

APPENDIX
Rules Adopted
or Amended by
Per Curiam Orders

IN RE: BOARD OF CERTIFIED COURT REPORTER
EXAMINERS

Supreme Court of Arkansas
Delivered April 13, 1992

PER CURIAM. Section 7 of the Rule Providing for Certification of Court Reporters is revised to include the following:

The Board has the authority to issue subpoenas for any witness(es), and for the production of papers, books, accounts, documents, records, or other evidence and testimony relevant to a hearing held pursuant to Section 7, upon the request of any party. Such process shall be issued by and under the seal of the Board and be signed by the Chair or the Executive Secretary. The subpoenas shall be served in any manner provided by the Arkansas Rules of Civil Procedure for service of process. The Board shall provide for its use a seal of such design as it may deem appropriate. The Circuit Court of Pulaski County shall have the power to enforce process.

IN RE: COMMITTEE ON THE UNAUTHORIZED
PRACTICE OF LAW

Supreme Court of Arkansas
Delivered April 13, 1992

PER CURIAM. On December 18, 1978, the Court by Per Curiam Order established the Committee on the Unauthorized Practice of Law to receive inquiries and complaints regarding the unauthorized practice of law; to investigate those inquiries and complaints; to conduct hearings, if requested; to issue advisory opinions; and, if necessary, to bring legal action in the appropriate court.

The Committee was appointed according to the Per Curiam, and, as directed by the Court, the Committee adopted Rules of Procedure and filed those Rules with the Clerk of the Supreme Court on August 21, 1979.

The Committee now seeks the Court's approval to amend the Rules of Procedure and to adopt the Rules as modified. The Court approves and adopts the amendments as follows:

1. "Chairman" is changed to "chair" throughout.
2. Number 4 is amended to permit the Committee to meet as needed upon the call of the Chair with seven days notice. The number of complaints required is changed from four to six. Further, the amendment permits telephone conference calls.
3. Subsection (b) of number 7 is amended to state that a hearing will be held as soon as practical but no later than 120 days after the Committee receives the request for a hearing.
4. Subsection (e) of number 7 language is changed to clarify that the party who has requested the hearing may also request that the Committee provide a transcript of the hearing at the party's expense.

The Court hereby publishes the Rules of Procedure in their entirety as amended:

**THE SUPREME COURT COMMITTEE ON THE
UNAUTHORIZED PRACTICE OF LAW
RULES OF PROCEDURE**

Pursuant to Section IV of the Per Curiam Rule of the Arkansas Supreme Court dated December 18, 1978, numbered 78-11, the following rules of Procedure for the handling of inquiries and complaints are adopted by the Committee:

1. All matters directed to the attention of the Committee shall be in writing and signed.
2. All matters directed to the attention of the Committee must be filed with the Clerk of the Arkansas Supreme Court. The Clerk will file the original and cause a copy thereof to be mailed to the Secretary of the Committee. The Committee Secretary will promptly forward a copy to each member of the Committee.
3. Each inquiry and/or complaint shall be considered by the entire Committee.
- 4.(a). The Committee shall meet as needed and shall be subject to the call of the Chair upon seven (7) days notice. The

Chair shall issue a call upon receipt of six (6) inquiries or complaints subsequent to the last meeting of the Committee.

(b). At the Chair's discretion, a meeting may be scheduled by telephone conference call.

5. After full discussion and Committee consideration, the Chair shall assign each inquiry or complaint to a Committee member for the drafting of a response or opinion. Any opinion of the Committee shall be circulated to all members for final approval prior to transmittal.

6. The final opinion drafted shall be forwarded to the individual signing the inquiry or complaint with a copy to the Clerk and a copy to the Committee Secretary for inclusion in the Committee's permanent file of opinions to be kept by the Committee Secretary.

7. In the event unauthorized practice of law is indicated, notice thereof shall be made by forwarding the opinion by registered or certified mail, with notice to the party of right to a formal hearing.

(a). If a formal hearing is desired, the request therefor must be made in writing and must specify that part of the opinion to be challenged.

(b). A hearing shall be held as soon as practicable but no later than 120 days after receipt of the request.

(c). A list by name and address, of all witnesses expected to be called to testify at the formal hearing shall be exchanged by the party and the Committee at least 48 hours prior to the hearing.

(d). The party may request the issuance of subpoenas for witnesses by request to the Supreme Court Clerk, which request shall include the name and residence address of the proposed witness.

(e). The party may request of the Committee that a transcript be made of the proceedings, and all cost thereof shall be borne by the requesting party.

(f). The formal hearing shall be conducted in a manner prescribed by the Committee Chair, who shall preside, or designate a Committee member to preside.

- (g). The burden of proving action constituting the unauthorized practice of law shall be with the Committee.
- (h). At the close of all the evidence the Committee shall make its deliberations in private and shall reconvene the hearing for the purpose of announcing its decision.
- (i). If warranted, the Chair shall appoint a member of the Committee to draft a new opinion or supplemental opinion to be handled as provided in paragraphs numbered 5 and 6 herein.

IN RE: John Steven CLARK
Arkansas Bar ID # 71013

827 S.W.2d 164

Supreme Court of Arkansas
Delivered May 4, 1992

PER CURIAM. On recommendation of the Supreme Court Committee on Professional Conduct we hereby accept the surrender of the license of John Steven Clark to practice law in the State of Arkansas.

IN RE: COMMITTEE ON THE UNAUTHORIZED
PRACTICE OF LAW

Supreme Court of Arkansas
Delivered May 4, 1992

PER CURIAM. On December 18, 1978, the Court by Per Curiam Order established the Committee on the Unauthorized Practice of Law. Rule IV of the Per Curiam instructed the Committee to adopt rules of procedure and to file those rules with the Clerk of the Arkansas Supreme Court. The Committee did so on August 21, 1979.

The rules remained the same until recently when the

Committee sought the Court's permission to amend them. The Court approved and adopted the rules of procedure, as amended, by Per Curiam on April 13, 1992.

The Court thanks the Committee for seeking its sanctioning of the rules and finds that hereafter the Committee on the Unauthorized Practice of Law shall seek the Court's approval to adopt new rules or to modify existing rules.

Therefore, Rule IV of the Per Curiam which established the Committee on the Unauthorized Practice of Law is amended as follows:

The Committee shall adopt rules of procedure for the handling of inquiries and complaints, and a copy of said rules of procedure shall be filed with the Clerk of the Arkansas Supreme Court, upon approval by the Court, and shall be subject to inspection and made available upon request of any interested person.

IN RE: ADDITION TO ARKANSAS RULES OF
EVIDENCE

Supreme Court of Arkansas
Delivered May 11, 1992

PER CURIAM. The court has the statutory and rule-making authority to adopt rules of evidence. *See In re Adoption of the Uniform Rules of Evidence*, 290 Ark. 616, 717 S.W.2d 491 (1986) (per curiam). Today, we adopt three additional exceptions to the hearsay rule.

The first exception may be cited as A.R.E. Rule 803(25) and is as follows:

(25) Child Hearsay when declarant is available at trial and subject to cross-examination. A statement made by a child under the age of ten (10) years concerning any type of sexual offense, or attempted sexual offense, with, on, or against that child, which is inconsistent with the child's testimony and offered in a criminal proceeding,

provided:

(A) The trial court conducts a hearing outside the presence of the jury and finds that the statement offered possesses a reasonable guarantee of trustworthiness considering the competency of the child both at the time of the out of court statement and at the time of the testimony.

(B) The proponent of the statement gives the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.

(C) This section shall not be construed to limit the admission of an offered statement under any other hearsay exception or applicable rule of evidence.

The second exception may be cited as Rule 804(b)(6), and is as follows:

(6) Child Hearsay in civil cases in which the Confrontation Clause of the Sixth Amendment of the Constitution of the United States is not applicable. A statement made by a child under the age of ten (10) years concerning any type of sexual offense, or attempted sexual offense, with, on, or against the child, provided:

(A) The trial court conducts a hearing outside the presence of the jury and finds that the statement offered possesses a reasonable guarantee of trustworthiness. The trial court may employ any factor it deems appropriate including, but not limited to those listed below, in deciding whether the statement is sufficiently trustworthy.

1. The spontaneity of the statement.
2. The lack of time to fabricate.
3. The consistency and repetition of the statement and whether the child has recanted the statement.
4. The mental state of the child.
5. The competency of the child to testify.
6. The child's use of terminology unexpected of a child of similar age.
7. The lack of a motive by the child to fabricate the statement.

8. The lack of bias by the child.
9. Whether it is an embarrassing event the child would not normally relate.
10. The credibility of the person testifying to the statement.
11. Suggestiveness created by leading questions.
12. Whether an adult with custody or control of the child may bear a grudge against the accused offender, and may attempt to coach the child into making false charges.
13. Corroboration of the statement by other evidence.
14. Corroboration of the alleged offense by other evidence.

(B) The proponent of the statement gives the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.

(C) This section shall not be construed to limit the admission of an offered statement under any other hearsay exception or applicable rule of evidence.

The third exception may be cited as Rule 804(b)(7), and is as follows:

(7) Child Hearsay in criminal cases. A statement made by a child under the age of ten (10) years concerning any type of sexual offense against that child, where the Confrontation Clause of the Sixth Amendment of the United States is applicable, provided:

(A) The trial court conducts a hearing outside the presence of the jury, and, with the evidentiary presumption that the statement is unreliable and inadmissible, finds that the statement offered possesses sufficient guarantees of trustworthiness that the truthfulness of the child's statement is so clear from the surrounding circumstances that the test of cross-examination would be of marginal utility. The trial court may employ any factor it deems appropriate including, but not limited to those listed below, in deciding whether the statement is sufficiently trustworthy.

1. The spontaneity of the statement.
2. The lack of time to fabricate.
3. The consistency and repetition of the statement and whether the child has recanted the statement.
4. The mental state of the child.
5. The competency of the child to testify.
6. The child's use of terminology unexpected of a child of similar age.
7. The lack of a motive by the child to fabricate the statement.
8. The lack of bias by the child.
9. Whether it is an embarrassing event the child would not normally relate.
10. The credibility of the person testifying to the statement.
11. Suggestiveness created by leading questions.
12. Whether an adult with custody or control of the child may bear a grudge against the accused offender, and may attempt to coach the child into making false charges.

(B) The proponent of the statement gives the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.

(C) This section shall not be construed to limit the admission of an offered statement under any other hearsay exception or applicable rule of evidence.

HAYS and GLAZE, JJ., dissent. See concurring opinion of Justice Glaze in *Vann v. State*, 309 Ark. 303, 831 S.W.2d 126 (1992).

IN RE: MOTION TO AMEND THE ARKANSAS PLAN
OF SPECIALIZATION AND MOTION TO ADOPT
REGULATIONS

Supreme Court of Arkansas
Delivered May 11, 1992

PER CURIAM. We have before us a motion to amend the Arkansas Plan of Specialization adopted by Per Curiam order on July 12, 1991. *See Per Curiam*, 276 Ark. 660, 637 S.W.2d 589 (1982). In addition, we have a motion to adopt regulations for the purpose of implementing that plan. Both of these motions were combined in a pleading filed on behalf of the Arkansas Board of Legal Specialization on July 7, 1989. We have previously acknowledged receipt of earlier proposed regulations. *See Per Curiam*, 283 Ark. 561, 672 S.W.2d LVIII (1984). However, we never formally adopted the regulations for implementation which were filed in 1984.

In 1985, by Per Curiam order, we approved standards for certification as specialists in tax law. *Amendments to Code of Professional Conduct and Canons of Judicial Ethics*, 284 Ark. 585, 682 S.W.2d LVIII (1985). Since that date, the Arkansas Board of Legal Specialization has issued certificates for tax law specialists, after appropriate examination and certification. In addition, the tax law specialty committee has raised and maintained funds to finance the overall costs of administration of the specialization plan. These funds are now being held in a special account subject to adoption of regulations for implementation of the Arkansas Plan of Specialization. Since 1985, this group of designated specialists has maintained its identification in a professional manner and without any indication that our Court was involved in the means or manner of selecting specialists or otherwise administering the specialization program. We note especially that we know of no effort by the specialists themselves to hold themselves out as having been selected or approved by this Court.

By per curiam order dated June 20, 1988, we continued to give recognition to the Arkansas Plan of Specialization by appointing Christopher Thomas, Esq. as Director of Professional Programs, noting that he shall have "responsibility for implementation and administration of the Arkansas Plan of Specialization." In doing so, we have permitted various members of the Bar

who practice in specialized areas such as family law to develop and furnish to the Director of Professional Programs standards for specialization under the auspices of our 1982 per curiam order. *In the Matter of the Appointment of the Director of Professional Programs*, 296 Ark. 588, 750 S.W.2d LXVII (1988).

We adopted the Arkansas Plan of Specialization in 1982, and in 1989, the Board of Legal Specialization, after considerable work, presented to us the most recent motion to amend the plan and adopt regulations. The Court has given considerable time to the Board's motion and comes to the conclusion that amendments to the Arkansas Plan of Specialization are appropriate. However, the matter of regulating the Plan and administering it should be left to the Board of Legal Specialization rather than this Court.

The motion now before us brings to a head our direct involvement in the legal specialization process. We have again considered the depth of involvement of this Court in that process. As a result of this reassessment we have determined that the Arkansas Supreme Court's role in legal specialization should be limited to the appointment of the members of the Arkansas Board of Legal Specialization and adoption of the Arkansas Plan of Specialization and subsequent amendments thereto, if any. The adoption of implementing regulations and future amendments to the regulations are best left to the Board. Further, the final decision as to whether applicants should be certified in a particular specialty field should also be left with the Board. No Court personnel are to be involved in the implementation or the administration of the specialization program.

In order to effectuate this realignment of responsibility, the Court hereby adopts an amended Arkansas Plan of Specialization (which is attached hereto and made a part of this opinion by reference).

The Court recognizes that the terms of many members of the existing Board of Legal Specialization, the specialization committees, and the advisory commission have expired. In due course, this Court will reconstitute the Board which should then meet at the earliest opportunity and establish individual terms in accord with the amended Plan of Specialization attached to this order. Thereafter, the Board shall implement and administer the Arkansas Plan of Specialization, and in doing so, shall have the

authority to adopt regulations consistent with the provisions of the amended Arkansas Plan of Specialization. Further, the Board shall take the necessary steps to reconstitute existing specialty committees and the advisory commission. In doing this, all appointees will be considered initial appointments.

By entry of this Per Curiam order, the Court has made moot the motion filed on behalf of the Arkansas Board of Legal Specialization on July 7, 1989.

Turning to the logistical aspects of this realignment of responsibility, the Court makes the following findings:

1. The Arkansas Plan of Specialization adopted in 1982 is wholly superseded by the amended Arkansas Plan of Specialization attached hereto;

2. Subsequent to establishment of a new Arkansas Board of Legal Specialization the Board shall meet at the earliest opportunity and shall be imbued with the authority to do the following: adopt regulations; receive the funds and files now in the possession of the Arkansas Supreme Court Office of Professional Programs; employ an executive secretary; and proceed to implement and administer the Amended Arkansas Plan of Legal Specialization in accordance with the provisions of this Per Curiam order; and,

3. The existing tax specialty committee shall be allowed to continue its administrative responsibilities in connection within the area of tax specialization.

AMENDED ARKANSAS PLAN OF SPECIALIZATION

1. *PURPOSE*

The purpose of this Plan of Specialization ("Plan") is to assist in the delivery of legal services to the public by:

1.1 Providing greater access by the public to appropriate legal services;

1.2 Identifying and improving the quality and competence of legal services; and

1.3 Providing appropriate legal services at reasonable cost.

2. *ESTABLISHMENT OF BOARD OF LEGAL SPECIALIZATION*

The Supreme Court hereby establishes a Board of Legal Specialization ("Board"), which Board shall be the authority having jurisdiction over the subject of specialization of lawyers. The Board shall be composed of eight lawyer members appointed by the Supreme Court. The ninth member of the Board shall be the chairperson of the Advisory Commission (described in Section 7) and all other members of the Board shall be lawyers licensed and currently in good standing to practice law in this State. The lawyer members of the Board shall be representative of the legal profession, shall include lawyers who are in general practice as well as those who specialize, and at least one, but not more than two, lawyers shall be appointed from each Court of Appeals district for the State of Arkansas. One of the lawyer members shall be designated annually by the Board as chairperson of the Board. The lawyer members of the Board shall hold office for three years, except those initially appointed who shall serve as hereinafter designated. The lawyer members shall, by random choice, be appointed to staggered terms of office and the initial appointees shall serve as follows: two shall serve for one year after appointment; three shall serve for two years after appointment, and three shall serve for three years after appointment. Appointment to a vacancy among the lawyer members shall be made by the Supreme Court for the remaining term of that lawyer member leaving the Board. Any lawyer member shall be eligible for reappointment to not more than one additional three year term after having served one full three year term. Board members shall continue to serve beyond their designated term until such time as their successor is qualified and appointed by the Court.

Meetings of the Board shall be held at regular intervals, at such time and places and upon such notice as the Board may from time to time prescribe.

3. *POWERS AND DUTIES OF THE BOARD*

The Board shall have general jurisdiction of all matters pertaining to regulation of specialization and recognition of specialists in the practice of law and, by way of enumeration, not limitation, shall have the power and duty:

3.1 To administer the Plan;

3.2 To designate specialties of law practice and define the scope and limits of such specialties and to provide procedures for the achievement of these purposes;

3.3 To appoint, supervise, act on the recommendations of, and consult with Specialty Committees as hereinafter identified;

3.4 To consult with the Advisory Commission as hereinafter identified;

3.5 To make and publish standards for the recognition of specialists, upon the Board's own initiative or upon consideration of recommendations made by the Specialty Committees, such standards to be designed to produce a uniform level of competence among the various specialties in accordance with the nature of the specialties;

3.6 To recognize specialists or deny, suspend, or revoke, the recognition of specialists upon the Board's own initiative, or upon recommendations made by the Specialty Committees.

3.7 To establish and publish regulations to implement this Plan;

3.8 To propose, and request the Supreme Court to make, amendments to this Plan whenever appropriate;

3.9 To cooperate with other boards or agencies in enforcing standards of professional conduct and to report apparent violations of the Model Rules of Professional Conduct for Lawyers of this State to the appropriate disciplinary authority.

4. *RETAINED JURISDICTION OF THE SUPREME COURT*

The Supreme Court retains jurisdiction with respect to the following matters:

4.1 Appointing new Board members when terms expire, and, appointing replacement Board members when a vacancy occurs;

4.2 Amending this Plan.

5. *PRIVILEGES CONFERRED AND LIMITATIONS IMPOSED*

The Board in the implementation of this Plan shall not alter the following privileges and responsibilities of recognized specialists and other lawyers:

5.1 No standard shall be approved which shall in any way limit the right of a recognized specialist to practice in all fields of law. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law, even though he or she is recognized as a specialist in a particular field of law;

5.2 No lawyer shall be required to be recognized as a specialist in order to practice in the field of law covered by that specialty. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in any field of law, even though he or she is not recognized as a specialist in that field;

5.3 All requirements for and all benefits to be derived from recognition as a specialist are individual and may not be fulfilled by nor attributed to the law firm of which the specialist may be a member;

5.4 Participation in the program shall be on a voluntary basis;

5.5 A lawyer may be recognized as a specialist in more than one field of law. The limitation on the number of specialties in which a lawyer may be recognized shall be determined only by such practical limits as are imposed by the requirement of substantial involvement and such other standards as may be established by the Board as a prerequisite to recognition as a specialist;

5.6 When a client is referred by a lawyer to another lawyer who is a recognized specialist under this Plan on a matter within the specialist's field of law, such specialist shall not take advantage of the referral to enlarge the scope of his or her representation and, consonant with any requirements of the Model Rules of Professional Conduct for Lawyers of this State, such specialist shall not enlarge the scope of representation of the referred client outside the area of the specialty field; and

5.7 Any lawyer recognized as a specialist under this Plan shall be entitled to advertise that he or she is a "Board Recognized Specialist" in his or her specialty to the extent permitted by the Model Rules of Professional Conduct for

Lawyers of this State. In no case shall a Board Recognized Specialist explicitly or implicitly represent that he or she is "recognized" or "certified" as such specialist by the Arkansas Supreme Court.

6. *SPECIALTY COMMITTEES*

The Board shall establish a separate Specialty Committee for each specialty in which specialists are to be recognized by the Board. The Specialty Committee shall be composed of seven members appointed by the Board, one of whom shall be designated annually by the specialty committee as chairperson of the Specialty Committee. Members of the Specialty Committee shall be lawyers licensed and currently in good standing to practice law in this State who, in the judgment of the Board, are competent in the field of law to be covered by the specialty. Whenever available, one member shall be appointed to a specialty committee from each Court of Appeals district for the State of Arkansas. Members shall, by random choice, be appointed by the specialty committee to staggered terms of office and the initial appointees shall serve as follows: two shall serve for one year after appointment; two shall serve for two years after appointment; and three shall serve for three years after appointment. Appointment by the Board to a vacancy shall be for the remaining term of the member leaving the Specialty Committee. All members shall be eligible for reappointment to not more than one additional three year term after having served one full three year term. Committee members shall continue to serve beyond their designated term until such time as their successor is qualified and appointed by the Board. Meetings of the Specialty Committee shall be held at regular intervals, at such times and places and upon such notice as the Specialty Committee may from time to time prescribe or upon direction of the Board.

Each Specialty Committee shall advise and assist the Board in carrying out the Board's objectives and in the implementation and regulation of this Plan in that specialty. Each Specialty Committee shall advise and make recommendations to the Board as to standards for the specialty and the recognition of individual specialists in that specialty. Each Specialty Committee shall be charged with administering the Plan in its specialty and, with respect to that specialty, shall:

- 6.1. Recommend to the Board reasonable and non-

discriminatory standards applicable to that specialty;

6.2 Make recommendations to the Board for recognition, continued recognition, denial, suspension or revocation of recognition of specialists, and for procedures with respect thereto;

6.3 Administer procedures established by the Board for applications for recognition and continued recognition as a specialist and for denial, suspension or revocation of such recognition;

6.4 Administer examinations and other testing procedures, if applicable, and investigate references of applicants. If deemed advisable, the specialty committee may seek additional information regarding applicants for recognition or continued recognition as specialists;

6.5 Make recommendations to the Board concerning the approval of and credit to be allowed for continuing legal education courses, or educational alternatives, in the specialty; and

6.6 Perform such other duties and make such other recommendations as may be requested of or delegated to the Specialty Committee by the Board.

7. *ADVISORY COMMISSION*

The Board shall appoint an Advisory Commission composed of five non-lawyers, one of whom shall be designated annually by the Board as chairperson of the Advisory Commission. The Advisory Commission shall assist and advise the Board as to the public's legal needs and assist the Board in determining how the public can best be served through the specialization program. The members of the Advisory Commission shall hold office for three years, except those members initially appointed who shall serve as hereinafter designated. Members shall be appointed by the Board to staggered terms of office as follows: one shall serve for one year after appointment; two shall serve for two years after appointment; and two shall serve for three years after appointment. Appointment to a vacancy shall be made by the Board for the remaining term of the member leaving the Advisory Commission. Any member shall be eligible for reappointment to not more than one additional three year term after having served one full three year term. Advisory committee members shall continue to serve beyond their designated term until such time as

their successor is qualified and appointed by the Board. Meetings of the Advisory Commission shall be held at regular intervals at such times and places and upon such notice as the Advisory Commission shall prescribe or upon direction of the Board. Members of the Advisory Commission shall have the right to attend all meetings of the Board and the chairperson of the Advisory Commission shall be a voting member of the Board.

8. *MINIMUM STANDARDS FOR RECOGNITION OF SPECIALISTS*

To qualify for recognition as a specialist, a lawyer applicant must demonstrate to the Board, with respect to the specialty, knowledge of the law of this State and competence in the area of specialization, must pay any required fee, and must comply with the following minimum standards:

8.1 The applicant must be licensed and currently in good standing to practice law in this State;

8.2 The applicant must make a satisfactory showing, as determined by the Board after advice from the appropriate Specialty Committee, of substantial involvement in the specialty during a period to be designated by the appropriate specialty committee of not less than three years nor more than five years immediately preceding his or her application, all according to objective and verifiable standards. Such substantial involvement shall be defined as to each specialty from a consideration of its nature, complexity and differences from other fields and from consideration of the kind and extent of effort and experience necessary to demonstrate competence in that specialty. It is a measurement of actual experience within the particular specialty according to any of several standards. It may be measured by the time spent on legal work within the area of the specialty, the number or type of matters handled within a certain period of time, or any combination of these or other appropriate factors. However, within each specialty, experience requirements should be measured by objective standards. In no event shall they be either so restrictive as to unduly limit recognition of lawyers as specialists or so lax as to make the requirement of substantial involvement meaningless as a criterion of competence. Substantial involvement may vary from specialty to specialty, but, if measured on a time spent basis, in no event shall the time spent in practice in the specialty be less than twenty-five percent (25%) of

the total practice of a lawyer engaged in a normal full time practice. Reasonable and uniform practice equivalents may be established including, but not limited to, teaching, judicial, and government or corporate legal experience;

8.3 The applicant must make a satisfactory showing, as determined by the Board after advice from the appropriate Specialty Committee, of acquisition of continuing legal education as set by the standards for the specialty, the minimum being an average of 12 hours of credit for continuing legal education, or its equivalent, for each of the three years immediately preceding application. Upon establishment of a new specialty, this standard may be satisfied in such manner as the Board, upon advice from the appropriate Specialty Committee, may prescribe or may be waived if, and to the extent, suitable continuing legal education courses have not been available during the three years immediately preceding establishment of the specialty; and

8.4 The applicant must make a satisfactory showing, as determined by the Board after advice from the appropriate Specialty Committee, of qualification in the specialty through peer review by providing, as references, the names of at least five lawyers, all of whom are licensed and currently in good standing to practice law in this State, or judges, who are familiar with the competence and qualification of the applicant as a specialist. None of the references may be persons related to the applicant or, at the time of application, a partner of or otherwise associated with the applicant in the practice of law. Further, peer review references from other Board Recognized Specialists within the area of specialization sought by the applicant will not be acceptable. The applicant by his or her application consents to confidential inquiry by the Board, or appropriate Specialty Committee, of all such references, the appropriate disciplinary body, and other persons, regarding the applicant's competence and qualification to be recognized as a specialist.

9. *MINIMUM STANDARDS FOR CONTINUED RECOGNITION OF SPECIALISTS*

The period of recognition as a specialist shall be five years. For administrative purposes, the Board shall determine the effective date of recognition of a specialist. Such effective date may be set for a date after the Board vote wherein an attorney is recognized in an area of specialization. Application for and

approval of continued recognition as a specialist shall be required prior to the end of each five year period. To qualify for continued recognition as a Specialist, a lawyer applicant must demonstrate to the Board with respect to the specialty both continued knowledge of the law of this State and continued competence in the affected area of specialization, must pay any required fee, and must comply with the following minimum standards:

9.1 The specialist must make a satisfactory showing, as determined by the Board after advice from the appropriate Specialty Committee, of substantial involvement (which shall be determined in accordance with the principles set forth in Section 8.2) in the specialty during the entire period of recognition as a specialist;

9.2 The specialist must make a satisfactory showing, as determined by the Board after advice from the appropriate Specialty Committee, of acquisition of continuing legal education or its equivalent as set by the standards for the specialty during the period of recognition as a specialist, and

9.3 The specialist must comply with the requirements set forth in Sections 8.1 and 8.4, above.

10. *DISCRETIONARY ADMINISTRATIVE AUTHORITY OF BOARD*

In accord with Section 3.1 of this Plan the Board shall have discretion in the following areas:

10.1 Establish standards for specialization in any given area of specialization that exceed the minimum standards set out in Section 8 of the Plan;

10.2 In accord with the adoption of regulations as authorized by Section 3.7 of the Plan, the Board may suspend or revoke recognition of a specialist. The Board may take such action upon its own initiative or upon recommendation of the appropriate specialty committee;

10.3 The Board may also, by appropriate regulation, define the obligations of the attorney whose recognition as a specialist has been suspended or revoked, such obligations including, but not limited to: surrender of certificate; and provisions concerning advertising by the attorney who has been suspended or revoked as a specialist;

10.4 The Board, by appropriate regulation, may also allow for the voluntary surrender of status as a Board Recognized Specialist; and,

10.5 The Board, through appropriate regulation, may also recognize areas of specialization submitted to it by entities other than specialty committees as defined by this Plan.

11. *RIGHT OF HEARING AND APPEAL TO BOARD*

A lawyer who is denied recognition or continued recognition as a specialist or whose recognition is suspended or revoked shall have the right to a hearing before the Board under such rules and regulations as the Board may prescribe.

12. *FINANCING THE PLAN*

The financing of the Plan shall be derived solely from applicants and participants in the Plan. The Board shall establish reasonable fees in each specialty field in such amounts as may be necessary to defray the expense of administering the Plan, which fees may be adjusted from time to time.

IN THE MATTER OF THE BOARD OF LAW
EXAMINERS

Supreme Court of Arkansas
Delivered May 18, 1992

PER CURIAM. The Court today adopts the following rules governing admission to the Bar.

Rule I.

COMPOSITION OF BOARD OF LAW EXAMINERS

The State Board of Law Examiners, hereafter 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 three 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 predecessor. The Board, from its members, shall annually select its own Chairman. Absent exigent circumstances, a Board member may serve no more than two (2) consecutive full three year terms. A replacement where a vacancy occurs shall not be considered a full three year term. Members shall continue to serve beyond their designated term until such time as their successor is qualified and appointed by the Court. (Per Curiam Order, February 10, 1969.)

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.

The Board may meet at such other times as it may designate to carry out its duties specified herein.

Rule III.

BOARD RECORDS

The activities, files and records of the Board shall be kept confidential except in the following instances:

- a. Public hearings required under these rules;
- b. The certification of names and addresses of all applicants who complete the examination and whether they have passed or failed the examination;
- c. Upon written request of an applicant and payment of a twenty-five (\$25.00) processing fee, payable to the State Board of Law Examiners, the Executive Secretary shall send to the applicant by certified mail, return receipt requested, restricted delivery to addressee only, a list showing the examination grades

awarded the applicant;

d. When necessary for disbarment suit, or in defense of litigation brought against the Executive Secretary, the Board, or members of the Board;

e. Such statistical data as the Board may maintain, protecting the identity of the individual applicant;

f. 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;

g. Records pertaining to the preparation, conduct, and grading, of the bar examination which are in the actual or constructive possession of the Arkansas State Board of Law Examiners shall be subject to the following records retention schedule:

(1) Applications to take examination - shall be maintained for a period of ten (10) years and then shall be destroyed;

(2) Fiscal records - shall be maintained for a period of ten (10) years and then shall be destroyed; and,

(3) 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,

h. 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. (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.)

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 as a Board ascertain the average grade of each applicant.

The names and addresses of applicants making a combined average grade of 75 percent on all subjects, and who shall have been found by the Board to be of good moral character, shall be certified to the Clerk of the Supreme Court, with a recommendation that they be licensed as attorneys-at-law and solicitors in chancery. (237 Ark. 976, January, 1963, as Amended April 8, 1963; Amended by Per Curiam October 25, 1976; Amended by Per Curiam July 1, 1985.)

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. (237 Ark. 976, January 1963.)

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. (237 Ark. 977, January 1963.)

Rule VII.

APPLICATION FOR LICENSE

Application for license to practice law, except for good cause shown, must be filed within one year from the date of recommendation; otherwise the applicant must submit to an examination by the State Board of Law Examiners for further recommendation.

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 by the Arkansas Supreme Court. 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. Funds thus realized shall be used as ordered by the Supreme Court of the State of Arkansas.

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.** Failure to pay the annual license fee provided in subsection A of this Section shall automatically suspend the delinquent lawyer from the practice of law in Arkansas. Notice of delinquencies shall be given by the Clerk to the delinquent attorney, to the Judges of the Circuit and Chancery Courts of the district of the delinquent attorney's residence and to the Executive Secretary. A list of all delinquent attorneys shall be posted in the office of the Clerk.

(1) Delinquency in a given year dates from March 2 of the year in which the fees are due.

(2) Where the delinquency is for three years or less, reinstatement may be had by the payment of all such delinquent dues, and a penalty of \$100.00. If delinquency is for more than three (3) years, application for reinstatement must be made on a form supplied by the Executive Secretary of the Board and accompanied by a tender of all unpaid dues and penalties as prescribed by the Clerk.

D. **REINSTATEMENT.** An application for reinstatement pursuant to C(2) of this Section for non-payment of dues for more than (3) three 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.) (237 Ark. 977, January 1963.)

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, and petitions for, leave to take the examination.

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 examination. (237 Ark. 977, January 1963).

Rule IX.

EXAMINATION - SUBJECTS - PASSING GRADE

All examinations shall be in writing and shall cover the subjects hereinafter listed and such other subjects as the Board may direct, subject to prior Court approval.

BUSINESS ORGANIZATIONS

This subject heading may include corporations, partnerships, agency and master-servant relationships.

COMMERCIAL TRANSACTIONS

This subject heading may include the general coverage of the UCC. This will not include the general subject of contracts and will not include matters relating to warranties under product liability, both of which may be covered under other headings.

CRIMINAL LAW AND PROCEDURE

This subject heading may include constitutional law as it applies to criminal law and procedure.

CONSTITUTIONAL LAW

This subject heading may include both the Arkansas Constitution and the Constitution of the United States. This subject will not be primarily directed to matters relating to criminal law and procedure.

TORTS

This subject heading may include the entire field of Tort law and questions concerning products liability.

PROPERTY

This subject heading may include the law of real property and, or, personal property. Emphasis here should not be placed on the U.C.C. and other such questions arising primarily under the subject heading "Commercial Transactions".

WILLS, ESTATES, TRUSTS

Because of the broad scope of this subject heading, questions concerning taxation shall not be covered. Guardianship of both the person and the estate may be included.

EVIDENCE**PRACTICE, PROCEDURE & ETHICS**

This subject heading may include both state and federal trial and appellate practice and, where applicable, reme-

dies and choice of forum. This subject may include all Arkansas Supreme Court Rules and Regulations concerning legal or judicial ethics.

EQUITY AND DOMESTIC RELATIONS

CONTRACTS

This subject heading should place emphasis upon the traditional basics of contract law. Only where duplication cannot be avoided, should matters such as the application of the Uniform Commercial Code be covered under this heading.

NOTE: Conflict of Laws is not included as a separate subject on the examination. However, conflict questions may arise in the subjects included on the examination and should be recognized as such.

Applicants must make a combined average grade of 75 percent on all subjects in order to pass.

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 G(3).

A bar examination applicant may elect to retain either the applicant's average Arkansas essay score or the applicant's multistate bar examination scale score for use in the next bar examination following the bar examination in which those scores were achieved. In addition, an applicant may transfer from another jurisdiction the multistate bar examination scale score the applicant obtained from the immediately preceding examination. (Per Curiam Order, November 1, 1971; Amended by Per Curiam, June 18, 1984; Amended by Per Curiam, April 4, 1988.)

Rule X.

APPLICATIONS TO TAKE EXAMINATION

All applications for leave to take the examination shall be filed with the Executive Secretary at least 60 days in advance of the examination. (Per Curiam Order, January 18, 1965; Amended by Per Curiam Order, January 15, 1979.)

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. 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. (Per Curiam Order, April 21, 1969; amended by Per Curiam Order, October 25, 1976; amended by Per Curiam Order, April 23, 1979, effective July 1, 1979; amended by Per Curiam Order, June 30, 1980, effective September 1, 1980.)

Rule XII.

REQUIREMENTS FOR TAKING EXAMINATION

1. Graduation from a law school shall not confer the right of admission to the bar, and every candidate shall be subject to an examination.
2. No candidate shall be allowed to take the bar examination who is not a citizen of the United States or an alien lawfully residing in the United States.
3. 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.
4. After failing four (4) examinations the applicant shall not be eligible for reexamination except upon special permission of the Board. (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.)

Rule XIII.

GENERAL INFORMATION

Section A

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

In addition to meeting all other requirements of the Rules Governing Admission to the Bar, every applicant for admission to practice by examination and every applicant for reinstatement of license to practice must be of good moral character and mentally and emotionally stable. The determination of the eligibility of every such applicant shall be made by the Board and the burden of establishing eligibility shall be on the applicant.

Every such applicant shall complete and file with the Executive Secretary of the Board an application, verified under oath, on a form approved by the Board. The Board shall require the submission of proof of good moral character and mental and emotional stability, and the Board may conduct whatever investigation it deems appropriate as to any applicant and may, at its discretion, require additional proof of these qualifications. Upon receipt of a petition seeking reinstatement of license to practice law after disbarment, or surrender of license, the Board shall cause a public notice of the pendency of the petition for reinstatement to be placed in a newspaper of general circulation in the State and at least one newspaper of local circulation for at least 30 days prior to the hearing or decision by the Chairman pursuant to this rule. The notice shall solicit information regarding the petition and shall be in such form as shall be designated by rule of the Board.

Any application for reinstatement after disbarment, surrender, or suspension pursuant to Rule VII C(2), submitted to the Executive Secretary of the Board which raises any question of eligibility shall be referred to the Chairman of the Board for evaluation. In the event that the Chairman is unable to determine eligibility or determines that the applicant is ineligible, then the applicant shall be notified of the right to a hearing on the question and the right to be represented by counsel of choice at the expense of the applicant. At the Chairman's discretion or upon the request of the applicant, the Chairman of the Board shall appoint a

subcommittee from the Board comprised of not less than three members who shall proceed to a hearing as herein provided. The Chairman shall not be eligible to serve thereon.

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 appointing officer shall designate a member to serve as Chairman of the hearing panel.

The Executive Secretary of the Board shall act as evidence officer for the hearing and shall be charged with the responsibility of presenting any evidence that may be pertinent to the hearing, either for or against the applicant, and shall have the further responsibility of procuring evidence of parties or witnesses as hereinafter provided. However, for good cause shown, the Chairman of the Board is authorized to appoint a substitute evidence officer.

The burden of establishing eligibility shall remain with the applicant. At the initiation of the hearing, the evidence officer shall provide a brief background of the actions that have been taken by the parties which have resulted in the necessity of a hearing, and the evidence officer shall establish that all procedural requirements have been met as required by this rule. The applicant shall then be permitted to present evidence in support of the application without regard to technical rules of evidence but subject, however, to cross-examination. At the close of the applicant's presentation, the evidence officer shall then present any evidence which is pertinent to the issues, subject to cross-examination, and the applicant shall then be permitted to introduce any evidence which may be pertinent in rebuttal, subject to cross-examination.

A complete transcript, in writing, of all proceedings and exhibits shall be prepared and a copy thereof provided to the applicant and to each member of the Board.

All costs and expenses incident to such proceedings shall be borne by the applicant. The applicant may be required to post a bond as set by the Executive Secretary to insure payment of such costs and expenses. The hearing 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 Chairman of the Board, or the Executive Secretary. The summonses or subpoenas shall be served in any manner provided by the Arkansas Rules of Civil Procedure for service of process. Likewise, the affected attorney shall be entitled to compel, by 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 Supreme Court.

The applicant shall have thirty days from receipt of the notice of decision by the Chairman denying eligibility, or decision by the Chairman indicating inability to determine eligibility to request a hearing. Such request shall be in writing and addressed to the Chairman of the Board and the hearing shall be set by the Chairman of the hearing panel for a day certain. Absent exigent circumstances, the hearing shall be conducted within 60 days after the Chairman of the hearing panel is notified that the applicant requests a hearing. For good cause shown, the Chairman of the hearing panel may grant extensions of time.

At the conclusion of the hearing, a copy of the transcript of proceedings shall be submitted without comment by the hearing panel to each member of the Board. The Board, within thirty days of receipt of the transcript, after considering the entire record de novo, shall by majority vote of the full Board, determine the eligibility of the applicant. Thereafter, within 90 (ninety) days of said vote the Board shall cause to be filed with the Executive 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 thereof furnished to the applicant.

Within thirty days of receipt of written findings of the full 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 of the Supreme Court of Arkansas with a copy thereof to the Chairman of the Board. 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 Executive Secretary. The Executive 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 Supreme Court Clerk. The record on appeal shall be filed with the Supreme Court Clerk within ninety (90) days from filing of the first notice of appeal, unless the time is extended by order of the Arkansas State Board of Law Examiners. In no event shall the time be extended more than seven (7) months from the date of entry of the initial 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*.

In the event the Board, or the Chairman of the Board, shall recommend recertification of an applicant subsequent to disbarment, surrender of license, or suspension of license pursuant to Rule VII (D) where a hearing panel has been appointed, the applicant shall have the burden of filing with the Court a motion pursuant to Rule III of the *Rules of the Supreme Court and Court of Appeals of the State of Arkansas*. The applicant shall file a single copy of the original transcript of the hearing, if one has been conducted, or, the original copy of the authorization for recertification which has been issued by the Chairman of the Board pursuant to this Rule. The motion filed in conjunction with the transcript or recommendation from the Chairman of the Board 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 in accordance with regular motion practice pursuant to Rule III or its successor rule.

All other rules governing admission to the Bar are amended hereby to conform herewith.

This Section shall apply to any applicant whose eligibility for admission to the Bar of this State shall not have been determined by the Board prior to adoption of these Rules.

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

Section B

The examination is in writing. Each applicant must provide the necessary pens and paper.

Questions from previous examinations are on file in the Supreme Court Library.

For information relative to the examination and application to take same, consult the Executive Secretary, who should be addressed as Executive Secretary of State Board of Law Examiners, Little Rock, Arkansas.

Rule XIV.

PRACTICE BY COMITY

A lawyer residing outside the State of Arkansas who has been admitted to practice law in the Supreme Court of the United States or in the United States Court of Appeals for the circuit in which the attorney resides or in the Supreme Court or the highest appellate court of the state of the attorney's residence, and who is in good standing in the court of the attorney's admission, will be permitted by comity and by courtesy to appear, file pleadings and conduct the trial of cases in all courts of the State of Arkansas. However, any trial court may require such nonresident attorney to associate a lawyer residing and admitted to practice in the State of Arkansas upon whom notices may be served and may also require that the Arkansas lawyer associated be responsible to the court in which the case is pending for the progress of the case, insofar as the interest represented by the Arkansas lawyer and the nonresident lawyer is concerned.

Unless the State in which the said nonresident lawyer resides likewise accords similar comity and courtesy to Arkansas lawyers who may desire to appear and conduct cases in the courts of that State, this privilege will not be extended to such nonresident lawyer.

A nonresident lawyer will not be permitted to engage in any case in an Arkansas court unless a written statement is filed with the court in which the nonresident lawyer submits to all disciplinary procedures applicable to Arkansas lawyers.

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 Order,

ARK.]

APPENDIX

657

October 6, 1975.)

Appointments to
Committees

IN RE: ALTERNATE COMMITTEE ON
PROFESSIONAL CONDUCT

Supreme Court of Arkansas
Delivered March 30, 1992

PER CURIAM. On March 9, 1992 the Court, by per curiam, appointed the following persons to the Alternate committee on Professional Conduct and directed that they draw for staggered terms of three, four, five, six and seven years for the lawyer members, and terms of three and four years for the non-lawyer members. Thereafter, the terms will be seven years for all Committee members.

As requested, the Committee drew and established the following staggered terms, which the Court approves. The Court thanks the members of the Committee for their prompt response.

First Congressional District: David Solomon, Esq.
Helena; seven years
term expires March 9, 1999

Second Congressional District: Richard F. Hatfield, Esq.
Little Rock; six years
term expires March 9, 1998

Third Congressional District: Ben Core, Esq.
Fort Smith; four years
term expires March 9, 1996

Fourth Congressional District: Don Smith, Esq.
Pine Bluff; three years
term expires March 9, 1995

At Large: Mrs. Judy Snowden
Little Rock; three years
term expires March 9, 1995

James W. Steinsiek, Esq.
Blytheville; five years
term expires March 9, 1997

Mr. Grainger Williams;
Little Rock; four years
term expires March 9, 1996

IN RE: SUPREME COURT COMMITTEE ON CIVIL
PRACTICE

830 S.W.2d 872

Supreme Court of Arkansas
Delivered June 15, 1992

PER CURIAM. Comer Boyett, Jr., Esq., Searcy, Arkansas; Stephen A. Matthews, Esq., Pine Bluff, Arkansas; and William R. Wilson, Jr., Esq., Little Rock, Arkansas, are reappointed to our Committee on Civil Practice.

The Court expresses its appreciation to them for accepting reappointment to this most important committee.

Each term of reappointment is for a three-year period expiring July 5, 1995.