

IN THE SUPREME COURT OF ALABAMA  
September 25, 2006

ORDER

IT IS ORDERED that this Court's order dated September 19, 2006, and amending Rule III, Alabama Rules Governing Admission to the Alabama State Bar, and adopting a new Fee Schedule is hereby rescinded;

IT IS ORDERED that Rule III, Rules Governing Admission to the Alabama State Bar, be amended to read in accordance with Appendix A attached to this order;

IT IS FURTHER ORDERED that the Fee Schedule that is an Appendix to the Rules Governing Admission to the Alabama State Bar be amended to read in accordance with Appendix B attached to this order;

IT IS FURTHER ORDERED that the amendment of Rule III and the Fee Schedule be effective September 25, 2006;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule III and the Fee Schedule:

"Note from the reporter of decisions: The order amending Rule III and the Fee Schedule, Rules Governing Admission to the Alabama State Bar, effective September 25, 2006, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 2d."

Nabers, C.J., and See, Lyons, Harwood, Woodall, Stuart, Smith, and Bolin, JJ., concur.

Parker, J., dissents.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 25<sup>th</sup> day of Sept., 2006

*Robert G. Esdale, Sr.*  
Clerk, Supreme Court of Alabama

APPENDIX A

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.

APPENDIX B

APPENDIX. FEE SCHEDULE

- (1) \$400.00, see Rule II(B)1.
- (2) \$600.00, see Rule II(B)2.
- (3) \$400.00, see Rule II(E).
- (4) \$600.00, see Rule III.