

Amendments to Rules 700-726: Rules Relating to Admission of Attorneys

The Kansas Supreme Court is accepting public comment on proposed amendments to Rules 700 through 726: Rules Relating to Admission of Attorneys.

Amendments to the Rules Relating to Admission of Attorneys are extensive and amount to an overhaul of the existing rules, so the changes are not shown using strikethrough for deletion and underlining for new language.

Generally, the rules are restyled and retooled to align with other Supreme Court rules and reordered to better reflect how an application moves through the attorney admissions process. The amendments also incorporate procedures to enable a new online application process. Other changes clarify the attorney admissions process, remove outdated requirements, and codify existing practices.

Amendments include the following substantive changes:

- eliminating outdated provisions that precluded admission based on an applicant's failure to achieve a passing score on a prior bar examination, imposed a limit on the number of times an applicant could take the bar examination, and required termination of a single-employer restricted license when an applicant did not receive a passing score on the bar examination;
- allowing an applicant for admission by examination to take the bar examination while the applicant's character and fitness investigation is still pending;
- increasing the timeframe for an applicant to apply for admission by Uniform Bar Examination score transfer from 36 months to 60 months;
- making the unauthorized practice of law a consideration during a character and fitness investigation instead of an absolute bar to admission by reciprocity;
- clarifying the standard of review during a character and fitness hearing;
- renumbering and moving former Rule 712B regarding pro bono service to the Rules Relating to Access to Justice.

Comment may be made by email to scrulespubliccomment@kscourts.org until noon, Wednesday, September 8, 2021. The subject line must read "Rules 700-726."

Rule 700

PREFATORY RULE

- (a) **Rules Relating to Attorney Admission.** The Rules Relating to Attorney Admission are numbered 700 through 726 and are effective _____, 2021.
- (b) **Purpose.** The Rules Relating to Attorney Admission govern the process for admission to the Kansas bar and the process to obtain a permit to practice law prior to admission.
- (c) **Repeal of Former Rules.** Supreme Court Rules 701 through 723 that were in effect immediately prior to the effective date of these rules are repealed as of _____, 2021.

Rule 701

KANSAS BOARD OF LAW EXAMINERS

- (a) **Purpose.** The Kansas Board of Law Examiners oversees all matters relating to applications for admission to the Kansas bar and administration of the Uniform Bar Examination in Kansas.
- (b) **Members.** The Supreme Court will appoint ten members to serve on the Board. A Board member must be a Kansas attorney registered as active under Rule 206.
- (c) **Term.** The Supreme Court will appoint each Board member for five years, unless the appointment is to complete an unexpired term. The Supreme Court will appoint a new member to fill a vacancy and the new member will serve the unexpired term of the previous member. No member may serve more than two consecutive five-year terms, except a member initially appointed to serve an unexpired term may serve two more consecutive five-year terms.
- (d) **Chair and Vice-Chair.** The Supreme Court will designate one member as Board chair and one member as Board vice-chair.
- (e) **Voting; Quorum.** The Board may act only on a majority vote of members present and eligible to vote. Seven members will constitute a quorum.
- (f) **Prohibited Communications.**
 - (1) No Board member may communicate with an applicant regarding an application for admission or a character and fitness investigation.
 - (2) No Board member may conduct a post-examination interview with an applicant about any of the following:
 - (A) a question on the bar examination;
 - (B) an answer to an examination question;
 - (C) grading procedures; and
 - (D) the applicant's performance.
- (g) **Third-Party Services.** The Board may employ or otherwise obtain the services of a third party to assist the Board in carrying out its duties.
- (h) **Compensation and Expenses; Payment.** A Board member is entitled to receive compensation for the Board member's services in an amount set by the Supreme Court. A Board member is also entitled to reimbursement for necessary expenses

incurred in the performance of services. Compensation and expenses are paid from the bar admission fee fund under Rule 707.

- (i) **Procedures.** The Board may adopt procedures consistent with these rules to facilitate the performance of its duties.

Rule 702

ADMISSIONS ATTORNEY

- (a) **Appointment.** The disciplinary administrator will appoint an attorney on the disciplinary administrator's staff to serve as the admissions attorney for the Board of Law Examiners.
- (b) **Duties.** The admissions attorney has the following duties:
 - (1) conducting a character and fitness investigation of an applicant for admission to the Kansas bar;
 - (2) determining if the applicant meets the character and fitness qualifications under Rule 712;
 - (3) referring an application that presents character and fitness concerns to the Attorney Admissions Review Committee under Rule 703; and
 - (4) prosecuting the matter before the Board when the Review Committee recommends a hearing.

Rule 703

ATTORNEY ADMISSIONS REVIEW COMMITTEE

- (a) **Purpose.** The Attorney Admissions Review Committee assists the Board of Law Examiners with character and fitness determinations.
- (b) **Members.** The Supreme Court will appoint three members to serve on the Review Committee. A Review Committee member must be a Kansas attorney registered as active under Rule 206 and cannot be a member of the Board of Law Examiners.
- (c) **Chair.** The Supreme Court will designate one member as Review Committee chair.
- (d) **Term.** The Supreme Court will appoint each Review Committee member for three years, unless the appointment is to complete an unexpired term. The Supreme Court will appoint a new member to fill a vacancy and the new member will serve the unexpired term of the previous member. No member may serve more than three consecutive three-year terms, except a member initially appointed to serve an unexpired term may serve three more consecutive three-year terms.
- (e) **Temporary Appointment.** The Supreme Court may make a temporary appointment for either of the following purposes:
 - (1) to review a particular application for admission to the Kansas bar when a Review Committee member has a conflict; or
 - (2) to serve a designated period when a Review Committee member is unable to act.
- (f) **Meetings.** The Review Committee will meet when necessary and when the admissions attorney requests a meeting.
- (g) **Procedures.** The Review Committee has investigatory authority as provided in Rule 723. The Review Committee may find one of the following by a majority vote:
 - (1) an applicant established by clear and convincing evidence the requisite character and fitness qualifications under Rule 712 and should be approved; or
 - (2) an applicant failed to establish the requisite character and fitness qualifications and should be referred to the Board of Law Examiners for a hearing under Rule 723.

- (h) **Recordkeeping.** The Review Committee chair must maintain records of each Review Committee action and must distribute copies of the records to Review Committee members, the admissions attorney, and the Attorney Admissions office.
- (i) **Third-Party Services.** The Review Committee may employ or otherwise obtain the services of a third party to assist the Review Committee in carrying out its duties.
- (j) **Reimbursement for Expenses; Payment.** A Review Committee member is entitled to reimbursement for necessary expenses incurred in the performance of services. Expenses are paid from the bar admission fee fund under Rule 707.

Rule 704

ATTORNEY ADMISSIONS OFFICE

- (a) **Generally.** The Supreme Court designates an Attorney Admissions office in the Office of Judicial Administration.
- (b) **Duties.** The Attorney Admissions office has the following duties:
 - (1) receiving and processing applications for admission to the Kansas bar;
 - (2) administering the bar examination;
 - (3) maintaining records involving application and admission to the bar;
 - (4) designating a secretary to record the minutes of the Board of Law Examiners' meetings;
 - (5) reporting to and assisting the Board regarding test administration, accommodations, and results;
 - (6) serving as a liaison between the public, the Board, and the Supreme Court on all matters involving admission to the bar; and
 - (7) assisting with other matters as directed by the Board or the Supreme Court.

Rule 705

CONFIDENTIALITY

- (a) **Confidential and Privileged Information.** Unless otherwise provided in this rule, all information provided by or obtained with respect to an applicant for admission to the Kansas bar, including the applicant's score on the examination, is confidential and privileged and must not be disclosed or released.
- (b) **Public Records.** The Attorney Admissions office will maintain only the following records as public records:
 - (1) each applicant's name, address, and educational achievement and whether the applicant has met all of the admission requirements;
 - (2) the name and application docket number of each applicant who has received a temporary permit or legal intern permit; and
 - (3) any statistical summary that the Supreme Court specifically designates as a public record.
- (c) **Permissible Release of Information.** The Attorney Admissions office may release an application for admission to the bar, other information relating to the application, and an applicant's performance on the bar examination as follows:
 - (1) to the National Conference of Bar Examiners;
 - (2) to the bar admissions authority of any jurisdiction where the applicant has applied for admission to the practice of law if the following provisions are met:
 - (A) the applicant has made a written request for the release; and
 - (B) the receiving authority has agreed not to give the information to the applicant;
 - (3) to the Office of the Disciplinary Administrator, the admissions attorney, the Attorney Admissions Review Committee, the Board of Law Examiners, the clerk of the appellate courts, and the Kansas attorney general for the following purposes:
 - (A) an investigation or a hearing as to character and fitness qualifications under Rule 712;
 - (B) a disciplinary investigation or proceeding; and

- (C) administration of the bar examination;
- (4) to an applicant's law school if the applicant consents; and
- (5) in accordance with a Supreme Court order.

Rule 706

IMMUNITY

- (a) **Official Actors.** A proceeding under these rules is deemed a judicial proceeding. A member of the Board of Law Examiners, a member of the Attorney Admissions Review Committee, and the admissions attorney, or any person acting on their behalf, is entitled to all rights, privileges, and immunities afforded public officials in the performance of their duties.
- (b) **Other Participants.** Any person who communicates information in good faith concerning an applicant for admission to the Kansas bar is immune from civil liability. This immunity applies only to communications made as part of the character and fitness investigation or hearing.

Rule 707

APPLICATION PROCESSING FEES

- (a) **Fee Amounts.** The Supreme Court establishes the amount of each application processing fee; each fee is subject to change. An applicant must pay any of the following applicable fees:
- (1) legal intern permit under Rule 715: \$50;
 - (2) admission to the bar by examination under Rule 716: \$700;
 - (3) late fee for an application submitted during the grace period under Rule 716: \$200;
 - (4) admission to the bar by Uniform Bar Examination score transfer under Rule 717: \$1250;
 - (5) temporary permit to practice law under Rule 718: \$100;
 - (6) admission to the bar by reciprocity under Rule 719: \$1250;
 - (7) military-spouse restricted license to practice law under Rule 720: \$1250;
 - (8) single-employer restricted license to practice law under Rule 721: \$1250; and
 - (9) reapplication for a person whose application to take the bar examination was previously denied for failure to establish the requisite character and fitness qualifications: \$1250.
- (b) **No Waiver or Refund.** Except as described in subsection (c), the Attorney Admissions office cannot waive or refund an application processing fee listed in subsection (a).
- (c) **Military Service Exception.** An applicant who is unable to take the bar examination due to active military service may request a refund of the application processing fee.
- (d) **Bar Admission Fee Fund.** The Office of Judicial Administration will deposit all application processing fees in a fund known as the bar admission fee fund. Any unused balance in the fund may be applied to an appropriate use determined by the Supreme Court.

Rule 708

ELIGIBILITY

- (a) **Requirements.** To apply for admission to the Kansas bar, an applicant must satisfy the following provisions:
 - (1) meet the educational qualifications in Rule 711;
 - (2) possess the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law under Rule 712; and
 - (3) comply with the specific requirements and procedures set forth in any applicable rule under which the applicant seeks admission, including Rules 716 through 721.
- (b) **Preclusion.** An applicant must not be precluded from admission under Rule 709 or Rule 710.

Rule 709

CRIMINAL ACTION

- (a) **Pending Criminal Action.** A person who has a pending criminal action is not eligible to apply for admission, to take the bar examination, or to be admitted to the Kansas bar.
- (b) **Diversion; Finding of Guilt.**
 - (1) **Period of Ineligibility.** A person who has participated in a diversion or has been found guilty of a crime is not eligible to apply for admission, to take the bar examination, or to be admitted to the Kansas bar until the person has satisfied one of the following.
 - (A) **Felony Crime.** If the crime was classified as a felony, the person is not eligible until five years after the date the person completed any sentence, period of probation or parole, or term of diversion.
 - (B) **Other Crime.** If the crime was not classified as a felony, the person is not eligible until the person has completed any sentence, period of probation or parole, or term of diversion.
 - (2) **No Exceptions.** The period of ineligibility applies to any person who has participated in a diversion or similar program or has been found guilty of a crime, including when any of the following circumstances exist:
 - (A) the person was a minor at the time of the crime;
 - (B) a court sealed the record or expunged the conviction or adjudication;
or
 - (C) the case involved a plea agreement.
 - (3) **Required Documentation.** When applying for admission, an applicant must provide all information requested about the crime, including documentation establishing the following:
 - (A) the period of ineligibility has ended; and
 - (B) the applicant has paid in full any restitution ordered and complied with all special conditions imposed.

Rule 710

DISCIPLINE IN ANOTHER JURISDICTION

- (a) **Pending Disciplinary Complaint.** A person who has an attorney disciplinary complaint before the licensing authority of another jurisdiction is not eligible to apply for admission to the Kansas bar while the complaint is pending.
- (b) **Prior Suspension or Disbarment.** A person who has been suspended or disbarred from the practice of law by the licensing authority of another jurisdiction is not eligible to apply for admission to the Kansas bar until the other jurisdiction has fully reinstated the person.
- (c) **Consideration of Underlying Facts.** The admissions attorney, the Attorney Admissions Review Committee, and the Board of Law Examiners may consider the underlying facts of an attorney disciplinary matter in another jurisdiction as a part of the applicant's character and fitness qualifications under Rule 712.

Rule 711

EDUCATIONAL QUALIFICATIONS

- (a) **Degrees Required.** An applicant for admission to the Kansas bar must hold the following degrees:
- (1) a baccalaureate degree based on a full course of study from a college, university, or other institution of higher learning; and
 - (2) a Juris Doctor degree or Bachelor of Laws degree from a law school approved by the American Bar Association at the time of the applicant's graduation.
- (b) **Official Transcripts Required.** An applicant must ensure that an official transcript from each institution conferring a degree required under subsection (a) is submitted to the Attorney Admissions office. The transcript must show that the applicant obtained the required degree.
- (1) **Deadline.** The Attorney Admissions office must receive each official transcript no later than January 15 for the February examination and June 15 for the July examination.
 - (2) **Exception.**
 - (A) If an applicant's official law school transcript will not be available by the deadline in subsection (b)(1), the law school must provide a certification that the applicant obtained a law degree. The Attorney Admissions office must receive the certification no later than January 15 for the February examination and June 15 for the July examination.
 - (B) The applicant must ensure that the law school provides the official transcript showing conferral of the law degree when it becomes available.
 - (C) The applicant will not be admitted to the bar until the Attorney Admissions office receives the official law school transcript showing conferral of the law degree.
- (c) **Examination Prior to Law School Graduation.** An applicant who will graduate from law school no later than 30 days after the administration of the bar examination may take the bar examination on a conditional basis.

- (1) The applicant's law school must provide certification that the applicant is currently enrolled in a course of study that will result in graduation if satisfactorily completed.
- (2) The applicant must ensure that an official transcript showing conferral of a law degree is submitted to the Attorney Admissions office when it becomes available.
- (3) The applicant will not be admitted to the bar until the Attorney Admissions office receives the official law school transcript showing conferral of the law degree.

Rule 712

CHARACTER AND FITNESS QUALIFICATIONS

- (a) **Applicant's Burden.** Before an applicant may be admitted to the Kansas bar under Rule 716, 717, 719, 720, or 721 or receive a temporary permit under Rule 718, the applicant must establish by clear and convincing evidence that the applicant possesses the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law.
- (b) **Good Moral Character.** Good moral character includes the qualities of honesty, fairness, responsibility, trustworthiness, integrity, respect for and obedience to the laws of Kansas and the nation, and respect for the rights of others and for the judicial process.
- (c) **Current Mental and Emotional Fitness.** Current mental and emotional fitness to engage in the active and continuous practice of law means the competence, diligence, and stability necessary for the practice of law and the performance of an attorney's duties to clients, courts, and the legal profession.
- (d) **Further Inquiry.** Any evidence of the following may result in the admissions attorney, the Attorney Admissions Review Committee, and the Board of Law Examiners conducting further inquiry:
 - (1) unlawful conduct;
 - (2) academic misconduct;
 - (3) employment misconduct;
 - (4) an act involving dishonesty, fraud, deceit, or misrepresentation;
 - (5) an act that demonstrates disregard for the rights or welfare of others;
 - (6) abuse of legal process, including the filing of a vexatious or frivolous lawsuit;
 - (7) neglect of a financial responsibility;
 - (8) violation of a court order, including a child support order;
 - (9) making a false or misleading statement or omitting relevant information, including any false or misleading statement or omission on a law school or bar application in any jurisdiction;

- (10) denial of admission to the bar in another jurisdiction on character and fitness grounds;
 - (11) disciplinary action by a professional disciplinary agency of any jurisdiction;
 - (12) unauthorized practice of law in Kansas or any other jurisdiction;
 - (13) conduct that exhibits mental or emotional instability that may impair the applicant's ability to practice law;
 - (14) drug or alcohol dependency or abuse or other addictive behavior that may impair the applicant's ability to practice law; or
 - (15) other conduct that reflects adversely on the character or fitness of the applicant.
- (e) **Other Considerations.** In evaluating any evidence under subsection (d), the admissions attorney, the Review Committee, and the Board must also consider any of the following:
- (1) the applicant's age at the time of the conduct;
 - (2) the recency of the conduct;
 - (3) the reliability of the information concerning the conduct;
 - (4) the seriousness of the conduct;
 - (5) the factors underlying the conduct;
 - (6) the cumulative effect of the conduct or information;
 - (7) evidence of rehabilitation or treatment;
 - (8) the applicant's societal contributions since the conduct;
 - (9) candor in the admission process; and
 - (10) the materiality of any omission or misrepresentation.

Rule 713

REFERRALS AND EVALUATIONS

- (a) **Generally.** During a character and fitness investigation, the prior conduct of an applicant for admission to the Kansas bar may demonstrate the need for further inquiry into the applicant's substance-abuse history or mental health. The admissions attorney, Attorney Admissions Review Committee, or Board of Law Examiners may take any of the following actions when further inquiry is needed:
- (1) refer an applicant to the Kansas Lawyers Assistance Program;
 - (2) select a qualified professional to conduct a substance-abuse evaluation of the applicant; and
 - (3) in an exceptional circumstance, select a qualified professional to conduct a psychological evaluation.
- (b) **Evaluation Expense.** The expense of an evaluation conducted under this rule will be paid out of the bar admission fee fund.

Rule 714

CANDOR IN THE ADMISSION PROCESS

- (a) **Duty of Candor.** An applicant must respond completely and accurately to all questions in an application and throughout the admission process.
- (b) **Continuing Obligation.** An applicant must update an application no later than five days after an event that would change the applicant's response to any question on the application. This obligation continues until the applicant is admitted under Rule 726.
- (c) **Consequence of Breach.** A breach of the duty of candor may result in the denial of an application or revocation of a license or permit to practice law.

Rule 715

LEGAL INTERN PERMIT

- (a) **Purpose.** This rule provides a law student the opportunity to gain practical skills in a supervised environment by assisting a licensed attorney in providing competent legal services to clients, including individuals unable to pay for these services. Law schools are encouraged to provide clinical instruction for legal interns.
- (b) **Eligibility.** To obtain a legal intern permit, a student must meet the following qualifications:
- (1) be enrolled at a law school approved by the American Bar Association;
 - (2) have successfully completed or be concurrently enrolled in the professional responsibility course required by the law school; and
 - (3) have successfully completed either 59 hours of legal studies or 44 hours of legal studies if an attorney described in subsection (e)(5)(C) will supervise the student's work.
- (c) **Required Documents and Fee.** A student must submit the following:
- (1) an application for a legal intern permit submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the supervising attorney who will provide the certification required under subsection (e)(3); and
 - (3) the fee under Rule 707(a)(1).
- (d) **Law School Certification.** The dean, or the dean's designee, of the law school where the student is enrolled must certify that the student meets the required number of hours under subsection (b)(3) and possesses good moral character and the legal ability and training to perform as a legal intern.
- (e) **Supervising Attorney.** A student with a legal intern permit may only practice law under the supervision of a licensed attorney.
- (1) **Full Responsibility.** A supervising attorney is fully responsible for an intern's activities performed under the attorney's supervision and must provide all necessary training and assistance.
 - (2) **Qualifications.** A supervising attorney must meet the following qualifications:

- (A) be a Kansas attorney who is registered as active under Rule 206, in good standing, and regularly engaged in the practice of law in Kansas; and
 - (B) have never received professional discipline of any kind.
- (3) **Certification.** The supervising attorney must certify the following on a form provided by the Attorney Admissions office:
- (A) the supervising attorney meets the qualifications in subsection (e)(2);
 - (B) the supervising attorney is professionally responsible for guiding the intern's work and for supervising the quality of the intern's work; and
 - (C) the dates the supervision of the intern begins and ends, which may be no later than the intern's law school graduation date.
- (4) **Period of Supervision.** A supervising attorney must immediately submit written notice to the Attorney Admissions office and the intern when the supervision ends or is terminated for any reason. At that time, the intern's permit is considered inactive until a new supervising attorney provides certification under subsection (e)(3) and the permit is transferred under subsection (h) or until the permit terminates under subsection (f).
- (5) **Number of Interns.** A supervising attorney must not supervise more than two interns at the same time, except for the following attorneys:
- (A) a full-time staff member of a state or local legal aid society;
 - (B) the attorney general or a county attorney, district attorney, municipal attorney, or public defender; or
 - (C) an attorney who is regularly engaged in the teaching of law at a law school approved by the American Bar Association and whose duties include participation in a legal clinic or field placement program operated as a regular part of the law school's educational program.
- (6) **Number of Supervising Attorneys.** An intern may have more than one supervising attorney if each supervising attorney submits the certification required under subsection (e)(3) to the Attorney Admissions office.

- (f) **Duration of Permit; Upon Graduation or Earlier.** A legal intern permit terminates on the date of the intern's graduation from law school. A permit may terminate or become inactive earlier than graduation under the following circumstances.
- (1) **Period of Supervision Ends.** A permit becomes inactive at the conclusion of the term of supervision stated in the certification provided under subsection (e)(3)(C).
 - (2) **Withdrawal of Supervising Attorney.** A permit becomes inactive when a supervising attorney provides notice to the Attorney Admissions office under subsection (e)(4).
 - (3) **Withdrawal of Law School Certification.** A permit terminates if the law school dean or the dean's designee submits to the Attorney Admissions office a notice of withdrawal of the certification provided under subsection (d).
 - (A) The law school dean or the dean's designee must immediately submit to the Attorney Admissions office a notice of withdrawal of the certification provided under subsection (d) if the intern does any of the following:
 - (i) graduates earlier than stated in the application;
 - (ii) withdraws from law school;
 - (iii) fails to remain in good standing;
 - (iv) engages in conduct that would prevent the law school from certifying the student's character and fitness qualifications for any jurisdiction's board of bar examiners; or
 - (v) engages in conduct that demonstrates the student is unfit for the duties and responsibilities of a legal intern.
 - (B) The law school dean or the dean's designee need not provide the intern notice, a hearing, or any showing of cause prior to withdrawal of the certification provided under subsection (d).
 - (4) **Termination by Supreme Court.** The Supreme Court may terminate a permit without notice, a hearing, or any showing of cause.

- (g) **Notice.** The Attorney Admissions office will send notice to the intern, the supervising attorney, and the law school dean when the permit becomes inactive or is terminated prior to law school graduation.
- (h) **Transfer of Permit.** If an intern obtains a new supervising attorney, the permit may be transferred as set forth below without submitting a new application or filing fee under subsection (c).
 - (1) The intern must provide the Attorney Admissions office with the contact information for the supervising attorney who will provide the new certification required under subsection (e)(3).
 - (2) Upon receipt of the new supervising attorney's certification, the Attorney Admissions office will transfer the permit and provide notice of the transfer to the intern and the law school dean. An intern must not perform any service under this rule until receipt of the transfer notice.
- (i) **Client's Written Consent.** Before an intern may represent a nongovernment client, the client must consent in writing to representation by the intern. The client must separately consent in writing to the legal intern appearing in court under subsection (k)(2) without a supervising attorney present. The supervising attorney must countersign the client's written consent.
- (j) **Entry of Appearance.** Subject to the requirements of this rule, an intern may appear in any court or before any administrative tribunal.
 - (1) **Introduction.** A supervising attorney must introduce an intern in the manner prescribed by the individual court.
 - (2) **Nongovernment Client.** When an intern represents a nongovernment client, a supervising attorney must file an entry of appearance in each case that states the intern's representation and attach a copy of the client's written consent under subsection (i).
 - (3) **Government Client.** When the intern represents the government, the intern or supervising attorney must file the type of notice required for appearance before the court.
- (k) **In-Court Appearance.** An intern's appearance in court is subject to the following requirements.
 - (1) The supervising attorney must be personally present for any in-court proceeding, except a proceeding under subsection (k)(2) or (k)(3).

- (2) With the client's consent under subsection (i), the supervising attorney's written consent, and the court's approval, an intern may appear in court without the supervising attorney's personal presence in the following matters:
 - (A) a civil matter, other than a domestic matter, when the amount in controversy is less than \$1,000; and
 - (B) a criminal matter when the intern is appearing on behalf of a defendant who does not have the right to counsel under any constitutional provision, statute, or court rule.
- (3) With the supervising attorney's written consent and the court's approval, an intern may appear on the government's behalf in a criminal matter without the supervising attorney's personal presence.
- (4) An intern may not participate in oral argument in the Supreme Court or the Court of Appeals unless the supervising attorney files a motion requesting special permission and the court grants the request.
- (l) **Out-of-Court Practice.** An intern may perform any function of an attorney subject to the following guidelines.
 - (1) With the supervising attorney's approval, an intern may engage in the out-of-court practice of law outside the supervising attorney's personal presence.
 - (2) The supervising attorney must fulfill the following duties:
 - (A) approve any legal document prepared on a client's behalf that affects the client's rights or interests; and
 - (B) sign all documents filed with a court or administrative body, unless the administrative body specifically allows intern-only signature.
- (m) **Compensation.** An intern must not accept direct compensation in any form from a client. But an attorney, law firm, legal aid bureau, public defender agency, state, county, or municipality may compensate the intern and charge a client for the intern's services.
- (n) **Master of Laws Student.** A student who is enrolled in a Master of Laws program (LL.M.) at a law school approved by the American Bar Association and who has previously received a Juris Doctor degree from a law school approved by the American Bar Association is eligible to apply for a legal intern permit under this rule.

- (o) **Change of Contact Information.** An intern must update the information in the Attorney Admissions office's online portal immediately after any change of legal name, residential address, or personal phone number during the pendency of the legal intern permit.

Rule 716

ADMISSION TO THE BAR BY EXAMINATION

- (a) **Eligibility.** An applicant for admission to the Kansas bar by examination must be eligible under Rule 708.
- (b) **Application.**
 - (1) **Required Documents and Fee.** An applicant under this rule must submit the following:
 - (A) an application submitted and accepted through the Attorney Admissions office's online portal according to the time periods under subsection (b)(2);
 - (B) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (C) the fee under Rule 707(a)(2).
 - (2) **Time Periods.** The Board generally administers the bar examination in February and July.
 - (A) **Timely Application.** An application is timely if submitted within one of the following time frames:
 - (i) April 2 to October 1 for the February examination; or
 - (ii) November 2 to March 1 for the July examination.
 - (B) **Grace Period.** The Attorney Admissions office will accept an application that is no more than 30 days late if it complies with subsection (b)(1) and is accompanied by the late fee under Rule 707(a)(3).
 - (C) **Late Application.** The Attorney Admissions office will treat an application received after the expiration of the grace period as an application for the next bar examination.
 - (3) **Nonstandard Testing Accommodation.** An applicant seeking a nonstandard testing accommodation must submit a request and supporting documentation to the Attorney Admissions office by November 1 for the February examination or April 1 for the July examination. The Attorney Admissions office may approve an applicant's request for a nonstandard

testing accommodation that does not jeopardize the security and integrity of the examination.

- (4) **Application Review Process.** The following rules apply in the application review process:
 - (A) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing; and
 - (B) Rule 724 applies following an adverse Board ruling.
- (c) **Updating an Application.** An applicant must update an application under the following circumstances:
 - (1) **Retaking the Examination.** If an applicant did not achieve a passing score on an examination and wishes to take the next examination administered, the applicant must update the application and pay the application fee under Rule 707(a)(2).
 - (A) **February Examination.** An applicant who did not achieve a passing score on the February examination must update the application no later than 30 days after the date of the letter stating that the applicant did not achieve a passing score.
 - (B) **July Examination.** An applicant who did not achieve a passing score on the July examination must update the application in accordance with the time periods in subsection (b)(2) and pay the late fee if applicable.
 - (C) **Delayed Retake.** If an applicant does not wish to take the next examination administered, the general provisions under subsection (b) apply.
 - (2) **Hold-Over Application.** If an applicant does not take the examination for which the applicant applied, the applicant must update the application. The Board may waive the application fee for a later examination if an applicant failed to take the examination due to any of the following circumstances:
 - (A) a delay in the investigation of the applicant's character and fitness;
 - (B) the need for a hearing on the applicant's character and fitness;
 - (C) actions of the admissions attorney, the Review Committee, the Board, or the Supreme Court;

- (D) the applicant's failure to achieve a passing score on the Multistate Professional Responsibility Examination; or
 - (E) extenuating circumstances.
- (d) **Composition.** The Board administers the Uniform Bar Examination prepared by the National Conference of Bar Examiners, which consists of six Multistate Essay Examination questions, two Multistate Performance Test questions, and the Multistate Bar Examination.
- (e) **Multistate Professional Responsibility Examination.**
 - (1) To be eligible to take the Uniform Bar Examination in Kansas, an applicant must achieve a minimum score of 80 on the Multistate Professional Responsibility Examination and ensure that the National Conference of Bar Examiners or the testing jurisdiction provides the score to the Attorney Admissions office.
 - (2) The Attorney Admissions office must receive the official score no later than January 15 for the February examination and June 15 for the July examination.
- (f) **Taking the Bar Examination.**
 - (1) **Proof of Identity.** At a bar examination, an applicant must provide proof of identity satisfactory to the Attorney Admissions office.
 - (2) **Conduct.** Any conduct in violation of the instructions given to bar examinees on the day of the examination will be reported to the Board and considered for possible character and fitness review. The Board may refuse to score the examination of an applicant who fails to follow the instructions.
- (g) **Transferring a Multistate Bar Examination Score.** A first-time applicant may transfer a Multistate Bar Examination score achieved in another jurisdiction in lieu of taking the Multistate Bar Examination portion of the Uniform Bar Examination.
 - (1) Subject to the following provisions, the Board will accept a Multistate Bar Examination score achieved on a prior examination in another jurisdiction.
 - (A) The applicant must have taken the examination in the other jurisdiction no more than 13 months before the Kansas examination.
 - (B) The applicant must have successfully passed the entire bar examination in the other jurisdiction in one administration and

achieved a minimum scaled score of 125 on the Multistate Bar Examination.

- (C) The applicant must notify the Attorney Admissions office at the time of submitting the application for admission to the Kansas bar that the applicant wishes to use a Multistate Bar Examination score achieved in another jurisdiction.
 - (D) The applicant must ensure that the National Conference of Bar Examiners or the appropriate bar examination authority where the applicant took the Multistate Bar Examination provides the applicant's Multistate Bar Examination score to the Attorney Admissions office.
 - (E) The applicant will not receive a Uniform Bar Examination score.
 - (F) If the applicant fails to achieve a passing score on the Kansas examination, the applicant may not use the Multistate Bar Examination score transferred under this subsection in any succeeding Kansas examination.
- (2) The Attorney Admissions office will adopt procedures to ensure that scores transferred under this subsection are reported to the Board without disclosing the applicant's identity.
- (h) **Passing Score.** An applicant who achieves a minimum score of 266 on the Uniform Bar Examination is eligible for admission to the Kansas bar.
- (i) **Procedure on Completion of Bar Examination.**
- (1) **Admission Granted.** If the Board recommends granting admission and the Supreme Court admits the applicant to practice in all Kansas courts, the applicant must take the oath under Rule 726.
 - (2) **Admission Denied.** If the Board denies admission because an applicant failed to achieve a passing score on the examination, the Board's decision is final.
 - (3) **Requests for Examination Responses.** The following provisions apply when the Board denies admission under subsection (i)(2).
 - (A) The applicant may review the applicant's answers to the Multistate Essay Examination and Multistate Performance Test upon request made no later than 90 days after the date the Attorney Admissions office notified the applicant of the Board's denial.

- (B) Because confidentiality is required to protect the integrity of the examination, the applicant is not permitted to review or inspect questions asked or answers given on the Multistate Bar Examination.

Rule 717

ADMISSION TO THE BAR BY UNIFORM BAR EXAMINATION SCORE TRANSFER

- (a) **Eligibility.** An applicant for admission to the Kansas bar who has taken the Uniform Bar Examination (UBE) in another jurisdiction is eligible for admission if the applicant meets the following requirements:
- (1) achieves a minimum UBE score of 266 on an examination that occurred within 60 months of the date the applicant submitted the application for admission to the Kansas bar;
 - (2) ensures that the National Conference of Bar Examiners provides the applicant's qualifying UBE score to the Attorney Admissions office;
 - (3) achieves a minimum score of 80 on the Multistate Professional Responsibility Examination and ensures that the National Conference of Bar Examiners or the testing jurisdiction provides the score to the Attorney Admissions office;
 - (4) is eligible under Rule 708; and
 - (5) has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction.
- (b) **Required Documents and Fee.** An applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (3) the fee under Rule 707(a)(4).
- (c) **Concurrent Application with Another UBE Jurisdiction.** An applicant with an application pending in another UBE jurisdiction may concurrently apply for admission to the Kansas bar under this rule. The applicant may submit the concurrent application at any time after the applicant has filed an application in the other jurisdiction to take the next administration of the UBE.

(d) **Application Review Process.** The following rules apply in the application review process:

- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
- (2) Rule 724 applies following an adverse Board ruling; and
- (3) Rule 726 applies if the Board approves an application.

Rule 718

TEMPORARY PERMIT TO PRACTICE LAW

- (a) **Eligibility.** An applicant for admission to the Kansas bar under Rule 716 or Rule 717(c) may apply for a temporary permit to practice law if the applicant is eligible under Rule 708.
- (b) **Required Documents and Fee.** An applicant under this rule must submit the following:
 - (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the supervising attorney who will provide the certification required under subsection (c)(3); and
 - (3) the fee under Rule 707(a)(5).
- (c) **Supervising Attorney.** An applicant with a temporary permit may only practice law under the supervision of a licensed attorney.
 - (1) **Full Responsibility.** The supervising attorney is fully responsible for the applicant's practice of law under the temporary permit.
 - (2) **Qualifications.** The supervising attorney must meet the following qualifications:
 - (A) be a Kansas attorney who is registered as active under Rule 206;
 - (B) be in good standing; and
 - (C) be regularly engaged in the practice of law or be a justice or judge supervising court staff.
 - (3) **Certification.** The supervising attorney must certify the following on a form provided by the Attorney Admissions office:
 - (A) the supervising attorney meets the qualifications in subsection (c)(2); and
 - (B) the supervising attorney is professionally responsible for the applicant's practice of law.

- (4) **Withdrawal of Certification.** A supervising attorney must immediately submit written notice to the Attorney Admissions office and the applicant if the supervising attorney withdraws the certification.
- (d) **Issuance; Effective Date.** The Supreme Court issues a temporary permit to practice law in its discretion. The permit is effective the date of the court's order.
- (e) **Duration of Permit.**
 - (1) **Withdrawal of Bar Application.** If the applicant withdraws the application for admission, the temporary permit is revoked on the date of the withdrawal.
 - (2) **Withdrawal of Supervising Attorney.** If the supervising attorney withdraws the certification provided under subsection (c)(3), the temporary permit is inactive until a new supervising attorney provides certification.
 - (3) **Reopening of Character and Fitness Investigation.** If the admissions attorney reopens the investigation into the applicant's character and fitness qualifications, the temporary permit is revoked on the date of the notice informing the applicant that the investigation has been reopened.
 - (4) **Effect of Examination.** The following provisions apply when an applicant is seeking admission under Rule 716.
 - (A) If the applicant does not achieve a passing score on the bar examination, the temporary permit expires on the date the results of the examination are announced.
 - (B) If the applicant achieves a passing score on the bar examination, the temporary permit expires upon admission to the Kansas bar under Rule 726.
 - (C) If the applicant does not take the bar examination, the temporary permit expires on the first day of the examination.
 - (5) **Concurrent Application.** For an applicant seeking admission under Rule 717(c), the temporary permit expires when any of the following circumstances occur:
 - (A) the applicant receives notice that the Attorney Admissions office did not receive the applicant's Uniform Bar Examination score within seven days of official release of the score and the applicant fails to cure;

- (B) the applicant receives notice from the Attorney Admissions office that the applicant did not achieve a passing score; or
- (C) the applicant is admitted to the Kansas bar under Rule 726.

Rule 719

ADMISSION TO THE BAR BY RECIPROCITY

- (a) **Eligibility.** An applicant for admission to the Kansas bar who is admitted to the practice of law by examination by the highest court of another state, the District of Columbia, or a United States territory is eligible for reciprocal admission without examination if the applicant meets the following requirements:
- (1) has an active license in at least one jurisdiction that permits reciprocal admission without examination for members of the Kansas bar;
 - (2) is eligible under Rule 708;
 - (3) has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction; and
 - (4) has lawfully engaged in the active practice of law for five of the seven years immediately preceding the date of the application.
- (b) **Active Practice of Law.** For purposes of this rule, the active practice of law includes the following activities:
- (1) representing a client in the practice of law;
 - (2) serving as corporate counsel or as an attorney with a local, state, or federal government body;
 - (3) teaching at a law school approved by the American Bar Association; and
 - (4) serving as a judge or judicial law clerk in a federal, state, or local court, provided that the position required a license to practice law.
- (c) **Required Documents and Fee.** An applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (3) the fee under Rule 707(a)(6).

(d) **Application Review Process.** The following rules apply in the application review process:

- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
- (2) Rule 724 applies following an adverse Board ruling; and
- (3) Rule 726 applies if the Board approves an application.

Rule 720

RESTRICTED LICENSE FOR MILITARY SPOUSE

- (a) **Eligibility.** An applicant may seek admission to the Kansas bar without examination by applying for a military-spouse restricted license to practice law in Kansas if the applicant meets the following requirements:
- (1) is eligible under Rule 708;
 - (2) is admitted by examination and licensed for the practice of law by the highest court of another state, the District of Columbia, or a United States territory;
 - (3) has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction;
 - (4) resides or will reside in Kansas as a spouse of an active member of the United States Uniformed Services stationed in Kansas; and
 - (5) is or will be employed with a Kansas attorney who will certify that the Kansas attorney meets the following qualifications:
 - (A) is registered as active under Rule 206, in good standing, and regularly engaged in the practice of law; and
 - (B) will have ultimate responsibility for clients.
- (b) **Required Documents and Fee.** No later than 90 days after the start date of the employment described in subsection (a)(5), an applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the Kansas attorney who will provide the certification required under subsection (a)(5);
 - (3) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (4) the fee under Rule 707(a)(7).
- (c) **Application Review Process.** The following rules apply in the application review process:

- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
 - (2) Rule 724 applies following an adverse Board ruling; and
 - (3) Rule 726 applies if the Board approves an application, except that the license issued under this rule is temporary and restricted.
- (d) **Authorization.** The restricted license authorizes the attorney to perform legal services exclusively for the employer.
- (e) **Duties.** A person granted a restricted license under this rule is subject to all rules for practicing law in Kansas, including the requirements for continuing legal education.
- (f) **Duration of Restricted License.**
- (1) **Change in Circumstances.** The restricted license terminates on the date that any of the following occurs:
 - (A) the attorney is no longer married to an active member of the United States Uniformed Services;
 - (B) the service member is no longer stationed at a military installation in Kansas;
 - (C) the attorney no longer resides in Kansas; or
 - (D) the attorney is admitted to the Kansas bar under Rule 716, 717, or 719.
 - (2) **Change in Employment.** If the employment under subsection (a)(5) ceases, the attorney's right to practice law in Kansas terminates unless the attorney has accepted new qualifying employment and provides the following to the Attorney Admissions office:
 - (A) written documentation of acceptance of new employment; and
 - (B) the contact information for the Kansas attorney who will provide the new certification required under subsection (a)(5).
- (g) **Time in Practice.** An attorney may use time in practice under a military-spouse restricted license to satisfy the active practice requirement under Rule 719. But an attorney may not use time in practice under this rule to satisfy the requirements of a Kansas statute or regulation.

Rule 721

RESTRICTED LICENSE TO PROVIDE LEGAL SERVICES FOR A SINGLE EMPLOYER

- (a) **Eligibility.** An applicant may seek admission to the Kansas bar without examination by applying for a single-employer restricted license to practice law in Kansas if the applicant meets the following requirements:
- (1) is eligible under Rule 708;
 - (2) is admitted by examination and licensed for the practice of law by the highest court of another state, the District of Columbia, or a United States territory;
 - (3) accepts or continues employment with a person, firm, association, corporation, or accredited law school engaged in business other than the practice of law; and
 - (4) provides or will provide legal services solely for the employer described in subsection (a)(3).
- (b) **Required Documents and Fee.** No later than 90 days after the start date of the employment described in subsection (a)(3), an applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the employer who will verify the applicant's employment and start date;
 - (3) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (4) the fee under Rule 707(a)(8).
- (c) **Practice During Pendency of Application.** After filing an application under subsection (b) and pending issuance of a restricted license, an applicant may provide legal services for the applicant's employer under the supervision of a Kansas attorney. A supervising attorney must meet the following qualifications:
- (1) be registered as active under Rule 206, in good standing, and regularly engaged in the practice of law in Kansas; and

- (2) certify on a form provided by the Attorney Admissions office that the supervising attorney is professionally responsible for supervising the applicant's practice of law during the pendency of the application for a restricted license.
- (d) **Application Review Process.** The following rules apply in the application review process:
- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
 - (2) Rule 724 applies following an adverse Board ruling; and
 - (3) Rule 726 applies if the Board approves an application, except that the license issued under this rule is restricted.
- (e) **Authorization.** Except for pro bono services permitted under Rule 1404, the restricted license authorizes the attorney to perform legal services exclusively for the single employer.
- (f) **Duties.** An attorney granted a restricted license under this rule is subject to all rules for practicing law in Kansas, including the requirements for continuing legal education.
- (g) **Duration of Restricted License.**
- (1) **Change in Employment.** If the employment under subsection (a)(3) ceases, the attorney's right to practice law in Kansas terminates unless the attorney has accepted new qualifying employment and provides the following to the Attorney Admissions office:
 - (A) written documentation of acceptance of new employment; and
 - (B) the contact information for the employer who will verify the applicant's new employment and start date;
 - (2) **Admission Under Another Rule.** The restricted license terminates if the attorney is admitted to the Kansas bar under Rule 716, 717, or 719.
- (h) **Time in Practice.** An attorney may use time in practice under a single-employer restricted license to satisfy the active practice requirement under Rule 719. But an attorney may not use time in practice under this rule to satisfy the requirements of a Kansas statute or regulation.

Rule 722

INCOMPLETE APPLICATION

- (a) **When Complete.** An application under these rules is not complete until it is submitted and accepted through the Attorney Admissions office's online portal.
- (b) **Reject or Hold.** The Attorney Admissions office may reject an incomplete application or hold acceptance pending completion.

Rule 723

INVESTIGATION AND HEARING PROCEDURES

- (a) **Character and Fitness Investigation.** In an investigation of an applicant's good moral character and current mental and emotional fitness to engage in the active and continuous practice of law, the admissions attorney's responsibilities include the following:
- (1) reviewing the application;
 - (2) using the applicant's fingerprints submitted as part of the application for admission to obtain a criminal history report;
 - (3) investigating matters that bear on the applicant's character and fitness qualifications under Rule 712;
 - (4) referring the applicant for an evaluation under Rule 713, if necessary; and
 - (5) interviewing the applicant, if necessary.
- (b) **Investigatory Authority.**
- (1) The admissions attorney or the Attorney Admissions Review Committee may request a state or local bar association or a member of the bar of the judicial district where the applicant resides to conduct any part of the investigation and to report the results to the admissions attorney or the Review Committee.
 - (2) During the investigation, the admissions attorney or a Review Committee member may obtain information, take and hear testimony, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.
- (c) **Approval of Qualifications; Holding Over.** The applicant's character and fitness qualifications must be approved before the applicant will be eligible for admission to the bar.
- (1) If an applicant elects to take the bar examination during an ongoing character and fitness investigation or hearing, the Attorney Admissions office will embargo the applicant's bar examination score until the applicant's character and fitness qualifications are approved.
 - (2) If an applicant elects not to take the bar examination due to an ongoing character and fitness investigation or hearing, the Attorney Admissions

office will hold the application over for the next bar examination after the completion of the investigation or hearing.

- (d) **Approval of Applicant.** If the admissions attorney determines an applicant established the requisite character and fitness qualifications under Rule 712, the admissions attorney will approve the applicant.
- (e) **Referral to Review Committee.** The admissions attorney must refer an applicant not approved to the Review Committee for further investigation.
 - (1) If the Review Committee determines an applicant established the requisite character and fitness qualifications under Rule 712, the Review Committee will approve the applicant.
 - (2) If the Review Committee determines an applicant failed to establish the requisite character and fitness qualifications under Rule 712, the Review Committee may take any of the following actions:
 - (A) initiate remedial action by agreement with the applicant; and
 - (B) refer the applicant to the Board of Law Examiners for a formal hearing.
- (f) **Hearing Notices.** If the Review Committee refers an applicant to the Board, the admissions attorney will inform the Attorney Admissions office that a formal hearing needs to be scheduled.
 - (1) The Attorney Admissions office will inform the applicant of the date, time, and location of the hearing.
 - (2) The admissions attorney must file a notice of hearing and serve a copy on the applicant no later than 45 days prior to the formal hearing.
 - (A) The notice of hearing must include factual allegations that inform the applicant of all issues relating to the applicant's character and fitness qualifications.
 - (B) The notice must adequately inform the applicant of the nature of the evidence against the applicant. But the notice need not list every item and source of information to be presented at the hearing.
- (g) **Applicant's Response.** The applicant must file any response to the notice of hearing no later than 21 days after service and admit or deny each of the factual allegations contained in the notice of hearing. The applicant must file the response

with the Attorney Admissions office and serve a copy of the response on the admissions attorney.

- (h) **Right to Counsel.** The applicant is entitled to retain counsel at any time.
- (i) **Character and Fitness Hearing.** At a character and fitness hearing, the Board may obtain information, take and hear testimony, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents. The following provisions apply during a hearing before the Board.
 - (1) **Burden of Proof.** The applicant must establish by clear and convincing evidence that the applicant possesses the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law.
 - (2) **Presentation of Evidence.** The parties may present evidence and testimony to the Board in accordance with Rule 725(b). Either party may request that the Board issue a subpoena.
 - (3) **Right to Cross-Examine.** The parties are entitled to cross-examine witnesses.
 - (4) **Privilege Against Self-Incrimination.** The applicant is not required to testify or produce records over objection if doing so would violate the applicant's constitutional privilege against self-incrimination.
 - (5) **Prior Judgments and Adjudications.** The following presumptions apply to the Board's consideration of the applicant's prior judgments and adjudications.
 - (A) A certified journal entry of conviction for a crime is conclusive evidence that the applicant committed the crime. A diversion agreement or other similar document is deemed a conviction of the crime.
 - (B) A certified copy of a civil judgment based on clear and convincing evidence is conclusive evidence that the applicant committed the civil wrong.
 - (C) Any other civil judgment is prima facie evidence of the findings that form the basis for the judgment. The applicant has the burden to disprove the findings.

- (D) A final adjudication of misconduct in an attorney disciplinary proceeding in another jurisdiction conclusively establishes the misconduct for purposes of an admission proceeding in Kansas.
- (j) **Transcript.** A certified court reporter must transcribe a hearing held before the Board. After the hearing, the admissions attorney must order a copy of the hearing transcript and provide a copy to the Attorney Admissions office.
- (k) **Reopening an Investigation.** The admissions attorney may reopen an investigation and withdraw approval of the applicant if additional information is discovered relating to an applicant's character and fitness qualifications before the applicant is admitted to the bar. If necessary, the Board may hold a hearing on the matter.
- (l) **Misconduct During Examination.** If the Board has cause to believe that an applicant engaged in misconduct during the bar examination, the Board may reopen the investigation into the applicant's character and fitness qualifications. The Attorney Admissions office will embargo the applicant's bar examination score until the matter has been resolved. If necessary, the Board may hold a hearing on the matter.
- (m) **Confidentiality.** Character and fitness investigations, hearings, and all related records are confidential and subject to release only as provided in Rule 705. The Board may hold any part of a hearing as an open hearing upon an applicant's request.
- (n) **Findings, Conclusions, and Determination.** Following a hearing, the Board must issue a written decision detailing its findings of fact, conclusions of law, and determination of whether the Board approves the applicant for admission to the bar.
 - (1) If the Board approves the applicant for admission, the Board must send a copy of its written decision to the applicant and the matter is concluded.
 - (2) If the Board does not approve the applicant for admission, the Board must refer the matter to the Supreme Court for review and decision.

Rule 724

PROCEDURE FOLLOWING AN ADVERSE BOARD RULING

- (a) **Written Decision.** Following a character and fitness hearing, the Attorney Admissions office must serve a copy of the Board of Law Examiners' written decision on the applicant.
- (b) **Transcript.** The Attorney Admissions office must serve a copy of the hearing transcript on the applicant.
- (c) **Written Exceptions.** No later than 21 days after service of the transcript, the applicant may file with the Attorney Admissions office exceptions to the Board's written decision. Any part of the written decision not specifically challenged is deemed admitted.
- (d) **Board's Response.** The Board may respond no later than 21 days after the applicant files exceptions.
- (e) **Unchallenged Decision.** If the applicant fails to timely file written exceptions, the findings of fact and conclusions of law in the decision are deemed admitted and the Attorney Admissions office will submit the matter to the Supreme Court.
- (f) **Record.** The notice of hearing and response to the notice of hearing, the Board's written decision, the applicant's written exceptions and the Board's response, the hearing transcript, and all evidence admitted before the Board constitutes the record before the Supreme Court.
- (g) **No Oral Argument.** The Supreme Court will make its determination based on the record before the Board. The Court will not hold oral argument prior to entering its final order.
- (h) **Standard of Review.** The Supreme Court will accept the Board's factual findings if they are supported by substantial competent evidence. The Court will make the final determination of whether the applicant possesses the requisite character and fitness qualifications.
- (i) **Reapplication.** If the Supreme Court determines an applicant failed to establish the requisite character and fitness qualifications, the applicant may reapply for admission to the Kansas bar subject to the following provisions.
 - (1) **Time.** An applicant may not reapply in Kansas until three years after the date of the Supreme Court's final order.

- (2) **Procedure.** After the admissions attorney conducts a full investigation, the Board will hold a hearing to consider the reapplication.
- (3) **Additional Requirements.** In addition to the requirements under Rule 712, the applicant has the burden to establish the following by clear and convincing evidence:
 - (A) sufficient time has elapsed since any misconduct that resulted in the denial of the previous application and the applicant has acknowledged the seriousness of the misconduct;
 - (B) the applicant has received adequate treatment, counseling, or rehabilitation, if applicable;
 - (C) the applicant has been an active and productive citizen since the denial of the previous application; and
 - (D) the applicant has not engaged in the unauthorized practice of law.

Rule 725

ADDITIONAL RULES OF PROCEDURE

- (a) **Deadlines.** Except as otherwise provided in these rules, time limitations are directory and not jurisdictional.
- (b) **Application of Procedural and Evidentiary Rules.** To the extent procedures are not outlined in these rules, the Kansas Rules of Civil Procedure generally apply to a matter before the Board of Law Examiners. Proceedings before the Board are not restricted by the formal rules of evidence.
- (c) **Prejudice.** Any deviation from these rules by the Board, Attorney Admissions Review Committee, admissions attorney, or Attorney Admissions office will provide grounds for relief only when an applicant establishes by clear and convincing evidence that the deviation resulted in actual prejudice.

Rule 726

OATH OF ADMISSION

- (a) **Oath Required.** Before practicing law in Kansas, an applicant must take the following oath of admission either at an official swearing-in ceremony or before a judge of record in the United States or a United States territory.

“You do solemnly swear or affirm that you will support and bear true allegiance to the Constitution of the United States and the Constitution of the State of Kansas; that you will neither delay nor deny the rights of any person through malice, for lucre, or from any unworthy desire; that you will not knowingly foster or promote, or give your assent to any fraudulent, groundless or unjust suit; that you will neither do, nor consent to the doing of any falsehood in court; and that you will discharge your duties as an attorney and counselor of the Supreme Court and all other courts of the State of Kansas with fidelity both to the Court and to your cause, and to the best of your knowledge and ability. So help you God.”

- (b) **Deadline for Taking Oath.** Unless otherwise permitted by the Supreme Court, an applicant must take the oath no later than one year after the date of the letter notifying the applicant that the applicant has met the requirements for admission to the Kansas bar. An applicant who fails to timely take the oath must seek special permission from the Supreme Court to be admitted to the bar.
- (c) **Oath Administered by Judge.** If the oath is administered by a judge of record in the United States or a United States territory, the applicant must submit a completed written oath on a form provided by the Attorney Admissions office. The applicant must submit the form through the Attorney Admissions office’s online portal no later than one year after the date of the letter notifying the applicant that the applicant has met the requirements for admission to the Kansas bar.
- (d) **Roll of Attorneys; Certificate.** After taking the oath, an applicant must sign the Supreme Court’s roll of attorneys. The Attorney Admissions office will then issue a certificate of the applicant’s authority to practice law in all courts of this state. When an applicant has shown good cause or has submitted a written oath under subsection (c), the Attorney Admissions office will waive the applicant’s personal signature on the roll of attorneys, enter the applicant’s name, and issue the certificate.
- (e) **Admittance Date.** The applicant is admitted to the Kansas bar on the date the applicant’s name is entered on the roll of attorneys.