

RULES GOVERNING ADMISSION

**TO THE
ALABAMA STATE BAR**



*Adopted by the Board of Commissioners
of the Alabama State Bar and
approved by the Supreme Court of Alabama*

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Rule I

Registration of Intent to Apply for Admission to the Alabama State Bar

A. Registration of Law Students and Others Seeking Admission to the Alabama State Bar.

Every person seeking to apply for admission to the Alabama State Bar shall, within sixty (60) days following the commencement of the study of law in an accredited law school, or in one of the unaccredited law schools located in the State of Alabama, register with the Secretary (“the Secretary”) of the Board of Commissioners of the Alabama State Bar (“the Board”) by completing and filing the registration form supplied by the Board and such other papers as may from time to time be reasonably required by the Board. No fee shall be required if the registration form is filed within the first 60 days following the commencement of the study of law. If, however, the registration form is filed after 60 days, such form shall be accompanied by an appropriate fee of:

- (1) \$50.00 if filed after 60 days but within 180 days;
- (2) \$100.00 if filed after 180 days but within 390 days;
- (3) \$250.00 if filed after 390 days.

The deadline date for filing the registration form shall be determined using the official date for the commencement of study announced by the registrant’s law school. The registrant shall be responsible for submitting, as a part of the registration form, certified verification of that date upon the form supplied by the Board.

B. Committee on Character and Fitness

The Committee on Character and Fitness (“the Committee”) shall promptly conduct an initial review of the registration form for matters bearing on the registrant’s character and fitness, including, but not limited to, alcohol or drug addiction or abuse, criminal history, and mental-health issues.

Thereafter, the Committee shall conduct an investigation or otherwise inquire into and determine the qualifications, character, and fitness of every registrant who applies for admission to practice law in the State of Alabama and may request the personal appearance of any registrant at such reasonable time and place as the Committee may prescribe.

If the Committee, during the course of an investigation of the registrant, concludes that a complete set of his or her fingerprints would be of substantial assistance in the investigation, the Committee may direct the registrant to submit a complete set of his or her fingerprints. The failure of the registrant to submit, upon request, a complete set of his or her fingerprints; to fully and accurately comply with any reasonable request to produce documents or to appear personally before the Committee; or to fully and accurately provide such other information as reasonably may be requested by the Committee, shall be a sufficient ground to deny approval of the registration.

If the Committee is reasonably satisfied that the registrant possesses good moral character and has completed the pre-legal education required by these rules, and is fit to practice law in the State of Alabama in all other respects, it shall approve the registration, and the Secretary shall thereupon issue to the registrant a certificate of registration and cause a record thereof to be kept in the Secretary's office. If the registrant is found deficient in any of the aforementioned qualifications, the certificate of registration shall not be issued until and unless the Committee is satisfied that the registrant has overcome the deficiency.

A majority of the Committee may at any time and place, if in meeting assembled, act for the Committee, with the power of examination herein granted the Committee, regardless of when the registration form was filed with the Secretary.

In cases where a registrant does not file the registration form within 390 days following the commencement of the study of law, and the degree of investigation required makes immediate review or resolution of the registration impractical, the Committee may in its discretion defer its review and investigation of the registration to allow a reasonable opportunity to thoroughly investigate the registrant's character and fitness.

See Rule IV.A and B.

From a ruling of the Committee declining to approve the application for registration, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary and a copy of the notice is also filed with the Disciplinary Clerk of the Alabama State Bar within thirty (30) days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de novo, within thirty (30) days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel.

C. Registration Not an Application for Admission.

The registration form executed by a registrant shall not be deemed an application for admission into the Alabama State Bar.

RULE II

APPLICATION FOR ADMISSION TO THE ALABAMA STATE BAR

A. Applications.

Applications for admission to the Alabama State Bar, whether filed as a registrant under Rule I or as applicant under this Rule, are continuing in nature and must give correctly and fully the information therein sought as of the date that the applicant is sworn in as a member of the Alabama State Bar. To that end, every applicant or registrant shall immediately inform the Secretary of the Alabama State Bar of any change or discovered error in the requested information that may occur between the time that information is furnished to the Alabama State Bar and the date of admission.

The Board may require that all the information furnished, be given under oath. As a condition for admission into the bar examination, every applicant shall state under oath when filing an Application for Admission in the Alabama State Bar that all information in every application and amendments thereto previously submitted is true and complete.

B. Residency Requirements.

(1) Applicants who:

(a) Were residents of the State of Alabama at the time the application was submitted, and

(b) Have neither applied, nor been admitted, to the bar of another state, shall accompany the application with a check or money order in the amount prescribed in item (1) of the Fee Schedule (see Appendix).

(2) All other applicants shall accompany the application with a check or money order in the amount prescribed in item (2) of the Fee Schedule.

Each applicant who qualifies under this section shall be required to complete the National Conference of Bar Examiners (NCBE) Application form which may be obtained from the Admissions Secretary of the Alabama State Bar or at the website www.alabar.org; admissions.

(3) The cost of a transcript or any record or document reasonably required by the Board in the conduct of an investigation or inquiry into the character and fitness of an applicant or a registrant shall be paid by such applicant or registrant.

C. Filing Deadlines.

(1) All applicants shall have their completed applications filed not later than October 1 preceding the February examination, and not later than February 1 preceding the July examination.

(2) An application is deemed filed if (a) it is received on or before the deadline or (b) if it is post-marked on or before the deadline and received within 7 days of the postmarked date.

(3) Late applications and incomplete applications shall be promptly returned to the applicant. Incomplete applications must be completed and re-filed within the deadline provided in this rule.

D. Supporting Affidavits.

In support of said application the applicant shall cause to be sent directly to the Secretary of the Alabama State Bar, affidavits by three attorneys in good standing who have for five years been admitted to practice law in Alabama or in the state of the applicant's residency by the highest court of the applicant's residence. These affidavits must be to the effect that each affiant is acquainted with the applicant and should state the extent and duration of the association, the frequency of contact, the opportunity of observing and knowing the demeanor, habits, character, associates of and conduct of the applicant, the type of such associates, and generally the background, standing and position in life of the applicant, and that the applicant has a good character and reputation where applicant resides, and enjoys the confidence and respect of the general public. Each such affidavit shall state whether affiant's appraisal of the applicant is based upon personal knowledge or upon inquiry.

E. Re-Examination.

Every applicant who is qualified and desires to repeat any part of the Academic portion (see Rule VI (B)), of the bar examination

shall file a Re-Application for Admission to the Alabama State Bar. The application shall be accompanied by the amount prescribed in item (3) of the Fee Schedule (see Appendix). The application shall be filed in the office of the Secretary of the Alabama State Bar within the deadlines as specified under the provisions of this Rule as they pertain to the examination which such applicant desires to take. In those instances wherein the running of the deadline under this Rule occurs prior to notification being given of the failure of any part of the examination, thus precluding compliance with the deadline by unsuccessful examinees, the deadline shall extend for a period of ten (10) days from the date of the notice of failure on the examination.

F. Postponement of Examination.

Applicants seeking to postpone their submission to the Alabama State Bar examination shall be permitted to do so upon payment of a fee of fifty dollars (\$50.00) to the Alabama State Bar. A written notice of postponement and the \$50.00 fee must be received at the Alabama State Bar at least seven (7) days in advance of the commencement of the examination.

Any applicant who has not made an appropriate postponement at least seven (7) days in advance of the commencement of the examination shall be deemed to have forfeited the entire examination fee if the applicant fails to take the examination for which application has been made.

All applicants who have postponed their submission to examination must bring

applications to current status by the filing of appropriate amendments thereto following any postponement.

RULE III

PERSONS ENTITLED TO ADMISSION WITHOUT EXAMINATION

A. No person shall be admitted to the Alabama State Bar without examination except as follows:

1. An applicant who meets the requirements of (a) through (k) of this rule may, without examination, be admitted to the practice of law in Alabama. The applicant shall

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

(b) hold a first professional degree in law (J.D. or L.L.B.) from a law school that was on the approved list of the American Bar Association or the Association of American Law Schools at the time the degree was conferred;

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

(d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, or in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from Alabama a similar accommodation as set forth in this rule;

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

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

(g) establish that the applicant possesses the character and fitness to practice law as determined by the Committee on Character and Fitness under the Rule IV of these Rules;

(h) establish that the applicant has not, within the 10 years prior to making application, taken and failed the Alabama Bar examination;

(i) be a permanent resident of the State of Alabama at the time of application or shall certify his or her intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in this State. The “primary practice of law” shall mean at least 75% of the time devoted to the practice of law will be conducted in this State;

(j) have taken and achieved a score of 75 or better on the Multi—State Professional Responsibility Examination; and

(k) have paid the appropriate fee as prescribed in item (4) of the Fee Schedule (see Appendix) attached to these rules.

2. For the purposes of this rule, the “active practice of law” under subsection A.1(c) shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under A.2 (e) and (f)

that were performed within Alabama in advance of Bar admission here, be accepted toward the durational requirement:

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

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

(c) Teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

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

(e) Service as a judicial law clerk; or

(f) Service as corporate counsel.

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

4. Teachers in a law school situated in this State and accredited by the American Bar Association or American Association of Law Schools, who have been full-time teachers at said law school for a period of not less than three consecutive calendar years prior to the date of their application and who satisfy the requirements of paragraphs A.1(a), (b), (d)-(k)

may be admitted to the practice of law in Alabama. All such applicants shall give proof of the qualifications prescribed herein, which shall be certified to by the dean of the law school at which they teach.

5. If the applicant is found to satisfy all the requirements of this rule, the Secretary of the Alabama State Bar shall certify such fact to the Board of Bar Commissioners and to the clerk of the Alabama Supreme Court.

B. Application and Fees. The Secretary of the Alabama State Bar is authorized and empowered to prepare the necessary forms of application and affidavits to effectuate the purpose of this rule. Those who seek admission under provisions of this rule must make application for admission to practice law, as other applicants are required to do by these Rules and any associated regulations (See Appendix).

RULE IV

PERSONS ENTITLED TO ADMISSION BY EXAMINATION

A. General Requirements.

Any person who is at least nineteen (19) years of age, who has complied with the requirements of Rule I, and whose character and fitness have been approved by the Committee on Character and Fitness, is entitled to be examined for admission to the Alabama State Bar, at any examination held as prescribed by these rules, upon proof that he or she has complied with the education requirements set out in this rule.

B. Education Requirements.

(1) Proof of Prelegal Education.

(a) An applicant who did not graduate from a law school that was on the approved list of the American Bar Association or the Association of American Law Schools at the time of the applicant's graduation shall give proof that he or she has met the following prelegal education requirements:

That the applicant has caused to be filed with the Secretary of the Board of Commissioners of the Alabama State Bar a certified copy of a diploma or certificate showing (i) that the applicant has received a baccalaureate degree from a university or college that, at the time of the applicant's graduation, appeared on the approved list of any standard accrediting agency or association in the various states, or which is

accepted by the accrediting agency as meeting substantially the same standards required for appearing on the approved list of the agency, and (ii) that the degree was received before the applicant entered law school.

(b) An applicant who has graduated from a law school that was on the approved list of the American Bar Association or the Association of American Law Schools at the time of the applicant's graduation shall not be required to give proof that he or she has met the prelegal education requirements set out in (a), unless such proof is required by the Committee on Character and Fitness.

(c) An applicant who has graduated from a program awarding a law degree at a university or college that, at the time of the applicant's graduation, was located outside the United States and its territories shall not be required to give proof that he or she has met the prelegal education requirements set out in (a) .

(2) Proof of Legal Education.

An applicant shall make proof of legal study by filing with the Secretary of the Board of Commissioners of the Alabama State Bar a certificate or certificates from the dean or deans of one or more law schools, from which it shall appear that the applicant has completed legal study conforming to and fulfilling the following requirements:

(a) That the applicant has pursued and satisfactorily completed, as a resident student in a law school or law schools, a course of law

studies that extended for at least three (3) academic years of at least thirty (30) weeks each; that the applicant has graduated from such a law school; and that at the time of the applicant's graduation the school from which the applicant graduated was approved by the American Bar Association or the Association of American Law Schools; or

(b) That the applicant has pursued and satisfactorily completed, as a resident student at Birmingham School of Law, Jones School of Law of Faulkner University before June 11, 2006, the date on which Jones School of Law was provisionally accredited by the American Bar Association, or Miles College of Law, (i) a course of law studies that extended for at least four (4) academic years of at least thirty (30) weeks each, or (ii) a course of full-time law studies that extended for at least three (3) academic years of at least thirty (30) weeks each; that the applicant has graduated from one of these law schools; and that at the time of the applicant's graduation the school has been continuously located and has remained in continuous operation in the county in which it was operating on August 30, 1995.

For purposes of determining whether a student is engaged in "full-time law studies" so as to be able to complete those studies in three (3) academic years of at least thirty (30) weeks each the following shall apply:

(1) An academic year shall consist of not fewer than 130 class days, which days shall extend into no fewer than eight calendar months. A class day is a day on which classes are regularly scheduled throughout the day.

Time for reading periods, examinations, or other activities may not be counted for purposes of meeting this 130-class-day requirement. A day on which classes are not scheduled throughout the day is not a “class day” for purposes of determining whether a student is engaged in “full-time law studies.”

(2) The law school shall require, as a condition for graduation, the successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time, including external study, e.g., externships, extending over not fewer than six (6) academic semesters. To achieve the required 56,000 minutes of instruction time the law school must require at least 80 semester hours of credit. A semester hour of credit requires not less than 700 minutes of instruction time, exclusive of time scheduled for administering examinations. The 130-class-day requirement set out in subparagraph (b) (1) above and the 56,000 minutes requirement established in this subparagraph shall be interpreted and applied as separate and independent requirements.

(3) The law school shall require that a student pursuing full-time law studies be enrolled for at least ten (10) semester hours of credit, and in each semester the student must receive credit for nine (9) hours in order to be considered a student pursuing full-time law studies.

(4) The law school may permit a student pursuing full-time law studies to graduate in fewer than six (6) academic semesters by earning not more than one semester of credit hours by

taking courses offered by the law school during a summer session, provided the student meets the class-hour requirements; or

(c) That the applicant has pursued and satisfactorily completed as a resident student at a law school located outside the state of Alabama, but within the United States or one of its territories, that, as of the date of the applicant’s graduation, had not been approved by the American Bar Association or the Association of American Law Schools, a course of law studies that extended for at least four (4) academic years of at least thirty (30) weeks each, and is a graduate of that law school; that the applicant has been admitted to the practice of law before the court of highest jurisdiction in the state or other jurisdiction in which that law school is located; that the applicant has, after the applicant’s admission to practice law before the court of highest jurisdiction in that state or other jurisdiction, been continuously engaged in the active practice of law for at least five (5) years; and that the applicant is a member in good standing of the bar of that court of highest jurisdiction; provided, however, that an applicant may qualify under this subsection (c) only if the state or other jurisdiction in which is located the law school from which the applicant graduated extends comity to graduates of Birmingham School of Law and Miles College of Law and to graduates of Jones School of Law of Faulkner University before June 11, 2006, who seek admission to the bar of that state or jurisdiction, and graduates of those schools are permitted to seek admission to the bar of that state or jurisdiction on terms and conditions no more

onerous than those imposed on the applicant by this subsection (c) ; or

(d) That the applicant has pursued and satisfactorily completed a law-degree program of a university or college that, at the time of the applicant's graduation, was located outside, the United States and its territories and was approved in that foreign jurisdiction or that the applicant has been admitted to the practice of law in the jurisdiction in which that university or college is located; and (i) that the law-degree program completed by the applicant includes a substantial component of the study of English common law; or (ii) that the applicant, has satisfactorily completed at least 24 semester hours of legal studies in subjects covered by the bar examination in regular law school classes, under the same standards and conditions as are applied to other students, at a law school that was then on the approved list of the American Bar Association or the Association of American Law Schools; or (iii) that the applicant has been admitted to the practice of law before the court of highest jurisdiction in a state or other jurisdiction within the United States, that the applicant has, after such admission, been continuously engaged in the active practice of law for at least three years in a state or other jurisdiction within the United States, and that the applicant is a member in good standing of the bar of that court of highest jurisdiction.

C. Limitation on Examinations.

The number of times an applicant may be examined for admission to the Alabama State Bar shall be unlimited.

RULE V

COMMITTEE ON CHARACTER AND FITNESS

For the purpose of determining the fitness, character and qualifications of applicants who desire to be admitted to the practice of law in the State of Alabama there is hereby created not less than one and not more than three committees composed of three lawyers each appointed by the President to be known as the "Committee(s) on Character and Fitness."

Duties of the Committee on Character and Fitness

The Committee(s) on Character and Fitness are hereby charged with the power, duty, and responsibility of determining the age, the character and fitness and the educational qualifications of each applicant for admission to the Bar of Alabama. To that end, said committee(s) may make such investigation as it sees fit, may require the production before it of any affidavits deemed by it to have any bearing upon these questions, and may require the applicant to appear in person before it and be by it examined. The vote of a majority of the members thereof, if in meeting assembled, shall constitute the action of the said committee. The Secretary is directed to secure and have printed, at the expense of this Board, appropriate application blanks and other forms for the purpose of said committee and to furnish such blanks to applicants and to other persons upon request thereof.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the said committee that the applicant possesses such character and qualifications as to justify the applicant's admission to the Bar and qualify the applicant to perform the duties of an attorney and counselor at law.

The application and all papers accompanying it shall remain on file in the Secretary's Office, until said application is approved and endorsed by a majority of the committee who is reasonably satisfied as to the applicant's character and fitness, proper age, and educational qualifications.

From a ruling of the Character and Fitness Committee declining to approve the application for registration as a law student or declining to approve the application to take the State Bar Examination or making any finding or ruling adverse to any applicant, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the Character and Fitness Appeal Board), if notice of appeal is filed with the Secretary within thirty (30) days after the applicant has been notified of the action of the Character and Fitness Committee. Such appeal shall be heard, *de novo*, within thirty (30) days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel. An appeal from a ruling of the Character and Fitness Appeal Board to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the Clerk of the Supreme Court of Alabama within thirty (30) days after the decision of the Character and Fitness Appeal

Board. The record on Appeal shall be prepared in accordance with the provisions of Rule 12(f), Rules of Disciplinary Procedure of the Alabama State Bar.

The members of the Committee on Character and Fitness may separately and without assembling in meeting consider any application which is required by these rules to be submitted to such committee, together with the data submitted in support of such application, and may endorse upon such application their approval or disapproval thereof; unanimous action of all the committee, so taken, shall constitute valid action of the committee; but if such action is not unanimous, the committee, or a majority thereof, shall further consider and act upon such application in meeting assembled.

If the applicant whose application has been so approved is entitled thereby to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Committee on Character and Fitness of the Board of Commissioners of the Alabama State Bar does hereby certify, after investigation and examination made by it, that it is reasonably satisfied that _____ is entitled to take the examination for admission to the Bar administered on _____ to be held in Montgomery, at _____

COMMITTEE ON CHARACTER AND FITNESS
OF THE ALABAMA STATE BAR BY

Secretary, Board of Commissioners of the State Bar

RULE VI (A)
BOARD OF BAR EXAMINERS

Such certification shall be filed by the applicant with the Board of Bar Examiners before such applicant enters the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been filed. Upon the filing of such certificate the member of the Board of Bar Examiners by whom it is received shall endorse thereon the date when it was filed with him or with the said Board. The certificate so filed and endorsed shall be retained by the Board of Bar Examiners and kept among its records for the purpose of showing the right of the said applicant to take the examination. The Secretary of the Board of Commissioners of the Alabama State Bar, upon issuing or refusing to issue the said certificate, shall preserve in his office a record of the fact that such certificate was or was not issued and the date of such action, and shall preserve in his office said application with the papers attached thereto, and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar, or for investigation and examination of the record by any person entitled thereto.

A. Creation of Board.

In accordance with the provisions of Act 436 of the Legislature of Alabama of 1949, approved August 23, 1949 (Section 34-3-2, Code of Alabama 1975), there is hereby created a Board of Examiners on admission to the Alabama State Bar, which Board shall hereafter be designated and known as the Board of Bar Examiners.

B. Composition of Board.

Unless a different number is set by the Board of Commissioners of the Alabama State Bar, the Board of Bar Examiners shall consist of fifteen (15) members who are residents of the State of Alabama who are licensed attorneys of the Bar of this State. One examiner shall be designated by the Board of Commissioners as Chairman of the Board of Bar Examiners, but he or she shall have no examining responsibilities. In lieu of examining responsibilities, the Chairman shall supervise and direct the activities of the Board of Bar Examiners within such rules as are promulgated for the Board of Bar Examiners. The Chairman shall be compensated, as are all other examiners. The Board of Bar Examiners shall hold office at the pleasure of the Board of Commissioners of the Alabama State Bar and may be removed from office with or without cause by a majority vote of those present at any meeting of the Board of Commissioners where a quorum is present. However, no examiner may serve more than four (4) consecutive years without the prior approval of the Board of Bar Commissioners.

F. Organization and Authority of the Board.

The Board of Bar Examiners shall be chaired by the Chairman, who cannot succeed himself or herself in office. The Secretary of the Alabama State Bar shall serve as Secretary ex-officio.

A quorum for any meeting shall consist of seven (7) examiners. A vote of the majority of the Board of Bar Examiners present at and meeting shall constitute the action of the Board.

The Board of Bar Examiners shall examine applicants for admission to the Bar of Alabama as may be certified to the Board under these rules and shall perform such other duties as may be required of them by the Board of Commissioners of the Alabama State Bar.

G. Time and Place of Meetings.

The Board of Bar Examiners shall hold meetings for the purpose of examining applicants for admission to the Bar at least twice each year as provided in either Rule VI (A) F, or Rule VI (B) G, as appropriate. All members of the Board are not required to be in attendance throughout the examination; provided, however, that the Chairman shall arrange for the attendance of as many examiners as are necessary for the efficient administration of the examination. The Board of Bar Examiners shall hold other meetings as necessary to fulfill its function. The Board shall meet at the call of the Chairman or a majority of the Board of Bar Examiners.

C. Selection of Examiners.

The Advisory Committee to the Board of Bar Examiners, appointed by the President of the Alabama State Bar, shall serve as a nominating committee to nominate persons for membership on the Board of Bar Examiners. The nominations shall be made in consultation with the Chairman of the Board of Bar Examiners and the Secretary of the Alabama State Bar.

D. Vacancies on the Board.

Any vacancy on the Board of Bar Examiners shall be filled by the Board of Commissioners of the Alabama State Bar. Interim appointments for no more than one exam may be made by the Chairman with the approval of the Executive Committee of the Board of Bar Commissioners.

E. Compensation of Members.

Each member of the Board of Bar Examiners shall receive such compensation as the Board of Commissioners shall from time to time establish. In addition to any such amount, examiners shall be reimbursed for reasonable and necessary traveling and other expenses incident to the discharge of their duties. These expenses shall include, but not by way of limitation, amounts paid for books, postage, stationery, supplies, printing, and other like expenditures. The members of the Board shall submit statements for compensation and expenses on forms provided by the Secretary of the Alabama State Bar.

Rule VI (B)
BAR EXAMINATION

A. Bar Examination Subjects.

(1) *Academic Bar Examination.*

(a) Alabama Essay Examination

The Board of Bar Examiners will administer essay examinations on subjects not covered by the Multistate Bar Examination or the Multistate Essay Examination. The Alabama Essay Examination shall not exceed three hours in length.

(b) Multistate Essay Examination (MEE)

This portion of the examination will cover such of the following subjects as the Board of Bar Examiners may determine: Business Associations (Agency and Partnership; Corporations and Limited Liability Companies), Conflict of Laws, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Federal Civil Procedure, Real Property, Torts, Trusts and Estates (Decedents' Estates; Trusts and Future Interests), and Uniform Commercial Code (Negotiable Instruments (Commercial Paper); Secured Transactions). Some questions may include issues in more than one area of law.

(c) Multistate Bar Examination (MBE)

This portion of the examination will cover the following subjects: Contracts, Torts, Real Property, Evidence, Criminal Law, and Constitutional Law.

(d) Multistate Performance Test (MPT)

This portion of the examination will consist of two 90-minute tests covering the following skills; problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas.

(2) *Legal Ethics.*

The Multistate Professional Responsibility Examination (MPRE, see Rule VI (B) F. prepared by the National Conference of Bar Examiners shall be used as the examination on Legal Ethics and Professional Responsibility.

An applicant must pass both the Academic Bar Examination and the Ethics Examination to be certified as a successful candidate.

B. Preparing, Conducting, and Grading Examinations.

(1) *Preparing Examinations.* The Board of Bar Examiners shall be responsible for preparing the Alabama Essay Examination, under guidelines established by the Board with the approval of the Board of Commissioners.

The Multistate Bar Examination, the Multistate Essay Examination, and the Multistate Performance Test will be prepared by the National Conference of Bar examiners, which shall determine the contents of those examinations and that test.

(2) *Conducting Examinations.* The Board of Bar Examiners shall have the right, power, and authority to adopt rules consistent

with the laws of the State of Alabama or the orders of the Supreme Court or the Board of Bar Commissioners governing the control, methods, and details of conducting examinations.

The Secretary of the Alabama State Bar, at the time an applicant is certified to the Board of Bar Examiners under these rules, shall issue to the applicant a card containing a personal identification number, the purpose and use of which shall be carefully explained to the applicant. The Secretary shall preserve a duplicate of that number in the Secretary's office. When taking the examination, the applicant may not sign his or her name to or upon any paper or document, or identify his or her examination answers other than by said number, and is forbidden to disclose this number to any member of the Board or to any other person. If any applicant violates this requirement in any particular, the Board of Bar examiners shall not consider the applicant's examination papers, and, if it is discovered that disclosure was made, the applicant shall be subject to disciplinary action for deceit and misrepresentation. This requirement shall again be called to the attention of the applicant by the Board of Bar Examiners before he or she is permitted to begin the examination.

The express purpose of the immediately preceding paragraph is to provide a method by which the Board of Bar Examiners, in passing upon the sufficiency of answers to questions propounded by it, shall be unacquainted with the identity of the person whose answers it is passing upon.

(3) *Grading Examinations.* Essay examination and performance-test questions will test the applicant's ability to reason logically,

to analyze legal problems accurately, to demonstrate a knowledge of the fundamental principles of law, to be able to apply those principles, and to perform basic legal tasks. The grade of the paper shall be measured by the reasoning power shown as well as by the correctness or incorrectness of the answers. Answers to Multistate Essay Examination questions shall be analyzed and graded using the model answers provided by the National Conference of Bar Examiners and according to general principles of law. Answers to Alabama Essay Examination questions shall be analyzed and graded using the model answers prepared by the Board of Bar Examiners and according to Alabama or federal law, as appropriate. Essay examination questions and performance-test questions will be scored by the Board of Bar Examiners. The Board of Bar Examiners shall re-grade all the answers of any applicant whose initial combined score, computed as set forth in Rule VI (B) C (1), is 125, 126, or 127.

Using the identification numbers assigned to identify the respective applicants, the Board of Bar Examiners shall certify final grades to the Secretary of the Alabama State Bar no later than April 15 following a February examination and September 15 following a July examination.

The Secretary shall make a permanent record in the Secretary's office of the grades attained by each examinee in each subject, and shall inform each examinee whether he or she has passed or failed the examination.

An examinee who fails the academic portion of the bar examination will be furnished

the following information at the time the examinee is notified of the failure: his or her Multistate Bar Examination scaled score, the grade made on each essay examination question and performance-test question, and his or her highest combined score.

Within sixty (60) days after the announcement of the results, a failing examinee shall be entitled to examine his or her own papers in the State Bar Headquarters for the purpose of ascertaining that grades were transcribed correctly and to examine at the State Bar Headquarters the three top papers on that particular examination. Upon payment of \$5.00 per section of any essay examination or performance test, the examinee will be entitled to receive a copy of the question(s), and of his or her answer(s), and of the model answer (s).

C. Results of Examinations.

(1) *Basic Rule.* Raw scores on the essay portions of the Academic Bar Examination shall be weighted so that the Alabama Essay Examination questions are worth 40% of the total written score, the Multistate Essay Examination questions worth 40%, and the Multistate Performance Test questions worth 20%. The total weighted raw written score shall be scaled to the MBE using the two methods for scaling bar examination scores approved by the National Conference of Bar Examiners, i.e., the equi-percentile method and the standard-deviation method. The applicant's scaled test score shall be expressed on the MBE range of scores (0-200) and shall be combined with the applicant's scaled MBE score. The scaled essay test score and the scaled MBE score shall contribute equally to the combined score, so that the overall contribution

of the respective components of the Academic Bar Examination will be as follows; MBE: 50%; Alabama Essay Examination: 20%; Multistate Essay Examination: 20%; Multistate Performance Test: 10%. An applicant who achieves a combined score of 128.000 or above by either of the two scaling methods passes the academic portion of the bar examination. Scores which are not whole numbers shall be truncated to the next lowest whole number.

(2) *Transfer of MBE Score.* An applicant who has taken and passed a bar examination in another jurisdiction, who has been admitted to practice in that jurisdiction, and who made a MBE scaled score of 140 or above will be excused from taking the MBE. The transferred score will be valid for a period of twenty (20) months after taking the MBE on which the transferred score was received. The applicant's transferred MBE score will be combined with the applicant's written test score according to the basic rule.

The applicant shall have the option to take all sections of the bar examination; if the applicant chooses this option, the scores of all sections will be combined under the basic rule.

(3) *Carryover of MBE Score.* An applicant who has taken and failed the bar examination but who made a MBE scaled score of 140 or above will be excused from taking the MBE. The MBE scaled score will be carried over to any future examination for which the examinee is eligible, provided that the examination is administered within twenty (20) months after the earlier bar examination was administered, and the MBE scaled score will be combined with the applicant's written test score according to the basic rule.

The applicant shall have the option to take all sections of the bar examination; if the applicant chooses this option, the scores will be combined under the basic rule.

(4) *Carryover of Written Test Score.* An applicant who has taken and failed the bar examination, but who made a written test score that is equivalent to or greater than a MBE scaled score of 140, as determined in accordance with the basic rule, will be excused from taking those sections of the bar examination that contribute to the written test score. The written test score will be carried over for any future bar examination for which the examinee is eligible, provided that the examination is administered within twenty (20) months after the earlier bar examination, and the written test score will be combined with the applicant's MBE score according to the basic rule.

The applicant shall have the option to take all sections of the bar examination; if the applicant chooses this option, the scores of all sections will be combined under the basic rule.

(5) *Time of Election to Transfer or Carry Over Score.* Elections regarding the transfer from another jurisdiction of an MBE score or the carryover of an MBE score or written test score from a previous Alabama examination must be made at the time an application to sit for an examination is filed.

D. Access to Information Regarding Alabama Essay Examination

At least twelve (12) months in advance of the first administration of the Alabama Essay

Examination pursuant to this rule, the Board of Bar Examiners shall prepare and distribute to all students in Alabama law schools (individually or through the schools) and to the deans of all Alabama law schools an information booklet on the Alabama Essay Examination. This booklet shall include a description of the examination, including a statement of its purpose and the areas of law to be covered; the instructions that will accompany the examination when it is administered; and the subject matter or topic outline required by Rule VI (B) A (1) (a). Following the first administration of the examination, the information booklet shall be revised to include the questions and corresponding model answers from the first examination. The Board of Bar Examiners shall there after update the information booklet at such times as it deems appropriate, and shall include in that booklet representative sample questions and corresponding model answers from prior examinations. The Board shall routinely distribute the booklet to all applicants, and shall make the booklet available upon request. A reasonable fee, to be determined by the Board of Bar examiners with the concurrence of the Board of Bar Commissioners, may be charged to parties outside the routine distribution who request copies of the booklet.

E. Access to Information Regarding Other Examinations.

The Board of Bar Examiners shall make available to applicants sample and informational materials that will acquaint applicants with the general content and format of the Multistate Bar Examination, the Multistate Essay Examination, and the Multistate Performance Test.

This requirement may be met by routinely distributing to all applicants the information booklets on these examinations published by the National Conference of Bar Examiners, and by advising applicants of the availability, through the National Conference of Bar Examiners, of sample questions and analyses. A reasonable fee, to be determined by the Board of Bar Examiners with the concurrence of the Board of Bar Commissioners, may be charged to parties outside the routine distribution who request copies of the materials.

F. Multistate Professional Responsibility Examination

Before admission to the Bar, each applicant must have successfully passed the Multistate Professional Responsibility Examination (MPRE). To successfully complete the MPRE, the applicant must achieve a scaled score of at least 75, as that score is determined by the testing authority. Successful completion of the MPRE by an applicant at any time within the twelve (12) month period before the taking of the Academic Bar Examination will be accepted and such successful completion may be carried over for a period of twenty (20) months from the time the first Academic Bar Examination is taken, if the applicant does not pass the Academic Bar Examination. If an applicant has passed the Academic Bar Examination, but has not successfully completed the MPRE, he or she shall have a period of twenty (20) months from the date of the Academic Bar Examination in which to successfully complete the MPRE.

Complete application materials for testing, as

requests concerning application materials and the administration and processing of the National Conference of Bar Examiners' Multistate Professional Responsibility Examination (MPRE), should be directed to:

National Conference of Bar Examiners
MPRE Application Department
P. O. Box 4001
Iowa City, Iowa 52243-4001
(319) 341-2500/337-1304
www.ncbex.org or www.act.org/mpre

G. Time of Bar Examinations.

The examination will be given on Monday, Tuesday, and Wednesday of that week in February and July on which the MBE examination is administered. The Alabama Essay Examination will be on Monday, the Multistate Performance Test and the Multistate Essay Examination on Tuesday, and the Multistate Bar Examination on Wednesday.

RULE VII ADMISSION OF FOREIGN ATTORNEYS PRO HAC VICE

A. Appearance of Foreign Attorneys Pro Hac Vice Permitted; Exceptions.

An attorney or counselor-at-law who is not licensed in good standing to practice law in Alabama, but who is currently a member in good standing of the bar of another state, the District of Columbia, or other United States jurisdiction (hereinafter called a foreign attorney) and who is of good moral character and who is familiar with the ethics, principles, practices, customs, and usages of the legal profession in the State of Alabama, may appear as counsel pro hac vice in a particular case before any court or administrative agency in the State of Alabama upon compliance with this rule (for purposes of this rule, an administrative agency is any board, bureau, commission, department, hearing officer, or other administrative office or unit of the state). However, except as provided in Section I below, no foreign attorney is eligible to appear as counsel pursuant to this rule if that attorney (a) is a resident of the State of Alabama, or (b) is regularly employed in the State of Alabama, or (c) is regularly engaged in substantial business, professional, or other activities in the State of Alabama.

For the purposes of this rule, "pro bono counsel" is a foreign attorney who will not charge a fee and who is involved in a capital case or a postconviction proceeding for an indigent criminal defendant, hereinafter referred to as a "pro bono case."

B. Foreign Attorney Appearing Pro Hac Vice Subject to Local Jurisdiction.

A foreign attorney appearing as counsel pro hac vice before any court or administrative agency of the State of Alabama shall be subject to the jurisdiction of the courts of this state in any matter arising out of the attorney's conduct in such proceedings. The attorney shall be familiar with and shall comply with the standards of professional conduct required of members of the Alabama State Bar and shall be subject to the disciplinary jurisdiction of the courts of this state, of the disciplinary tribunals of the Alabama State Bar, and of the Board of Commissioners of the Alabama State Bar with respect to any acts occurring during the course of the attorney's appearance. By applying for pro hac vice admission, a foreign attorney authorizes the Alabama State Bar to report all information whatsoever regarding any discipline imposed in this state against the attorney, whether by the Bar or any court, to all jurisdictions in which the attorney holds a license to practice law. The judge, hearing officer, or agency may examine the foreign attorney to satisfy the court, hearing officer, or agency that the foreign attorney is aware of and will observe the ethical standards required of attorneys in this state. If the judge, hearing officer, or agency is not satisfied that the foreign attorney is reputable and will observe the ethical standards required of attorneys in this state, the court, hearing officer, or agency may in its discretion revoke the authority of the attorney to appear.

C. Association of Local Counsel.

No foreign attorney may appear pro hac vice before any court or administrative agency of this state unless the attorney has associated in that cause an attorney who is a member in good standing of the Alabama State Bar (hereinafter called local counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel shall personally appear and participate in all pretrial conferences, hearings, trials, and other proceedings conducted in open court, unless specifically excused from such appearance by the court or administrative agency. Local counsel associating with a foreign attorney in a particular case shall thereby accept joint and several responsibility with the foreign attorney to the client, to opposing parties and counsel, and to the court or administrative agency in all matters arising from that particular cause. Pro bono counsel need not associate local counsel, but the judge may require pro bono counsel to provide a referral letter from a local attorney.

D. Verified Application.

In order to appear as counsel before a court or administrative agency in this state, a foreign attorney shall file with the court or agency where the cause is pending a verified application for admission to practice (a form for such an application follows this rule), together with proof of service by mail, in accordance with the Alabama Rules of Civil Procedure, of a copy of the application and of the notice of

hearing upon the Alabama State Bar at its Montgomery, Alabama, office. In the event application is made before any defendant in an action has appeared, a copy of the application and notice must also be served upon such defendant. The copy of the application and the notice of hearing served upon the Alabama State Bar shall be accompanied by a non-refundable \$300 filing fee. The notice of hearing shall be given at least 21 days before the time designated for the hearing, unless the court or agency has prescribed a shorter period.

Upon receipt of any application for admission, the Alabama State Bar shall file with the court or agency and serve upon all counsel of record, or upon any parties not represented by counsel, and upon the applicant, before the scheduled hearing date, a statement indicating whether the applicant or other attorney members of the firm with which he or she is associated have previously made any application for admission, the date of such application, and whether it was granted. No application shall be granted before this statement of the Alabama State Bar has been filed with the court or agency. Once this statement is received, the court or administrative agency shall issue an order granting or denying the application. A copy of each order granting or denying an application shall be mailed by the local counsel to the Alabama State Bar at its Montgomery, Alabama, office.

An application form designated for pro bono counsel follows this rule. Pro bono applications need not be accompanied by a filing fee and must be filed no later than the first occasion on which pro bono counsel files any pleading or paper with the court or otherwise personally appears. No hearing on a pro bono application is required. No statement from the Bar is required for pro bono applicants, but a copy of the verified application still must be filed with the Bar.

E. Form of Application.

The application required by this rule for a foreign attorney other than pro bono counsel shall be on a form approved by the Alabama State Bar and the Supreme Court (a form so approved for such application follows this rule) and shall state: (1) the applicant's residence; (2) the court or courts to which the applicant has been admitted to practice and the date or dates of admission; (3) that the applicant is a member in good standing of such court or courts (with such exceptions as may be the case); (4) that the applicant is not currently suspended or disbarred from practice in any court (stating exceptions); (5) the title of the court and cause in which the applicant or any member of the firm of attorneys with which the applicant is associated has filed an application for admission as counsel under this rule in this state in the preceding three years, the date of each application, and whether it was granted; (6) the name, address, and telephone number of local counsel who is attorney of record; and (7) the name of each party and the name and address of counsel of record who appeared for that party. The applicant shall also provide such other information and statements as may be called for by the form approved by the Alabama State Bar and the Supreme Court. A separate application form approved for pro bono counsel follows the application for admission pro hac vice for a foreign attorney.

Before any application is granted, in cases where local counsel is required, local counsel must appear as attorney of record in the particular cause or must consent in writing to the association.

The granting or denial of an application for admission as counsel pursuant to this rule is discretionary with the court or administrative agency before which the application is made. A trial or appellate court may, in a particular proceeding pending before it, deny an application for admission as pro bono counsel pursuant to this rule only where the applicant's conduct as a lawyer, including conduct in proceedings in Alabama in which the applicant has appeared pro hac vice and conduct in other jurisdictions in which the lawyer has practiced, raises reasonable doubt that the lawyer will comply with the Alabama Rules of Professional Conduct and other rules and law governing the conduct of lawyers who appear before the courts of Alabama.

Absent special circumstances, repeated appearances by any person or firm of attorneys, other than pro bono counsel, pursuant to this rule shall be cause for denial of an application. In any case, other than a pro bono case, where the foreign attorney has entered an appearance pro hac vice in 5 cases within the preceding 12 months, the court or administrative agency shall examine the foreign attorney to establish good cause for according such privilege, including facts or circumstances affecting the personal or financial welfare of the client and not the attorney. Such facts may include, but are not limited to, the following: (1) a showing that the cause involves a complex field of law in which the foreign attorney is a specialist, (2) a long-standing attorney-client relationship, (3) lack of local counsel with expertise in the field involved, (4) the existence of legal questions involving the law of a jurisdiction in which

the foreign attorney regularly practices, or (5) the need for extensive discovery proceedings in the foreign jurisdiction.

In the event the action or cause is transferred from one court or administrative agency of this state to another or in the event the action is appealed, a foreign attorney authorized to appear in the cause while it was pending before the first court or administrative agency shall be deemed admitted to the court or agency to which the cause has been transferred or appealed; provided, however, that the court or agency having jurisdiction over the transferred or appealed cause may, for good cause, revoke the authority of the foreign attorney to appear. (See Section F, "Appearance Before an Appellate Court.")

F. Appearance Before an Appellate Court.

Upon filing an appearance in a matter in an appellate court of this state (i.e., the Supreme Court, the Court of Civil Appeals, or the Court of Criminal Appeals), a foreign attorney previously admitted to appear in the matter before a trial court or administrative agency shall furnish to the clerk of the appellate court proof of the previous admission, along with a certification by the foreign attorney that the admission has not been rescinded.

If the appearance before the appellate court is to be the foreign attorney's first appearance in the matter, then admission shall be by motion to the appellate court, and the motion shall be supported by a certificate of good standing from the bar of another United States jurisdiction.

Any foreign attorney moving for admission to appear before an appellate court of this state, other than pro bono counsel, shall be required to associate local counsel, whose name, address, and telephone number shall be included in the foreign attorney's motion for admission. Although local counsel is not required to be an active participant in the matter, the foreign attorney is required, in the motion for admission pro hac vice, or in the initial filing in the appellate court (in the event the foreign attorney has been previously admitted in the matter by a trial court or an administrative agency), to designate which attorney shall be lead counsel for purposes of service in the manner prescribed in the Alabama Rules of Appellate Procedure. On proper motion, and for good cause shown, the appellate court may waive the required association of local counsel. In pro bono cases, the required association of local counsel shall be waived.

A foreign attorney admitted to practice in a matter before the Court of Criminal Appeals or the Court of Civil Appeals is deemed admitted in any subsequent proceedings in that same matter before the Supreme Court.

At any time, for good cause shown, and on the application of any party, the previous order admitting the foreign attorney to practice in a matter may be reviewed and/or rescinded, without hearing, by the appellate court before which the matter is then pending.

G. Quarterly Report.

The executive director of the Alabama State Bar shall prepare a quarterly report listing all

applications filed during that quarter and during the preceding 12 months and listing the names of the applicants and indicating as to each application whether the application was granted or denied. The report shall be transmitted to the clerk of each circuit and district court, each circuit and district judge, the clerk of the Supreme Court, and such other persons as the Board of Commissioners directs.

H. Suspension or Disbarment Terminates Permission To Appear Pro Hac Vice.

Permission for a foreign attorney to appear pro hac vice under the provisions of this rule shall terminate upon that attorney's suspension or disbarment in any jurisdiction in which the foreign attorney has been admitted. The foreign attorney shall have the duty to promptly report to the court or administrative agency of this state before which the attorney is appearing any disciplinary action that has been taken against the attorney in any other jurisdiction.

In the event local counsel in a particular case is suspended or disbarred from the practice of law in the State of Alabama, the foreign attorney shall, before proceeding further in the pending cause, associate new counsel who is in good standing to practice law in the State of Alabama and shall file a verified notice thereof with the court or administrative agency of this state before which the foreign attorney is appearing.

I. Exceptions.

Nothing in this rule shall be construed to prohibit any foreign attorney from appearing before any court or administrative agency of this

state on his or her individual behalf in any civil or criminal matter. Foreign attorneys representing the United States Government shall be permitted to appear and to represent it in any matter in which it is interested, without the association of local counsel.

J. Enforcement.

No clerk or filing officer of any administrative agency of this state shall accept for filing any pleadings or other documents from a foreign attorney who has not complied with the requirements of this rule. Any pleadings or other documents filed in violation hereof shall be stricken from the record upon the motion of any party or by the court or administrative agency sua sponte; provided, however, that in a pro bono case, pleadings or other documents shall be accepted for filing from pro bono counsel who has submitted an application in accordance with the requirements of this rule.

The courts and administrative agencies of this state shall have the duty to enforce the provisions of this rule by denying violators the right to appear. If a foreign attorney engages in professional misconduct during the course of an appearance, the judge or the hearing officer of the administrative agency before which the attorney is appearing may revoke permission to appear pro hac vice and may cite the attorney for contempt. In addition, the judge or hearing officer shall refer the matter to the Disciplinary Commission of the Alabama State Bar for appropriate action.

Violation of this rule is deemed to be unlawful practice of law. The Alabama State Bar or its designated commissioners shall have the right to take appropriate action to

enforce these rules under the provisions of Ala. Code 1975, § 34-3-43. The provisions of this rule shall be cumulative to all other statutes and rules related to or dealing with the unauthorized practice of law within the State of Alabama.

K. Pro Bono

Alabama courts have recognized that this State faces considerable challenges in providing adequate legal representation for indigent persons, particularly criminal defendants in postconviction proceedings. Ex parte Jenkins, [Ms. 1031313, April 8, 2005] ___So. 2d ___(Ala. 2005). In order to facilitate the provision of indigent defense services by foreign attorneys who volunteer to represent indigent defendants pro bono, this rule has been amended to omit certain requirements for the pro hac vice admission of pro bono counsel. In addition, the amendment authorizes the Alabama State Bar to report all information regarding any discipline imposed in the State against an attorney admitted pro hac vice to all jurisdictions in which the attorney is licensed to practice law.

* Application forms may be obtained from PHV Admissions, Alabama State Bar, P.O. Box 671, Montgomery, AL 36101 (334/269-1515) or from the Alabama State Bar's web site: www.alabar.org or E-mail: phv@alabar.org.

RULE IX

ADMISSION OF FOREIGN ATTORNEYS AS AUTHORIZED HOUSE COUNSEL

A. Purpose.

This rule is intended to facilitate the relocation of persons employed by or to be employed by any “business organization,” as that term is defined in this rule, who will undertake, in whole or in part, to provide legal services for such business organizations in Alabama. Notwithstanding the provisions of Rules I through VII, *infra*, this rule authorizes attorneys licensed to practice in jurisdictions other than Alabama to be permitted to undertake activities in Alabama while employed exclusively by a business organization without the requirement of taking and passing the Alabama bar examination.

B. Definitions.

(1) Authorized House Counsel.

“Authorized house counsel” shall be any person who:

(a) is not a member of the Alabama State Bar but who is licensed to practice law in any state other than Alabama, a United States territory, or the District of Columbia and who is a member in good standing of the entity governing the practice of law in that state, United States territory, or the District of Columbia;

(b) is not subject to a disciplinary proceeding or outstanding order of reprimand, censure, or disbarment, permanent or temporary, for

professional misconduct by the bar or courts of any jurisdiction at the time he or she applies for registration under this rule;

(c) has not been permanently denied admission to practice before the bar of any jurisdiction based upon character or fitness at the time he or she applies for registration under this rule;

(d) agrees to abide by the Alabama Rules of Professional Conduct and the Alabama Rules of Disciplinary Procedure, without limitation, and to submit, for disciplinary purposes, to the jurisdiction of the Disciplinary Board and the Disciplinary Commission of the Alabama State Bar and the Supreme Court of Alabama;

(e) is, on the date the person applies for registration under this rule, exclusively employed by a business organization located in the State of Alabama or relocating to the State of Alabama in furtherance of such employment within six months of such application under this rule and receives or shall receive compensation for activities performed for that business organization; and

(f) has registered pursuant to Rule IX.D., *infra*.

(2) Business Organization.

For the purpose of this rule, a “business organization” is a corporation, partnership, association, or other legal entity (taken together with its respective parents, subsidiaries, and affiliates) authorized to transact business in the State of Alabama that is not itself engaged in the practice of law or the rendering of legal

services outside such organization, whether for a fee or otherwise, and does not charge or collect a fee, other than from entities constituting the business organization, for the representation or advice of authorized house counsel. For purposes of this rule, a “business organization” does not include a governmental entity, governmental subdivision, political subdivision, school board, or any other entity that has the authority to levy a tax.

C. Activities.

(1) Authorized Activities.

Authorized house counsel, as an employee of a business organization, may provide legal services in the State of Alabama to the business organization for which registration pursuant to this rule is effective; provided, however, such services shall be limited to:

(a) giving legal advice to the directors, officers, employees, and agents of the business organization with respect to the business and affairs of the business organization;

(b) negotiating and documenting matters for the business organization; and

(c) representing the business organization in its dealings with any administrative agency or commission having jurisdiction over the business organization; provided, however, authorized house counsel shall not be permitted to make appearances as counsel in any court, administrative tribunal, agency, or commission situated in the State of Alabama unless the rules governing such court or body otherwise authorize, or unless authorized house counsel is specially admitted by such court or body in a case pursuant to Rule VII.

(2) Disclosure.

In undertaking legal services permitted by subdivisions C. (1) (b) or (c) of this rule, authorized house counsel shall disclose to the party with whom authorized house counsel is negotiating or to the administrative agency or commission, as the case may be, his or her capacity by written or printed communication. Such disclosure shall include the name of the business organization, the title or function of authorized house counsel, and a statement that authorized house counsel is not licensed to practice law in the State of Alabama; such disclosure shall be transmitted in a manner reasonably contemplated to create an awareness of authorized house counsel’s status with respect to the relevant activity. In making the disclosure required by this subdivision, authorized house counsel shall not represent that they are members of the Alabama State Bar licensed to practice law in this state.

(3) Limitation on Representation.

In no event shall the activities permitted under this rule include the individual or personal representation of any shareholder, owner, partner, officer, employee, servant, director, or agent of the business organization in any matter or transaction, or the giving of legal advice, unless otherwise permitted or authorized by law, code, or rule, or as may be permitted by Rule IX.C.(I).

(4) Opinions to Third Parties.

Authorized house counsel shall not express or render a legal judgment or opinion to be relied upon by any person or party other than in the course of representing the business organization by which authorized house counsel is employed.

D. Registration.

(1) Filing with the Alabama State Bar.

An individual seeking to be certified as authorized house counsel under this rule shall file the following documents with the Alabama State Bar:

(a) a certificate from the entity governing the practice of law in each state, United States territory, or the District of Columbia in which the registrant is licensed to practice law certifying that the registrant:

(i) is a member in good standing of the entity, and

(ii) has a clear disciplinary record, as required by Rule IX.B.(1).

(b) a sworn statement by the registrant that the registrant:

(i) has read and is familiar with the Alabama Rules of Professional Conduct and the Alabama Rules of Disciplinary Procedure, as adopted by the Supreme Court of Alabama, and will abide by the provisions of those rules;

(ii) submits to the jurisdiction of the Alabama State Bar and the Supreme Court of Alabama for disciplinary purposes, and authorizes the Alabama State Bar to notify, or to receive notification from, the entity governing the practice of law in each state, United States territory, or the District of Columbia in which the registrant is licensed to practice law of any disciplinary action taken against the registrant;

(iii) is not subject to a disciplinary proceeding or outstanding order of reprimand, censure, or disbarment, permanent or temporary, for professional misconduct by the bar or courts of any jurisdiction;

(c) a certificate from a business organization certifying that it is qualified as a business organization as that term is defined in Rule IX.B.(2), that it is aware that the registrant is not licensed to practice law in the State of Alabama, and that it is not relying upon the Alabama State Bar in any manner in employing authorized house counsel;

(d) an appropriate registration application to the Alabama State Bar as promulgated by the Board of Bar Commissioners of the Alabama State Bar; and

(e) a filing fee prescribed and set by the Board of Bar Commissioners of the Alabama State Bar in an amount not to exceed the amount applicable for admission into the bar examination for an attorney licensed in a state other than Alabama.

(2) Review by the Alabama State Bar.

Upon receipt of the items set forth in Rule IX. D. (1), the Alabama State Bar shall review the items for compliance with this rule. Any application not meeting the requirements of this rule shall be returned to the applicant. Grounds for return include, but are not limited to, a certificate lacking all the information required by Rule IX. D. (1), a certification from an entity that does not qualify as a business organization as defined by this rule, and failure to remit a correct filing fee.

(3) Certification by Alabama Supreme Court.

After reviewing an application for registration as authorized house counsel and determining that he or she has complied with the provisions of Rule IX. D. (1), the Alabama State Bar shall file with the clerk of the Supreme Court of Alabama (a) the name and address of the registrant and (b) a request that the registrant be certified as authorized house counsel for the business organization. For a registrant employed in Alabama at the time the Bar's request is approved, permission for authorized house counsel to perform services under this rule shall become effective upon approval of the request for certification by the clerk of the Supreme Court of Alabama. If the registrant is not yet in Alabama, the date authorized house counsel is permitted to perform services under this rule shall be the effective date of the registrant's employment in Alabama, but not later than six months from the filing of the items required to be filed by Rule IX. D. (1).

(4) Annual Renewal.

The registration required by this rule shall be annual, in a manner consistent with the registration applicable to an attorney licensed to practice in the State of Alabama, including payment of the annual fee equal in amount to the occupational license fee; provided, however, such renewal shall include a statement that the registrant remains in good standing in all states, United States territories, or the District of Columbia in which authorized house counsel is licensed and that he or she is not subject to any disciplinary proceedings in any jurisdiction.

E. Termination or Withdrawal of Registration.

(1) Cessation of Authorization to Perform Services.

Authorization of authorized house counsel to perform services permitted under this rule shall cease upon the earliest of the following events:

(a) termination of employment with the business organization for which registration was filed; provided, however, if authorized house counsel shall begin employment with another business organization within 30 days of the termination, authorization to perform services under this rule for the other business organization shall continue upon authorized house counsel's filing with the Alabama State Bar the certificate described in Rule IX. D. (1) (c) as it pertains to the business organization by which authorized house counsel is then employed.

(b) withdrawal of certification by the business organization;

(c) withdrawal of registration by authorized house counsel;

(d) the relocation of authorized house counsel outside Alabama for a period greater than 160 days;

(e) authorized house counsel's disbarment or suspension from the practice of law by a court or other authorized disciplinary agency of another state, United States territory, the District of Columbia, or by a federal court; or

(f) failure of authorized house counsel to comply with any applicable provision of this rule.

Notice of the occurrence of one of the events set forth in Rule IX. E. (1) (a)-(f), or of a new certificate as provided by Rule IX. E. (1) (a), must be filed with the Alabama State Bar by authorized house counsel within 30 days after such action. Authorized house counsel who has been disbarred or suspended from the practice of law by a court or other authorized disciplinary agency of another state, United States territory, the District of Columbia, or by a federal court shall, within 30 days after the effective date of his or her disbarment or suspension, file with the Alabama State Bar a copy of the order or judgment effecting the disbarment or suspension. Failure to provide such notice by authorized house counsel shall be a basis for discipline pursuant to the Alabama Rules of Disciplinary Procedure.

(2) Notice of Withdrawal of Authorization.

Upon receipt of the notice required by Rule IX. E. (1), the Alabama State Bar shall mail a notice of revocation of authority to perform services to authorized house counsel and the business organization employing authorized house counsel.

(3) Reapplication.

Nothing herein shall prevent an individual previously registered as authorized house counsel from re-registering as authorized house counsel as set forth in Rule IX. D.

F. Discipline Termination of Authorization.

In addition to any appropriate discipline imposed by the Alabama State Bar, the Disciplinary Commission of the Alabama State Bar may, at any time, temporarily or permanently terminate the registration of authorized house counsel.

G. Transition.

(1) Prior Commission of Unlicensed Practice of law.

Engaging in the unlicensed practice of law by an applicant for registration as authorized house counsel before the effective date of this rule shall not be grounds for denial of registration of the applicant if application for registration is made within twenty-four (24) months of October 27, 2005.

(2) Immunity from Prosecution.

Authorized house counsel who is duly registered pursuant to this rule shall not be subject to prosecution for the unlicensed practice of law for acting as counsel to a business organization before the effective date of this rule.

APPENDIX
FEE SCHEDULE

EFFECTIVE JULY 7, 2009

1. \$475.00, Rule II (B), 1
(In-state residents, non-attorneys)

2. Rule II, (B), 2

\$750.00 (Out-of-State, U.S. citizens and
licensed attorneys in other states)

\$1075.00 (Foreign Education OR
Foreign-Practicing Attorney applicants)

3. \$475.00, Rule II (E) (Re-applications)

4. \$1300.00, Rule III (Out-of-State
attorneys qualifying for reciprocity)