

## **SCR 2.000 OFFICE OF BAR ADMISSIONS**

There is hereby created an Office of Bar Admissions which shall be comprised of the Kentucky Board of Bar Examiners, as defined in **SCR 2.020** and the Character and Fitness Committee, as defined in **SCR 2.040**.

Subject to the approval of the Supreme Court, the Board and Committee shall have the power to adopt and amend rules and regulations governing the manner in which each carries out its duties.

[Adopted effective January 1, 1978, amended effective July 1, 1984; October 29, 1991; August 1, 1992; February 1, 2000; January 1, 2002]

## **SCR 2.002 FISCAL PROVISIONS**

(1) The fees collected for the Board of Bar Examiners and the Character and Fitness Committee shall constitute a fund to provide for the ordinary and necessary expenses of the administration of the bar examination and the operation of both the Board and the Committee.

(2) An annual budget including all income and expenditures shall be prepared by the Board and the Committee and submitted to the Supreme Court not less than four (4) months prior to the commencement of the next fiscal year. The budget shall distinctly set forth expected revenues according to source, together with carryover funds from the previous year, and shall list budgeted amounts for each category of expenditure in sufficient detail to identify clearly the nature of the respective expenditures.

(3) Upon approval by the Court, the budget shall govern the fiscal operation of the Board and the Committee. Each expenditure category may be increased or decreased by not more than ten (10) percent. Further departure from the budget allotment

may be made only upon the approval of the Court.

(4) All fees collected by the Clerk for the Board and the Committee shall be recorded in a cash receipts journal and deposited in a joint account of the Board of Bar Examiners and Character and Fitness Committee. Each repository of funds and each bank account shall be designated by the Board and the Committee and approved by the Court.

(5) All disbursements shall be in accordance with the budget and recorded in the cash disbursements journal. Checks shall bear such signatures and counter signatures as the Board and the Committee shall direct.

(6) At least once each quarter a financial report shall be prepared at the direction of the Board and the Committee and transmitted to the Court.

(7) Each member of the Board and the Committee and each employee given responsibility by the Board and the Committee for the receipt or disbursement of funds shall be bonded in an amount specified by the Board and the Committee.

(8) There shall be an annual audit of the Board and the Committee by the Administrative Office of the Courts or, at the election of the Board and the Committee, a private accounting firm approved by the Court. The report of the audit shall be paid for by the Board and the Committee.

(9) The Board and the Committee may employ such personnel as the Court authorizes. Their compensation shall be fixed by the Board and the Committee subject to approval by the Court. The compensation of members of the Board and Committee shall be fixed by the Court.

(10) Printing and purchasing shall be regulated by procedures established through the Administrative Office of the Courts

except that the duplicating of bar examinations shall be accomplished in such manner as the Board designates in order to preserve the security thereof.

[Adopted effective February 1, 1981;  
amended effective August 1, 1992]

### **SCR 2.005 TRAVEL**

(1) In the conduct of business for the Board and Committee, its members and employees shall be reimbursed for lodging, meals and travel expenses in accordance with the travel regulations of the Administrative Office of the Courts.

(2) Whenever it appears to the Board or Committee that the above limitations will result in unfair hardship because actual and necessary expenses exceed the limits fixed, the Board or Committee may allow additional reimbursements.

[Adopted effective February 1, 1981;  
February 1, 2000]

### **SCR 2.007 QUALIFICATION, COMPENSATION, EXPENSES, AND ASSISTANTS OF BOARD OF BAR EXAMINERS AND COMMITTEE ON CHARACTER AND FITNESS**

Each member of the Board of Bar Examiners and each member of the Character and Fitness Committee shall have the qualifications of a circuit judge, and shall be engaged in the active practice of law, including active practice before the Supreme Court. Except for compensated expenses and allowances for services rendered as members of the Board and of the Committee as authorized by the Supreme Court to be paid out of special funds for such purposes, no member of the Board of Bar Examiners and no member of the Character and Fitness Committee shall knowingly receive, or agree to receive,

directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any matter which is before the Kentucky Supreme Court relating to the admission of a person to practice law in this state. As appointees of the Supreme Court, neither the members of the Board of Bar Examiners nor the members of the Character and Fitness Committee constitute officers or employees of any agency within the meaning of KRS 61.094, 61.096 and 61.990. Subject to the approval of the Supreme Court, the Board of Bar Examiners and the Character and Fitness Committee each may employ such personnel as it deems appropriate, compensation therefore to be paid out of special funds for such purposes.

[Amended effective January 1, 1978;  
January 1, 2002]

### **SCR 2.008 CONFIDENTIALITY**

The Office of Bar Admissions shall not disclose to anyone other than an applicant any information with respect to the character and fitness or the examination results of any applicant except:

- (a) upon written authority of such applicant, upon payment of any fees required by the Board for copies of reports;
- (b) in response to a valid subpoena from a Court of competent jurisdiction;
- (c) to the Director, Kentucky Bar Association.

[Adopted effective February 24, 1986;  
Amended effective January 1, 2002]

## SCR 2.009 IMMUNITY

Any person who communicates information to a member of the Board, Committee or its affiliates concerning an applicant for admission to the Kentucky Bar shall be granted immunity from all civil liability which might result from said communications.

[Adopted effective January 1, 1997;  
Amended effective January 1, 2002]

## SCR 2.010 REQUIREMENTS FOR ADMISSION TO THE KENTUCKY BAR

All applicants for admission to the bar of this state must meet certain basic requirements regardless of whether admission is sought by examination (SCR 2.022), without examination (SCR 2.110), for a limited certificate (SCR 2.111) or as an attorney participant in a defender or legal services program (SCR 2.112). Those requirements are set forth in the following sections SCR 2.011 through SCR 2.015.

[Adopted January 1, 2002]

## SCR 2.011 MORAL CHARACTER AND FITNESS

(1) Every applicant shall be of good moral character. The applicant shall have the burden of proving that he or she is possessed of good moral character. The term "good moral character" includes qualities of honesty, fairness, responsibility, knowledge of the laws of the state and the nation and respect for the rights of others and for the judicial process. Good moral character is a functional assessment of character and fitness of a prospective lawyer. The purpose of requiring an applicant to possess present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in

injury to future clients, in the obstruction of the administration of justice, or in a violation of the Code of Professional Responsibility.

(2) Fitness is the assessment of mental and emotional health as it affects the competence of a prospective lawyer. The purpose of requiring an applicant to possess this fitness is to exclude from the practice of law any person having a mental or emotional illness or condition which would be likely to prevent the person from carrying out duties to clients, courts or the profession. A person may be of good moral character, but may be incapacitated from proper discharge of his duties as a lawyer by such illness or condition. The fitness required is a present fitness, and prior mental or emotional illness or conditions are relevant only so far as they indicate the existence of a present lack of fitness.

(3) Each applicant for admission to the Kentucky Bar shall pay all investigative fees, reporting fees or other expenses required and assessed by the Character and Fitness Committee as deemed necessary in determining the character and fitness of the applicant.

[Adopted effective November 15, 1991;  
Amended effective January 1, 2002]

## SCR 2.012 OATH OF ALLEGIANCE

No person who advocates the overthrow of the government of the United States or of this State by any unconstitutional means, shall be certified to the Supreme Court for admission and a license to practice law. Therefore every applicant shall be required to take the oath to support the Constitutions of the United States and Kentucky.

[Adopted effective January 1, 2002]

## **SCR 2.013 INTENT TO PRACTICE LAW IN COMMONWEALTH**

Every applicant must intend to engage in the practice of law in Kentucky and agree to abide by the rules, duties and standards imposed upon attorneys of this state. No person shall seek admission to the Bar of Kentucky for the primary purpose of using such admission as a basis for obtaining admission to the Bar of some sister state or the District of Columbia or to circumvent the admission requirements of such sister state or District. The giving of erroneous information as to intention to practice law in the State of Kentucky shall be grounds for denying the applicant's application or for disbarment.

[Adopted effective January 1, 2002]

## **SCR 2.014 LEGAL EDUCATION**

(1) Every applicant for admission to the Kentucky Bar must have completed degree requirements for a J.D. or equivalent professional degree from a law school approved by the American Bar Association or by the Association of American Law Schools.

(2) An attorney who received a legal education in the United States but is not eligible for admission by virtue of not having attended a law school approved by the American Bar Association or the Association of American Law Schools may nevertheless be considered for admission by examination provided the attorney satisfies the following requirements:

(a) The attorney holds a J.D. Degree, which is not based on study by correspondence, from a law school accredited in the jurisdiction where it exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Kentucky. The applicant shall bear the cost

of the evaluation of his/her legal education, as determined by the Board, and the application shall not be processed until the applicant's legal education is approved by the Board of Bar Examiners; and

(b) The attorney has been actively and substantially engaged in lawful practice of law as his or her principal business or occupation for at least three of the last five years immediately preceding the filing of the application; and

(c) The attorney meets all other requirements contained in the Rules of the Supreme Court of Kentucky pertaining to Admission of Persons to Practice Law.

(3) An attorney who received a legal education in a foreign country and is not eligible for admission by virtue of not having attended a law school approved by the American Bar Association or the Association of American Law Schools may nevertheless be considered for admission by examination provided the attorney satisfies the following requirements:

(a) The foreign attorney's legal education is the substantial equivalent of the legal education provided by approved law schools located in Kentucky. The applicant shall bear the cost of the evaluation of their legal education, as determined by the Board, and the application shall not be processed until the applicant's legal education is approved by the Board of Bar Examiners.

(b) In evaluating the education received the Board of Bar Examiners shall consider, but not be limited to, such factors as the admission of the applicant to the Bar of another state or the District of Columbia, the similarity of the curriculum taken to that offered in law schools approved by the American Bar Association or by the Association of American Law Schools, that the school at which the applicant's legal education was received has been examined and approved by other state bar associations examining the legal qualifications of foreign law school graduates, and the applicant's proficiency in written and spoken English.

(c) The applicant shall, in order to qualify to sit for the Bar examination, also submit a certified copy of the record or license of the court or agency which admitted the applicant to practice law in such country, and satisfy the requirement that the applicant has been actively and substantially engaged in the lawful practice of law as his or her principal business or occupation for at least three of the last five years immediately preceding the filing of the application, in addition to any other requirements authorized by these rules.

(4) For purposes of (2) (b) and (3) (c), the active engagement in the teaching of the law shall be considered active engagement in the practice of law.

[Amended effective January 1, 1978; November 1, 1981; July 5, 1985; July 1, 1987; November 15 1991; November 15, 1996; Amended effective February 1, 2000; January 1, 2002]

### **SCR 2.015 PROFESSIONAL RESPONSIBILITY EXAMINATIONS**

(1) No person shall be eligible for admission to the Kentucky Bar until that person has first passed the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners by attaining a scaled score thereon of at least 75.

(2) No person shall sit for the Bar Examinations administered under SCR 2.080 or 3.500 unless he or she has first passed the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners by attaining a scaled score thereon of at least 75.

[Adopted effective January 1, 1989; Amended effective January 1, 2002]

### **SCR 2.018 APPLICATION PACKETS**

(1) All applications for admission to the Kentucky Bar shall be on forms approved by the Board and Committee. Application packets will be available upon written request to the Office of Bar Admission and accompanied by a fee of \$10.00 made payable to the Clerk of the Supreme Court of Kentucky.

(2) The applicant must give full and complete response to all inquiries on the application as well as furnish any additional documents required in relation to the application.

(3) Any application received that is incomplete shall be returned to the applicant and a fee of \$20.00 shall be submitted along with the complete application prior to said application being acted upon. If an applicant fails to return the requested information within 30 days, the application will be held in abeyance and no further action will be taken and no fees shall be refundable. If the requested information is submitted after 30 days, the Committee will determine whether or not the applicant is permitted to take the forthcoming examination.

[Adopted effective August 1, 1992; Amended effective February 1, 2000; January 1, 2002]

### **SCR 2.020 BOARD OF BAR EXAMINERS**

(1) There is hereby created a Board of Bar Examiners known and designated as Kentucky Board of Bar Examiners, hereinafter referred to as "Board".

(2) The Board shall be composed of seven (7) attorneys appointed by the Supreme Court of Kentucky for terms of three years, the members to serve until the expirations of their terms and until their successors are

appointed. The Supreme Court of Kentucky shall appoint the Chair of the Board, and the Board shall select from its membership a secretary.

(3) The Board is charged with the responsibility of administering the bar examination to qualified applicants for admission to the bar of the Commonwealth.

[Adopted effective January 1, 2002]

## **RULE 2.022 APPLICATION FOR ADMISSION BY EXAMINATION**

The Application for Admission by Examination shall be on a verified form approved by the Board. Applications may not be filed more than 90 days before the filing deadline outlined below.

(1) An applicant must file a complete Application for Admission by Examination form accompanied by a fee of \$625.00 (cashier's or certified check or money order) at the time of filing. The filing deadline is October 1 for the February Bar examination and February 1 for the July Bar examination.

(2) **ATTORNEY APPLICANT:** An attorney applicant who is admitted in another jurisdiction must file a complete Application for Admission By Examination form along with a fee of \$675.00 (cashier's or certified check or money order). The filing deadline is October 1 for the February Bar examination and February 1 for the July Bar examination.

(3) Every person who intends to apply for admission to the Kentucky Bar by examination shall file with the Clerk of the Supreme Court, Frankfort, Kentucky, a verified application on a form provided by the Office of Bar Admissions. The applicant shall provide such information as requested on the form. An application must be complete at the time of filing including a properly executed Authorization & Release form.

(4) The Dean of each law school shall certify to the Committee as to the character and fitness of each applicant. Each applicant

shall pay all additional investigation expenses that exceed the \$200.00 fee required by the Committee in conducting the background investigation necessary for certification of eligibility. These costs are incurred when circumstances require a more intensive background investigation. The cost of any record, document or inquiry concerning an application or transcript of record as a result of a hearing shall be paid by the applicant. Any additional expenses incurred must be paid prior to the release of any examination results for the applicant.

(5) Any applicant whose application to the Bar of another state has been refused for any reason is ineligible to take the Bar examination in this state unless the refusal was based upon a failure to pass the Bar examination in that state.

(6) Any applicant who is a member of the Bar in another jurisdiction must produce a certificate of good standing with the application. The applicant must also produce a statement from the disciplinary board of that jurisdiction indicating whether any complaints have been filed against the applicant and their disposition. Any applicant who has a complaint(s) pending, is under disciplinary action, suspended, or any other action that would prohibit the practice of law as a member of the Bar in another jurisdiction, is not eligible for admission in Kentucky. Any applicant who is disbarred in another jurisdiction is not eligible for admission in Kentucky.

(7) An applicant who wishes to withdraw from the Bar examination must notify the Office of Bar Admission, in writing, not later than five (5) days prior to the examination date or have a verified excuse, otherwise, the Bar examination fee shall be forfeited.

(8) No part of any fees or expenses as stated in the paragraphs above shall be refundable.

[Amended effective March 6, 1974; September 25, 1975; January 1, 1978; July 1, 1981; July 5, 1985; February 24, 1986; April 15, 1986; July 1, 1987; January 1, 1988; January 15, 1988; August 1, 1992;

September 1, 1993; January 1, 1997;  
February 1, 2000; January 1, 2002]

**SCR 2.023 LATE FILING OF  
APPLICATION FOR ADMISSION BY  
EXAMINATION**

(1) An applicant who has failed to timely file an Application for Admission by Examination under SCR 2.022 may file a late application for Admission by Examination form from October 2 to November 10, prior to the February Bar examination and from February 2, to March 10, for the July Bar examination, accompanied by a late fee of \$200 along with the application fee (cashier's or certified check or money order).

(2) An applicant who has failed to file an Application for Admission by Examination form by the late deadlines prescribed in paragraph (1) of this rule, may file under the extended late deadlines of November 11 to December 10 for the February Bar examination and March 11 to May 10 for the July Bar examination accompanied by an extended late fee of \$400 along with the application fee.

(3) When an application for Admission by Examination form is filed later than the prescribed deadlines of SCR 2.022, the Committee will determine whether or not the applicant is permitted to take the forthcoming examination.

(4) Under no circumstances will an application to sit for the Bar examination be accepted after the above stated extended late filing deadline.

[Adopted effective August 1, 1992;  
Amended effective February 1, 2000;  
January 1, 2002]

**SCR 2.024 RE-APPLICATION FOR  
ADMISSION BY EXAMINATION.**

An applicant who withdraws or fails the Bar examination shall be permitted to re-apply for the next scheduled Bar examination on a form approved by the Board along with a fee of \$75.00. The \$175.00 examination fee is also required of applicants who failed the Bar examination. The re-application form must be filed by November 10 prior to the February examination and May 10 prior to the July examination.

[Amended by Order 2006-09, eff. 1-1-07;  
adopted by Order 2001-2, eff. 1-1-02]

**SCR 2.040 CHARACTER AND  
FITNESS COMMITTEE;  
NOMINATIONS**

(1) There is hereby created a Committee on Character and Fitness, hereinafter referred to as the Committee, to be composed of four attorneys, appointed by the Supreme Court for terms of three years, the members to serve until the expiration of their terms and until their successors are appointed. The Supreme Court of Kentucky shall appoint the Chair of the Committee.

(2) Subject to the approval of the Supreme Court, the Committee shall have the power to adopt and amend rules and regulations governing the manner in which it carries out its duties. The Character and Fitness Committee may appoint from the bar of the state associate members of the Character and Fitness Committee.

(3) The Committee on Character and Fitness is charged with the responsibility of determining the age, character and fitness, education and general qualifications of those applicants for admission to the bar of the Commonwealth whose applications are referred to it by the Clerk of the Supreme Court. The Character and Fitness Committee

is further charged with the duty of certifying to the Supreme Court persons who appear qualified to perform legal services as interns under **Rule 2.540.**

(4) The Character and Fitness Committee, in determining the character and fitness of an applicant for admission to the bar of the Commonwealth and in determining the character and fitness of a person seeking to perform legal services as an intern under, Rule 2.540 may have such persons investigated by associate members of the Character and Fitness Committee, members of the bar of the state, the National Conference of Bar Examiners or any other reputable investigative agency. Subject to the approval of the Supreme Court the Character and Fitness Committee may compensate any person or agency making such investigation out of funds held for that purpose.

(5) The Character and Fitness Committee shall submit to the Board of Bar Examiners the names and addresses of all applicants to take the examination who will be eligible upon approval from the standpoint of character and fitness and upon submission of the required recommendations of their law school deans. Said list shall be submitted no later than 30 days after the extended late deadline. At least ten days prior to each Bar examination the Character and Fitness Committee shall certify to the Secretary of the Board of Bar Examiners the names and addresses of all applicants who are qualified to take that Bar examination

(6) From time to time, the Character and Fitness Committee shall recommend to the Supreme Court admissions to the bar without examination of applicants for such admission who qualify therefore under the provisions of **Rule 2.110.**

(7) The Character and Fitness Committee shall have the power to issue subpoenas and to assess costs as it shall determine necessary.

[Amended effective January 1, 1978;  
February 24, 1986; August 1, 1992  
Amended effective February 1, 2000]

### **SCR 2.042 CONDITIONAL ADMISSION**

(1) As a part of its certification process for all applicants, including applicants for restoration or reinstatement under SCR 3.500 or 3.510, the Character and Fitness Committee may require that an applicant enter into an agreement as a condition of his/her admission to the Bar. The conditions of admission, as determined by the Character and Fitness Committee, shall be set forth in a written agreement with specific terms and conditions. These terms and conditions shall be monitored by the Committee or its agents or designees.

(2) Upon failure to comply with the terms and conditions of the agreement, the Committee may:

(a) extend the term and impose additional conditions.

(b) recommend to the Court revocation of license.

(3) Additionally, in the event of failure to comply with conditions of the agreement, or other conditions imposed by the Court upon admission, restoration or reinstatement, the Office of Bar Counsel may:

(a) request that the Court extend the term and impose additional conditions(s).

(b) recommend to the Court revocation of the license to practice law.

(4) All information relating to conditional admission of an applicant or an attorney shall remain confidential in accordance with SCR 2.008.

(5) Any member whose license is revoked by the Court for failure to comply with the terms of a conditional admission

agreement shall be deemed to have been subject to a disciplinary action and restoration or reinstatement shall be subject to the rules set forth in SCR 3.510.

[Amended by Order 2006-09, eff. 1-1-07; prior amendments eff. 1-1-04 (Order 2003-4), 1-1-02 (Order 2001-2), 2-1-00 (Order 99-1); adopted by Order 06-1, eff. 1-1-97]

## **SCR 2.050 FORMAL AND INFORMAL HEARINGS**

In the event an area of concern appears, whether on the application or is discovered during the investigation process, the applicant may be requested to appear before one or more Committee member(s) for an informal hearing. Notice will be served on the applicant not less than fourteen days prior to said hearing.

At the discretion of the member(s) present at the informal hearing, a formal hearing before the full Committee may be required of the applicant. The applicant shall be given written notice of the date, time and place of said hearing. The hearing shall be of record and the applicant may have counsel present and present testimony. The costs involved in this hearing shall be included with the costs outlined in **SCR 2.011**.

At the time a formal hearing is requested, the applicant will be notified in writing that he/she may not sit for the bar examination unless a final decision is submitted by the Committee prior to the examination.

A written recommendation will be submitted by the Committee to the Court either recommending the applicant be certified from a character and fitness standpoint to sit for the bar examination or that the applicant be denied certification of character and fitness. The applicant shall be supplied a copy of the recommendation. If

said recommendation results in denial of the applicant's certification to sit for the bar examination the applicant has the right to appeal such decision, as noted in **SCR 2.060**.

[Adopted effective November 15, 1991; Amended effective January 1, 2002]

## **SCR 2.060 COMMITTEE'S DECISION AS TO ELIGIBILITY**

The decision of the Character and Fitness Committee as to the eligibility of an applicant for admission to the Bar of this State shall be final unless, on motion by the applicant filed within 30 days after notice of an adverse decision has been mailed to his last known address, the Supreme court upon review of the record overrules such decision.

[Amended effective January 1, 1978; Amended February 1, 2000]

## **SCR 2.080 BAR EXAMINATIONS**

(1) The Board of Bar Examiners shall examine such applicants as are certified to it as provided in **Rule 2.040**. The examination shall cover a period of two days and may cover the following subjects:

- (a) Administrative Law and Administrative Law
- (b) Conflict of Laws
- (c) Contracts
- (d) Constitutional Law
- (e) Business Entities (corporations, partnerships and/or others)
- (f) Criminal Law and Procedure
- (g) Civil Procedure
- (h) Domestic Relations
- (i) Property (real and/or personal)
- (j) Federal Taxation
- (k) Torts
- (l) Uniform Commercial Code (sales, secured transactions and/or negotiable instruments)

- (m) Estates (wills and/or trusts)
- (n) Evidence
- (o) Such other subjects as the Board may select from among questions proposed by the National Conference of Bar Examiners.

Prior to or at the time of the examination, each applicant shall certify that he or she has successfully completed a course of study in law school in the subject of ethics, and that if admitted to practice, the applicant will adhere to the Code of Ethics prescribed by the Supreme Court. The changes made by this amendment shall be effective beginning with the examination immediately following the adoption of this amendment. The Character and Fitness Committee of the Kentucky Office of Bar Admissions may, in exceptional cases, waive the requirement that an applicant have successfully completed a course of study in law school in the subject of ethics.

(2) The Board may cover the subject matter in any manner that it sees fit, including or not including the multi-state essay examinations, multi-state performance examinations and/or multi-state Bar examinations.

(3) The Board of Bar Examiners shall, thirty (30) days before each examination, report to the Supreme Court the method by which the examination shall be administered.

(4) An applicant must pass both the essay and Multistate portions of the examination. A general average of 75% or higher on the essay portion of the examination shall be deemed a passing score on the essay portion of the examination. A scaled score of 132 or higher on the Multistate portion of the examination shall be deemed a passing score on the Multistate portion of the examination. An applicant who has failed only one portion of the exam must only reapply to sit for the failed portion; however, a passing score on one portion of the exam may only be used for a period of three years to exempt the applicant from taking that portion of the examination.

An applicant who has taken the Multistate examination in another jurisdiction within three years of the date of the failed Kentucky examination may transfer a score of 132 or higher and need only sit for the essay portion of the examination. In situations where the applicant has first passed the Kentucky essay portion of the examination, subsequently has taken the Multistate (MBE) examination in another jurisdiction, and wishes to be admitted by transferring in a score of 132 or higher that applicant must first file an update form for a character and fitness re-certification as prescribed in **SCR 2.062**.

5) The Board of Bar Examiners at the beginning of the first session shall give each applicant a numbered envelope. The applicant shall write his/her name upon a slip of paper, seal the name in the envelope and return the envelope to the Secretary of the Board. All papers will then be signed by the applicant only with the number upon his/her envelope. When the applicant has completed answering the questions on any given subject, he/she shall deposit his/her written answers thereto with the Secretary of the Board.

(6) The papers containing the questions and written answers given by applicants will be preserved by the Secretary of the Board for a period of one year from the time that the application for admission has passed upon by the Supreme Court, and longer if so ordered by the Court.

(7) Upon recommendation of the Board of Bar Examiners, the Supreme Court may appoint qualified members of the bar, to be known as Bar Examination Graders, to assist the examiners in the grading of the examination papers. Persons so appointed shall hold those positions for terms of one year and until the appointment of their successors.

[Amended effective March 6, 1974; January 1, 1978; May 1, 1980; February 1, 1981; November 1, 1981; July 1, 1984; July 5,

1985; February 24, 1986; January 1, 1988; January 1, 1989; November 15, 1991; Amended effective February 1, 2000; January 1, 2002]

### **SCR 2.082 NON STANDARD TEST ACCOMMODATIONS**

(1) The bar examination shall be administered by the Bar Examining authority to all eligible applicants in a manner that is fair and equitable.

(2) An applicant with a disability, who is eligible to take the bar examination, may file an application for reasonable non standard test accommodations. For the purpose of this rule disability shall be

defined as a physical or mental impairment that; (a) substantially limits one or more major life activities, (b) substantially limits the ability of an applicant to demonstrate, under standard test conditions, the skills, abilities and knowledge tested on the Kentucky bar examination, (c) this applicant has a record of having, or (d) this applicant is regarded as having.

(3) An Application for Non Standard Test Accommodations shall be submitted on a form approved by the Board. The application forms may be obtained from the Kentucky Office of Bar Admissions.

(4) Individuals requesting non standard test accommodations shall submit a complete Application for Non Standard Test Accommodations, including all required supporting documentation by the filing deadlines prescribed in **SCR 2.022(1)**.

(5) The Bar Examining authority shall make reasonable modification in the manner in which the examination is administered to an applicant with a disability whose application for non standard test accommodations has been approved by the Board, while maintaining the security and integrity of the examination.

(6) An emergency request for non standard accommodations may be filed after the prescribed deadlines stated above if the applicant did not have the disability at the time of filing the application to take the bar examination. Due to processing complexities, an emergency request may not be granted if; a) time constraints preclude the applicant from being able to provide necessary justification for the accommodations sought, or b) there is insufficient time for the bar examining authority to properly evaluate the applicant's request or make the necessary arrangements for the non-standard test accommodations.

[Adopted effective January 1, 1997; Amended effective January 1, 2002]

### **SCR 2.085 APPROVAL OF CERTIFICATE OF ADMISSION TO PRACTICE LAW**

(1) When an applicant has passed an examination as provided by **Rule 2.080**, the Board of Bar Examiners shall certify that fact to the Supreme Court together with a recommendation that the applicant be admitted to practice law. The Court may approve or disapprove the recommendations and, if approved, shall authorize the Clerk of the Court to issue a certificate of admission.

(2) When the Character and Fitness Committee determines that an applicant is eligible for admission to the bar of this state without examination, the Committee's recommendation as provided in **Rule 2.040(6)** shall be certified to the Supreme Court, and the approval for the issuance of a certificate as set forth in paragraph (1) of this rule.

(3) When the Supreme Court has granted approval for the issuance of a certificate of admission based upon the recommendation submitted under paragraph (1) or (2), the applicant must be admitted to the Kentucky Bar within two years of said date. If an applicant fails to be admitted within the two year period, the applicant

must make new application for admission.

[Amended effective January 1, 1978; July 1, 1979; November 1, 1981; July 5, 1985; title amended effective February 24, 1986; March 3, 1998; January 1, 2002]

### **SCR 2.110 ADMISSION WITHOUT EXAMINATION**

(1) Any person who has been admitted to the highest Court of the District of Columbia or some sister state and who has been engaged in the active practice of law, in a state or jurisdiction which has reciprocity or comity with Kentucky, for five of the seven years next preceding the filing of an application may be admitted to

the Bar of this state without examination provided the applicant meets all requirements for admission to the Bar under these Rules. Active engagement in the teaching of the law shall be considered active engagement in the practice of law.

2) An attorney applying for admission under this Rule shall file with the Clerk of the Supreme Court, on the form provided for application for admission, such information as shall be requested thereon accompanied by a fee of twelve hundred dollars (\$1,200), no part of which shall be refunded. The Clerk shall forward the application to the Character and Fitness Committee. An applicant shall file with the Character and Fitness Committee such other affidavits, certificates, documents and materials as shall be required to satisfy the Committee of the applicant's good moral character and fitness to be a member of the Bar of this state. With respect to character and fitness, the Character and Fitness Committee shall process such applications pursuant to **Rule 2.040**.

(3) Admission under this Rule shall be conditioned on the applicant establishing that the district or state from which the applicant applies and in which the applicant performs the major portion of his professional activities has rules or other provisions providing for admission without

examination and by reciprocity or comity which are at least equivalent to this Rules 2.110 and all other pertinent rules of this jurisdiction.

[Amended effective March 6, 1974; September 24, 1975; January 1, 1978; February 24, 1986; January 1, 1988; November 15, 1991; August 1, 1992; February 1, 2000; January 1, 2002]

### **SCR 2.111 LIMITED CERTIFICATION OF ADMISSION TO PRACTICE LAW**

(1) Every attorney not a member of the Bar of the Commonwealth who performs legal services in this Commonwealth solely for his/her employer, its parent subsidiary, or affiliated entities, shall file with the Clerk of the Supreme Court on a form provided, an application for limited certificate of admission to practice law in this Commonwealth. The Clerk shall forward the application to the Character and Fitness Committee. Such application shall be approved and a limited certificate of admission to practice law shall be granted, and shall be effective as of the date such application is approved, provided that the following prerequisites are satisfied.

(a) The applicant must be admitted to practice in the highest court of another state or the District of Columbia, and be a member in good standing at the Bar of such court, or in such state, at the time of filing such application.

(b) The attorney applying for limited certificate of admission to practice law shall sign a sworn statement certifying to the Court that:

(i) he/she has completed the study of law in an accredited law school;

(ii) he/she has been admitted to practice in the highest court of another state or the District of Columbia;

(iii) he/she is presently in good standing at the Bar of such court, or such state;

(iv) he/she will perform legal services in this Commonwealth solely for his/her employer, its parent, subsidiary, or affiliated entities.

(c) A statement signed by a representative of such applicant's employer stating that such applicant is an employee for such employer, and performs legal services in this Commonwealth for such employer, its parent, subsidiary, or affiliated entities, shall be filed with the application.

(2) Such applicant shall pay to the Clerk, at the time of submission of such application, a fee of one thousand (\$1,000.00) and shall tender to the Clerk for transmittal to the Kentucky Bar Association payment of the current annual dues or fees of the Kentucky Bar Association authorized under SCR 3.040.

(3) Upon granting of such limited certification of admission to practice law, such applicant shall be and shall remain, during the period of limited certificate of admission to practice law remains in effect, an active member of the Kentucky Bar Association, subject to all duties and obligations of members admitted under **SCR 2.110** or **SCR 2.120**.

(4) The only restrictions and limitations applicable to such attorney's right to practice in this Commonwealth shall be:

(a) Such attorney shall perform legal services in this Commonwealth solely for his employer, its parent, subsidiary, or affiliated entities, and shall not provide legal services, in this Commonwealth, to any other individual or entity.

(b) Such attorney shall not appear as Attorney of Record for his employer, its parent, subsidiary or affiliated entities, in any case or matter pending before the courts of this Commonwealth, without first

engaging a member of the Association, admitted under SCR 2.120 or SCR 2.110 as co-counsel, whose presence shall be necessary, when required by the Court, at all trials or other times specified by the Court. Nothing herein shall prevent such attorney from appearing in the Small Claims Division of the District Court as otherwise provided in Rule 3.020.

(5) The performance of legal services in this Commonwealth solely for such attorney's employer, its parent, subsidiary, or affiliated entities, shall be considered to be the active engagement in the practice of law for all purposes. The past performance by such applicant of legal services in this Commonwealth solely for his employer, its parent, subsidiary, or affiliated entities, shall be deemed, for all purposes, to have been the authorized active engagement in the practice of law in this Commonwealth, if such attorney, at the time of the performance of such legal services met the requirements set forth in Sections 1(b)(i), 1(b)(ii), and 1(b)(iii) of this Rule.

(6) The limited certificate of admission to practice law in this Commonwealth shall expire if such attorney is granted a certificate of admission to practice, or is admitted to the Bar of this Commonwealth under any other rule of this Court, or if such attorney ceases to be an employee for the employer or its parent, subsidiary, or affiliated entities, listed on such attorney's application, whichever shall first occur; *provided, however*, that if such attorney, within thirty days of ceasing to be an employee for the employer or its parent, subsidiary, or affiliated entities listed on such attorney's application, becomes employed by another employer for which such attorney shall perform legal services, such attorney may maintain his admission under this Rule by promptly filing with the Clerk of the Supreme Court a statement to such effect, stating date on which his prior employment ceased and his new employment commenced, identifying his new employer and reaffirming that he shall

not provide legal services, in this Commonwealth, to any other individual or entity. In the event that the employment of an attorney admitted under this rule shall cease with no subsequent employment by a successor employer with thirty days, such attorney shall promptly file with the Clerk of the Supreme Court a statement to such effect, stating the date that such employment ceased.

(7) Except as specifically limited herein, the rules, rights and privileges governing the practice of law shall be applicable to an attorney admitted under this Rule.

[Adopted effective July 5, 1985; amended effective January 13, 1986; August 1, 1992; Amended effective February 1, 2000; January 1, 2002]

## **SCR 2.112 ATTORNEY PARTICIPANTS IN DEFENDER OR LEGAL SERVICES PROGRAMS**

(a) **Scope.** This rule applies to an attorney who is not a member of the Bar of this Commonwealth but who, after having completed the study of law in a law school approved by the American Bar Association or by the Association of American Law Schools and having been admitted to practice in the highest court of another state, wishes to become an employee of an organized public defender program or an organized legal services program in this Commonwealth providing legal assistance to indigent persons.

(b) **General rule.** An attorney to whom this rule applies shall be admitted to practice before the courts of this Commonwealth in all matters in which the attorney is associated with an organized public defender program or an organized legal services program which program is sponsored, approved or recognized by the Kentucky Bar Association. Admission to practice under this rule shall be limited to the matters specified in the preceding sentence. An application for admission to practice under this rule shall include or be accompanied by:

(1) A certificate of the highest court or agency of any other state having jurisdiction over admission to the bar and the practice of law stating that the applicant is in good standing at the bar of such court or in such state.

(2) A statement signed by a representative of an organized public defender program or an organized legal services program showing compliance with paragraph (a) of this rule. Any such statement shall also contain and undertaking by the program to notify the Clerk of the Supreme Court immediately whenever the attorney ceases to be an employee of such programs.

(3) Such other affidavits or materials as shall be deemed necessary by the Character and Fitness Committee in order to satisfy the Committee of the applicant's moral character and fitness to practice before the courts of this Commonwealth.

(4) Payment of a fee of one hundred dollars (\$100.00) made payable to the Clerk of the Supreme Court (cashier's or certified check or money order).

(c) **Subscription and Action.** The application for admission shall be subscribed to by a member of the bar of this Commonwealth in good standing. If the application and related documents are in proper order and if the Character and Fitness Committee finds that the applicant has the moral character and fitness to practice before the Courts of this Commonwealth, the Clerk of the Supreme Court shall enter the name of the applicant upon the docket of persons specially admitted to the bar of this Commonwealth subject to the restrictions of this rule and shall issue an appropriate certificate in evidence thereof.

(d) **Expiration of Admission.** When an attorney admitted under this rule ceases to be associated in a program as set forth in the motion previously filed, a written statement to that effect shall be filed with the Clerk of the Supreme Court by a

representative of the public defender program or legal services program. Admission to practice under this rule shall expire after eighteen months, or when the attorney ceases to be an employee of the program, whichever shall first occur.

**(e) Rules Governing the Practice of Law.**

Except for Rules 2.110 and 3.030(2), the Rules governing the practice of law shall be applicable to an attorney admitted under this Rule.

[Adopted effective June 1, 1979; amended effective February 24, 1986; October 1, 1994; March 3, 1998; Amended effective February 1, 2000; January 1, 2002]

**SCR 2.120 CERTIFICATE OF ADMISSION TO PRACTICE LAW**

When an applicant is approved for admission under rule 2.085, 2.110, 2.111 or 2.112 that applicant must apply for and be granted a certificate of admission prior to engaging in the practice of law in this state. As prerequisites for the issuance of such a certificate an applicant shall submit to the Clerk satisfactory evidence of payment of the current annual dues or fees of the Kentucky Bar Association authorized under SCR 3.040, shall pay to the Clerk a final Board Certification Fee of fifty dollars (\$50.00), and shall be administered the constitutional Oath of Office either by a Justice of the Supreme Court or by the Clerk of the Supreme Court. Upon completion of the prerequisites, the Clerk shall deliver to the applicant a certificate of admission on a form approved by the Court, and the issuance of the certificate shall be duly recorded by the Clerk.

[Adopted effective January 1, 2002]

**SCR 2.300 REINSTATEMENT OF PERSONS TO PRACTICE LAW**

The guidelines set forth in SCR 2.300 apply

to applications for reinstatement filed by any person who has been suspended from the practice of law, who seeks reinstatement under the provisions of SCR 3.510, and whose application is referred by the Kentucky Bar Association to the office of Bar Admissions, Character and Fitness Committee.

These guidelines have been formulated to govern the manner in which Reinstatement Applications are processed so that all parties, including the public at large, are insured that a systematic and thorough character and fitness investigation is conducted and applicants are assured that their applications are addressed in a timely and procedurally consistent manner.

- (1) Initial Reinstatement Application Process
  - (a) The initial forms necessary to apply for reinstatement may be obtained from the Kentucky Bar Association. Completed applications for reinstatement, along with the necessary **fees**, must be delivered, mailed to, or presented to the Clerk of the Supreme Court of Kentucky in accordance with SCR 3.500 and SCR 3.510
  - (b) Upon receipt of a complete application for reinstatement by an applicant who has been suspended more than 180 days (and in some cases where the suspension has been less than 180 days) the Kentucky Bar Association will refer the application to the Kentucky Office of Bar Admissions, Character and Fitness Committee for investigation, for a hearing, if necessary, and for a formal recommendation regarding the disposition of the application in accordance with SCR 3.500, SCR 3.505, and SCR 3.510.
  - (c) Upon receipt of a Reinstatement Application from the Kentucky Bar Association, the Kentucky Office of Bar Admissions, Character and Fitness Committee will immediately send the applicant an Application for Admission to the Bar. The applicant must complete that form and return it to the

Character and Fitness Committee with documentation specified in instructions accompanying the application.

- (d) The submission of an incomplete application or the failure of an applicant to submit necessary documentation and/or fees will delay the Character and Fitness Committee's ability to render a timely recommendation. Failure of an applicant to submit the application for admission to the Bar within thirty (30) days or failure of an applicant to perfect an application within thirty (30) days of the date a notice of deficiency is sent to the applicant by the Committee may

result in an unfavorable recommendation.

## (2) Investigative Process

Upon receipt of a fully complete application the Character and Fitness Committee will immediately begin the necessary investigatory process, which may or may not involve the use of independent investigators.

During this initial investigative period the applicant will be notified that he/she has sixty (60) days to obtain and submit any additional evidence he/she wants considered. The initial sixty (60) day period may be extended upon proper justification being submitted to the Committee in a written request by the applicant.

## (3) Informal Hearings:

At the conclusion of the investigative period a member of the Character and Fitness Committee, or a designee appointed by the Committee, may elect to conduct an informal hearing in an effort to clarify or narrow issues. The informal hearing proceeding shall not be stenographically reported and sworn testimony shall not be taken.

The applicant shall be given written notice of the date, time and place of any informal hearing. Notice shall be given no less than

fourteen days before the hearing. Failure of the Applicant to fully cooperate with and participate in the informal hearing process shall be a basis for an unfavorable recommendation regarding the application for readmission.

## (4) Formal Hearings:

(a) At the conclusion of the investigative period, and following the informal hearing, if one is held, the applicant and Kentucky Bar Association Counsel will be given a right to request a formal hearing before the Committee pursuant to SCR 3.505(3). If a formal hearing is not requested, the Committee may elect to hold a hearing or act upon the evidence of record and issue a decision within sixty (60) days of the day the parties decline a formal hearing.

(b) If the applicant or Bar Counsel requests a formal hearing then such a hearing will be held within sixty (60) days of the request. Notice of the hearing date will be served on the parties not less than fourteen days before said hearing. The hearing shall be of record and the applicant may have counsel present and present testimony. The costs involved in this hearing shall be included with costs outlined in SCR 2.040(7) and will be paid by the applicant.

(c) The Character and Fitness Committee shall, at the hearing, inquire fully into all matters at issue, and shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure.

The Committee shall receive into evidence the testimony of the witnesses and parties, the evidence of record, and such additional evidence as may be submitted. However, the Committee may entertain the objections of any party to the evidence submitted under this section.

(d) The conduct of the hearings and the order in which allegations and evidence shall be presented shall be within the discretion of the Character and Fitness Committee.

## (5) Formal Recommendation:

Following the Formal Hearing if there are material factual disputes, the Character and Fitness Committee must resolve them by making findings of fact. Such findings of fact must be supported by the existence or absence of clear and convincing evidence. Such findings will be set forth in a formal recommendation. A formal recommendation will be issued within thirty (30) days of the date of receipt of the hearing transcript.

(6) Burden of Proof:

While the burden of proof in a disciplinary proceeding rests with the KBA, in reinstatement cases the applicant has the burden of proving by clear and convincing evidence that he/she possesses the requisite character, fitness and moral qualification

for re-admission to the practice of law. (SCR 3.330) Issues that will be considered include, but are not limited to, the following:

(a) Whether the applicant has presented clear and convincing evidence that he/she has complied with every term of the order of suspension or disbarment.

(b) Whether the applicant has presented clear and convincing evidence that his/her conduct while under suspension shows that he/she is worthy of the trust and confidence of the public.

(c) Whether the applicant has presented clear and convincing evidence that he/she possesses sufficient professional capabilities to serve the public as a lawyer.

(d) Whether the applicant has presented clear and convincing evidence that he/she presently exhibits good moral character.

(e) Whether the applicant has presented clear and convincing evidence that he/she appreciates the wrongfulness of his/her prior misconduct, that he/she has manifest contrition for his/her prior professional misconduct, and has rehabilitated himself/herself from past derelictions.

Failure to meet any of these criteria may constitute a sufficient basis for denial of a petitioner's application.

(7) Presumptions and Weight of Evidence:

A petitioner for reinstatement will be held to a substantially more rigorous standard than a first time applicant for an initial admission to the Bar. The prior determination that he/she engaged in professional misconduct continues to be evidence against him or her and the proof presented must be sufficient to overcome that prior adverse judgment.

Among the considerations to be weighed are:

The nature of the misconduct for which the applicant was suspended or disbarred.

The applicant's conception of the serious nature of his or her act.

The applicant's sense of wrongdoing.

The applicant's previous and subsequent conduct and attitude toward the courts and the practice, including the element of time elapsed since disbarment.

The applicant's candor in dealing with the Character and Fitness Committee.

The relevant knowledge of witnesses called by the applicant.

[Adopted effective February 1, 2000]

**SCR 2.540 LIMITED STUDENT PRACTICE**

This type of admission is available for any student who has successfully completed two-thirds of the academic hour requirement for the first degree in law at an approved law school and is participating in a law school sponsored clinic, intern, extern, or public service program may provide legal services to, and may appear in any proceeding in any Court of this state on behalf of any person

financially unable to employ counsel, or, on behalf of the Commonwealth or the United States' Attorney; and any student who has successfully completed two-thirds of the academic hour requirements for the first degree in law may provide legal advice, counseling and negotiation services to a college or university student, regardless of that student's financial status, pursuant to an approved law

- a) Such student is providing such services to, or appearing in such proceeding on behalf of, a person
- b) assigned to the student through a clinic, intern, extern, or public service program operated by an approved law school under the direction of a full or part time law school director.
- c) The Chief Justice of the Supreme Court of Kentucky, the dean of the student's law school, and the director of the law school program in which such student is participating, have filed written approval of such student with the Clerk of the Supreme Court, the Clerk of the Courts before which the student is to appear, and the Clerk of the Circuit Court in the county wherein the student's law school is located.
- d) A member in good standing of the bar of this state personally supervises all activities of the student in each case, with the exception that the student may consult with the client or potential clients, but may not advise, negotiate or appear alone in administrative proceedings or in the Courts of this state in civil or criminal matters without personal appearance and supervision by a member in good standing of the bar of this state, and as otherwise provided in this Rule.

In all criminal cases involving crime for which the defendant may be punished by a fine of more than \$500.00 or by confinement for more than twelve months, personal supervision of the activities of the student requires that a member in good standing of the bar of this state be present for all proceedings which take place before a judge. In the defense of any criminal case which involves a crime for which the defendant may be punished by a fine of more than \$500.00 or by confinement for more than twelve months, and which is to be prosecuted in a county not having a formal public defender program, the attorney who is to supervise the student must be appointed by the judge of the court before whom the cause is pending.

No student authorized to perform legal services under this Rule shall ask for or receive any compensation or remuneration of any kind for the services. This rule does not prevent a law school from awarding scholarships or fellowships to a law student authorized to perform legal services under this Rule.

Any student authorized to perform legal services under the Rule must subscribe to the following oath.

**OATH OF LEGAL  
INTERN UNDER  
STUDENT PRACTICE  
RULE**

I, \_\_\_\_\_, do solemnly swear that I will, as a Legal Intern, support and defend the Constitution of the United States and the Constitution of the State of Kentucky; that cognizant of the trust placed in me and the responsibility it carries, I will conduct myself in all matters to the extent given me as an officer of the Court with the utmost fidelity toward the Court and all persons whose affairs are in any way entrusted to me; that I will neither take part in deception of the Court, nor allow

deception to take place, and should any be practiced will inform the Court; that I will accept no remuneration for services performed as a legal intern except those specifically provided by the rules of the Supreme Court; that I subscribe to and will abide by the rules of Professional conduct as adopted by the Supreme Court of Kentucky; and that I will so exercise these privileges given me that it may be alike useful in the service of justice and in my preparation to assume full responsibility later a member of the bar

---

The above and foregoing Oath was subscribed to by the above named Legal Intern and administered to him by me, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

---

Notary Public

[Amended effective January 1, 1978; July 1, 1978; October 1, 1994; March 1, 1998; Amended effective February 1, 2000]