;

File with the Clerk of this Court the supervising lawyer certification described in paragraph F of this rule;

Neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf services are rendered, but this shall not prevent an attorney, law firm, legal aid bureau, public defender agency, or the state, county, or municipality from paying compensation not otherwise prohibited by these rules to the student.

Certify in writing that he or she has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court. This certification shall be incorporated in the law school dean certification described in paragraph E of this rule.

If appearing under paragraphs B(1), (2) or (3), have completed legal studies amounting to at least forty-eight (48) credit hours, or the equivalent if the school is on some basis other than a semester basis, including courses in civil procedure, evidence, criminal procedure, and professional responsibility or the equivalent of such courses.

D. Limitations

A student is authorized to practice under this rule only under the supervision of:

The lawyer who signs the supervising lawyer certification described in paragraph F of this rule; or,

A lawyer who is admitted to practice in this State and who otherwise meets the requirements of Section H of this rule and is a member of the same law firm as the supervising lawyer; or, a

lawyer who is admitted to practice in this State and is employed by the same law school or public office as the supervising lawyer; or,

A lawyer employed full time by an Arkansas Law School accredited by the American Bar Association, may engage in supervision under this section for no more than one year without being admitted to practice in this State, providing the lawyer:

is admitted to practice and is in good standing in another state; and;

has had at least five years of practice in another state or states; and,

it shall be the responsibility of the Arkansas law school which employs a full-time lawyer pursuant to this section to secure and maintain documentation confirming that the lawyer meets the requirements of this section, and, the law school dean certification shall contain an affirmation by the dean to that effect.

The authority of a law student to practice under this rule may be terminated by this Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the Clerk of this Court.

After a law student has appeared in a court or administrative tribunal on one or more occasions, a judge of the trial court or tribunal may terminate, for good cause, the authority of any such student to appear subsequently in the court or division thereof, or the administrative tribunal, over which the Judge presides.

E. Law School Dean Certification

The certification of a law student by the law school dean shall:

Unless sooner withdrawn, remain in effect until: the expiration of eighteen (18) months after it is filed; or, the student graduates; or, the student officially withdraws from law school;

Certify that the law student is of good moral character and competent legal ability and is adequately trained to perform as an eligible law student under this rule;

Be subject to withdrawal by the dean at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal; and,

The law school dean certification required by this section shall contain an affirmation that the dean of the certifying institution will promptly notify the Clerk of this Court in the event the student's eligibility ceases pursuant to this section.

F. Supervising Lawyer Certification

The certification of a law student by a lawyer shall:

Be signed by a lawyer admitted to practice in this State who agrees to act as a supervising lawyer with respect to practice by a law student under this rule;

Unless sooner withdrawn, remain in effect until: the expiration of six (6) months after it is filed; or, the student graduates; or, the student officially withdraws from law school;

Be subject to renewal by filing a new certification;

Certify that the lawyer has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court; and,

Be subject to withdrawal by the lawyer at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal.

G. Other Activities

In addition, a student may engage in other activities, but outside the personal presence of the lawyer, including:

Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear under paragraphs B(1),(2)or(3), but such pleadings or documents must be signed by the lawyer;

Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this State by a student eligible under paragraphs B(1),(2)or(3), but such documents must be signed by the lawyer; and,

Preparation of contracts, incorporation papers and by-laws, agreements, filings required by a state, federal or other governmental agency or body, proposed legislation and other documents for a client's consideration by a student certified under paragraph B(5). Such documents must be reviewed by the lawyer prior to presentation to the client and signed by the lawyer if a lawyer's signature is necessary. In preparation of these documents, the student may give legal advice if such advice has been approved or is supervised by the lawyer. Approval or supervision by the lawyer shall be accomplished through preparation of the student and videotaping of client contacts or the lawyer's presence during client contacts. The other activities set forth in this paragraph (c) are authorized exclusively for students representing persons receiving assistance from a law school clinical program which emphasizes transactional and drafting skills including client counseling.

The taking of a deposition shall be considered a court appearance subject to the provisions and requirements of section B of this rule.

H. Supervision

The lawyer under whose supervision a student does any of the things permitted by this rule shall:

Be a lawyer who is licensed in this State (except as may be otherwise provided by this rule) and who has been actively engaged in the practice of law in this State or any other jurisdiction for a period of at least two years and is in good standing with the Supreme Court of Arkansas;

Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; Assist the student in preparation to the extent the lawyer considers it necessary; and,

The lawyer may not charge the client for services of a student practitioner pursuant to activities under section B of this rule.

I. Duties of the Clerk of this Court

The Clerk shall establish such records as are appropriate to administer and enforce the provisions of this rule.

J. Miscellaneous

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

HISTORY

(Adopted April 27, 1987; republished December 20, 1993; amended by Per Curiam July 17, 1995; amended by Per Curiam May 7, 1998.)

Rule XVI. Admission on Motion

1. An applicant who meets the requirements of (a) through (h) of this rule may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

(a) have been admitted to practice law in another state, territory, or the District of Columbia;

(b) hold a first professional degree in law (J.D. or LL.B.) from a law school approved by the American Bar Association at the time the degree was conferred;

(c) have been primarily engaged in the active practice of law in one or more states, territories or the District of Columbia for three of the five years immediately preceding the date upon which the application is filed;

(d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, for the two year period immediately preceding establishment of permanent residence in this State or filing application under this rule, would allow attorneys from this State a similar accommodation as set forth in this rule; however, applicants who have been on continuous active military duty for three of the five years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule; establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(e) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(f) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(g) establish that the applicant possesses the character and fitness to practice law as set out in Rule XIII of these rules; and

(h) pay a fee as may be set by this Court.

2. For the purposes of this rule, the 'active practice of law' shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under (2)(e) and (f) that were performed within Arkansas in advance of bar admission here, be accepted toward the durational requirement:

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

(b) Service as a lawyer with a local, state, territorial or federal agency, including military service;

(c) Teaching law at a law school approved by the American Bar Association;

(d) Service as a judge in a federal, state, territorial or local court of record;

(f) Service as a judicial law clerk; or,

Service as corporate counsel.

3. For the purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

4. An applicant who has failed a bar examination administered in Arkansas within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. Proceedings under this rule shall be governed by the relevant provisions of Rule XIII of these rules. Further, the applicant must complete the Petition and Oath and file same with the Clerk of the Supreme Court along with all required fees within one year of the date of certification of eligibility for admission. Failure to do so will extinguish the application and forfeit the fee and the applicant will be required to file a new application and pay another fee if the applicant wishes to proceed to secure admission.

6. Upon request of the Executive Secretary, where an application has been pending for more than one year, the Board may cancel the pending application, after appropriate notice to the applicant, and forfeit the fee and require the applicant to submit a new application and pay another fee in order to proceed.

HISTORY

(Adopted by Per Curiam February 26, 2004, effective October 1, 2004; amended by Per Curiam, November 15, 2007; amended by Per Curiam, May 29, 2008; amended by Per Curiam October 9, 2008; amended and effective by Per Curiam, February 27, 2020 (XVI(c) and (d)); amended and effective December 3, 2020.

RULE XVII. MILITARY SPOUSE TEMPORARY ADMISSION

A.

An applicant who meets the requirements of this Rule may, upon motion, be admitted to the temporary practice of law in this jurisdiction. The Applicant shall:

(1) Have been admitted to practice law in another jurisdiction in the United States or territory;

(2) Establish that the applicant satisfies the educational requirements of Rule XII of these Rules.

(3) Establish that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(4) Submit evidence that the Applicant is a dependent spouse of a service member of the United States Uniformed Services as defined by the Department of Defense;

(5) Submit evidence that the service member is on full time, active duty pursuant to military orders in the State of Arkansas or a member of the National Guard or Reserve, based in a jurisdiction other than Arkansas, who is under a call to active service authorized by the President or Secretary of Defense, and the National Guard member is, or will be, stationed in Arkansas due to military orders;

(6) Submit evidence that the Applicant is residing in Arkansas due to the service member's full time, active duty pursuant to military orders in this state;

(7) Not have failed the Arkansas bar examination within five years of the date of filing an application under this rule;

(8) Not have been previously denied admission to the practice of law in Arkansas; and

(9) Agree to advise all clients, prior to providing representation of services, that the attorney is temporarily admitted under the military-spouse exception.

B. Filing Requirements.

An applicant under this rule shall file an application for military-spouse certification. An applicant under this rule shall:

(1) Demonstrate presence in Arkansas as a spouse of a service member by filing a copy of the certification of legal relationship, such as a marriage or civil union license, and a copy of the service member's military orders reflecting a permanent change of station to a military installation in Arkansas;

(2) Certify that the applicant has read and is familiar with the Arkansas Rules of Professional Conduct;

(3) Provide the Board of Law Examiners with a certificate of good standing from all courts and jurisdictions in which the attorney is admitted to practice;

(4) Pay a fee as set by the Board of Law Examiners; and

(5) Provide such other information as may be required by the Board of Law Examiners to determine the applicant's eligibility for temporary admission under these Rules.

C. Duration.

A temporary admission shall terminate, and an attorney shall cease the practice of law in Arkansas 24 months from the date of admission. Additionally, the temporary admission shall terminate, pursuant to that admission, unless otherwise authorized by these rules, thirty (30) days after any of the following events:

(1) The service member's separation or retirement from the United States Uniformed Services;

(2) The service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the Department of Defense does not authorize dependents to accompany the service member, in which case the temporary attorney may continue to practice law in Arkansas as provided in this rule;

(3) The attorney's permanent relocation outside the state of Arkansas for reasons other than the service member's relocation;

(4) The attorney's ceasing to be a dependent as defined by the Department of Defense;

(5) The attorney's failure to meet the annual licensing requirements for an active attorney licensed to practice law in Arkansas, including any and all continuing legal education requirements;

(6) The attorney's request;

(7) The attorney's admission to practice law in Arkansas under any other admissions rule; or

(8) Notice by the Supreme Court at any time.

D. Notice of Termination.

An attorney whose temporary admission is terminated shall provide written notice to the Arkansas State Board of Law Examiners within thirty (30) days of the terminating event. At least sixty (60) days before termination of the temporary admission, under this rule or as soon as possible under the circumstances, the attorney shall:

(a) File in each matter pending before any court or tribunal a notice that the attorney will no longer be involved in the case; and

(b) Provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

E. Benefits and Responsibilities of Temporary Admission.

An attorney temporarily admitted under this rule shall be entitled to the benefits and responsibilities of active attorneys in the State of Arkansas and shall be subject to the jurisdiction of the Supreme Court and the Supreme Court Committee on Professional Conduct with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active attorney licensed by the Supreme Court to practice law in Arkansas.

HISTORY

Adopted and effective March 7, 2019; section (A)(5) amended and effective October 29, 2020.

Rule XVIII. ADMISSION BY TRANSFER OF UNIFORM BAR EXAMINATION SCORE

1. An applicant who has taken the Uniform Bar Examination in a jurisdiction other than Arkansas and earned a scaled total score of not less than 270 may be admitted to the practice of law in Arkansas if:

(a) The scaled score was attained on a UBE administered within the thirty-six (36) months preceding the date the application is properly submitted to the Arkansas State Board of Law Examiners;

(b) The applicant has requested the transfer of the score from the National Conference of Bar Examiners directly to the Arkansas State Board of Law Examiners;

(c) The applicant establishes that he or she satisfies the educational requirements of Rule XII of these Rules;

(d) The applicant files the application and related forms required by the Board and pays the required, non-refundable fee;

(e) The applicant is a member in good standing in all jurisdictions in which the applicant is currently admitted;

(f) The applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(g) The applicant possesses the character and fitness to practice law in this jurisdiction;

(h) The applicant has earned a scaled score of not less than 85 on the Multistate Professional Responsibility Examination; and

(i) The applicant satisfies all other applicable requirements of the Rules Governing Admission to the Bar of Arkansas.

HISTORY

Adopted by per curiam order April 18, 2019, effective October 1, 2019; amended and effective December 3, 2020; amended and effective June 9, 2022.

APPENDIX—APPLICATION REGULATIONS

Regulation 1.

Subsequent to an examination, an applicant may not have access to copies of his or her answers. (Adopted September 16, 1996.)

Regulation 2.

A passing score under this rule shall remain valid for a period of one (1) year after its determination, or a final vote of the Board on admissibility of the applicant, whichever is earlier, subject to the following exceptions:

(a) In the event of Board denial of initial admission, followed by an appeal to the Arkansas Supreme Court pursuant to Rule XIII of these rules, or other litigation challenging such denial, the examination score shall remain valid until the conclusion of the appeal or litigation; or,

(b) In the event the applicant opts to participate in the deferral of initial admission program as set forth in Rule XIII of these rules, then the examination score shall remain valid until final Board determination of admissibility, or administrative termination, whichever is earlier; and,

(c) Periods of delay attributable to actions of the Board or its Executive Secretary shall be excluded from the calculation of the aforementioned one-year period.

Regulation 3.

The application required by this rule shall be in the office of the Secretary of the State Board of Law Examiners no later than 5:00 p.m. on the date that is determined by the provisions of Rule X.

Regulation 4.

The character questionnaire required by this rule shall bear the original signature of the applicant.

Regulation 5.

In those instances where the Chair of the Board determines that an evidentiary hearing is required, and a bond is requested by the Executive Secretary, pauper status is not available to the applicant.

Regulation 6.

Pursuant to the section of this rule [RGAB XIII] titled “Board Decision – Evidentiary Hearing – Appeal After Denial” only those votes conveyed to the Executive Secretary within thirty (30) days after receipt of the transcript by the respective Board members shall be counted. In the event of abstention by a Board member prior to a vote on the transcript, the Court shall appoint a substitute examiner to review the record de novo.

Regulation 7.

Application and Miscellaneous Fee Schedule

Bar examination application fee	\$ 1000.00
Application mailing fee	\$ 5.00
Copies–per page	\$ 0.25

The miscellaneous fees set forth above are in addition to any other fees or expenses the applicant may be required to submit in connection with his or her application.

HISTORY

(Adopted by Per Curiam November 5, 1998; amended by per curiam April 19, 2019, effective October 1, 2019; amended and effective December 3, 2020.)

Regulation 8. Standards for Admission

(a) The revelation or discovery of any of the following may be treated as cause for further inquiry before the Board determines whether the applicant possesses good moral character and mental and emotional stability:

1. Unlawful conduct;
2. Academic misconduct;
3. Misconduct in employment;
- 4 Acts involving dishonesty, fraud, deceit or misrepresentation;
5. Acts which demonstrate disregard for the rights or welfare of others;
6. Abuse of legal process, including the filing of vexatious or frivolous lawsuits;
7. Neglect of financial responsibilities;
8. Neglect of professional obligations, including failure to comply with time constraints;
9. Violation of an order of a court;
10. Conduct that evidences current mental or emotional instability that may impair the ability to practice law;

11. Conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
12. Denial of admission to the Bar in another jurisdiction;
13. Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
14. Making of false statements, including omissions, on bar applications in this state or any other jurisdiction; and,
15. Any other conduct that reflects adversely on the good moral character and mental and emotional stability of the applicant.

(b) In making the determination of whether the applicant is of good moral character and mentally and emotionally stable, the following factors may be considered in assigning weight and significance to prior conduct:

1. Applicant's age at the time of the conduct;
2. Recency of the conduct;
3. Reliability of the information concerning the conduct;
4. Seriousness of the conduct;
5. Factors underlying the conduct;
6. Cumulative effect of the conduct;
7. Evidence of rehabilitation;
8. Applicant's positive social contributions since the conduct;
9. Applicant's candor in the admissions process;
10. Materiality of any omissions or misrepresentations; and,
11. Any other conduct that reflects adversely on the good moral character and mental and emotional stability of the applicant.

(c) The Applicant has a continuing obligation to update the application with respect to all matters raised in the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court. (Adopted by Per Curiam Order September 30, 2004.)

(d) Seeking counsel from the Judges and Lawyers Assistance Program (JLAP) for physical or mental disabilities that result from disease, substance abuse, disorder, trauma, or age that might impair the applicant's ability to practice (impairments) shall not be considered adversely by the Board in its evaluation. Further, should the applicant choose to participate in a program designed for him or her by JLAP, and successfully complete that program by the time of graduation, the

evidence of such rehabilitation and recovery shall be considered favorably by the Board when evaluating the applicant's character and fitness. The applicant's failure to complete a treatment program may be considered adversely by the Board.

HISTORY

(Adopted September 30, 2004; subsection (d) added by Per Curiam Order November 11, 2010.)