

AMENDMENTS TO RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW

It is ordered that effective August 1, 2009, Part B, Section 2, Applications for Examinations of the Rules Governing Admission to the Practice of Law in Georgia, be amended by changing the language of subsection (b) by striking the numerals “\$90.00” and inserting in lieu thereof the numerals “\$350.00,” and by striking the second instance of the word “fee” and inserting in lieu thereof the word “charge,” and by changing the language of subsection (e) by striking the word “fees” in two places and inserting in lieu thereof the word “charges,” as follows:

PART B. BOARD OF BAR EXAMINERS

SECTION 2. APPLICATIONS FOR EXAMINATIONS

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(b) Applications to take the bar examination shall be filed with the Office of Bar Admissions on a form prescribed by the Board of Bar Examiners and shall be accompanied by a fee of \$350.00 payable to the Board of Bar Examiners and an additional charge payable to the National Conference of Bar Examiners. **Prior to filing such application, each applicant must obtain from the Board to Determine Fitness of Bar Applicants a certificate of fitness to practice law.** An applicant will not be allowed to file an application or take the examination who has not first received such a certificate.

Further, evidence that the applicant meets the educational requirements set forth in these Rules must be submitted contemporaneously with his or her application.

...

(e) An applicant who fails to file in a timely manner an application to take the bar examination or fails to submit charges to the NCBE as provided above shall nevertheless be permitted to take the examination if, within 30 days of the deadline as provided above, he or she files an application to do so and pays a late fee of \$200 (in addition to the regular fee prescribed by these **Rules**) and submits all applicable charges to the NCBE.

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It is further ordered that effective August 1, 2009, Part F of the Rules Governing Admission to the Practice of Law in Georgia be amended by adding new Section 2, Fees, and renumbering existing Sections 2-8 as Sections 3-9, as follows:

PART F. GENERAL PROVISIONS

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SECTION 2. FEES

The Supreme Court, upon recommendation by the Board of Bar Examiners, shall by rule annually set the amount of the examination fee to be paid by the applicants for admission to the bar by examination and shall direct to whom and where the fee shall be paid. The Supreme Court, upon recommendation by the Board to Determine Fitness of Bar Applicants, shall by rule annually set the amount of the filing fee to be paid by applicants for Certification of Fitness to Practice Law and shall direct to whom and when the fee shall be paid. Such fees shall be reasonable and shall be determined in such manner that the total amount of the fees charged and collected by both Boards in each fiscal year shall approximate the direct and indirect costs to the Boards of administering the fitness investigation process and the bar examination. Such fees shall be used solely to fund the operations of the Office of Bar Admissions.

SECTION 3. DIRECTOR OF BAR ADMISSIONS

The Director of Bar Admissions shall be appointed by and serve at the pleasure of the Court. In addition to such other duties as may be assigned by the Court, he or she shall serve as liaison officer between the Court and the Board to Determine Fitness of Bar Applicants, between the Court and the Board of Bar Examiners and between the Boards; shall serve as chief administrative officer of the Office of Bar Admissions; shall supervise the investigations of applicants and the administration of bar examinations; and shall perform such other duties as may be authorized by these **Rules** or as may be specified by the Court or by the Boards.

SECTION 4. RECORDS

(a) The Office of Bar Admissions shall maintain such records as are generated in the course of accepting and processing Applications for Certification of Fitness to Practice Law and as are generated in accepting and processing applications to stand bar examinations and of results of taking the bar examination. The following records, and no others, shall be maintained as public records:

(1) With respect to Applications for Certification of Fitness to

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Practice Law: Name and address of each applicant;

(2) With respect to applications to stand the bar examination:
Name and address of each applicant;

(3) With respect to each bar examination:

(i) The names and addresses of the persons who took the bar examination;

(ii) The names and addresses of persons who passed the examination; and

(iii) Such statistical summaries as may be specifically authorized by the Supreme Court.

(b) All other information provided by or obtained with respect to an applicant for certification of fitness to practice law or to stand a bar examination, including examination results except as specifically provided for herein, shall be considered confidential and privileged communications and shall not be released to any person or agency except in those instances where a hearing with respect to an Application for Certification of Fitness to Practice Law is to be held pursuant to Part A, Section 8 of these **Rules**, information and documents obtained by the Board pursuant to its investigation and relevant to the specifications issued by the Board may be disclosed to the applicant and his or her counsel and to a hearing officer appointed to conduct the hearing. Further, information provided by or obtained with respect to an applicant for certification of fitness to practice law may be disclosed to the bar admissions authority of any United States jurisdiction where the applicant may apply for admission to the practice of law but then only on the written request of the applicant that such information be supplied to such other authority and only on the understanding that such information will not be released to the applicant; and the name, address, date of birth and social security number of each applicant for certification of fitness to practice law may be furnished to the National Conference of Bar Examiners for dissemination to the bar admissions authority of any United States jurisdiction upon request; and applications for certification of fitness to practice law and applications to take the bar examination may be released to the General Counsel of the State Bar of Georgia in disciplinary matters; and information and records may be disclosed as provided by order of the Court.

SECTION 5. WAIVERS

The Board to Determine Fitness, with respect to rules contained herein pertaining to it and the Board of Bar Examiners with respect to rules contained herein pertaining to it may, for good cause shown by clear and convincing evidence, waive any rule contained herein; provided, however, neither Board shall waive filing fees, including late fees, nor shall the Board of Bar Examiners waive the prohibition

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on regrading of essay or MPT answers after the general release of grades. The decision of either the Board to Determine Fitness of Bar Applicants or the Board of Bar Examiners not to waive any rules herein subject to waiver may be appealed to the Court in accordance with the procedures set forth in Part F, Section 8 of the **Rules**.

SECTION 6. COMMUNICATIONS WITH BOARD MEMBERS

All communications to or with the Board to Determine Fitness of Bar Applicants or any member thereof relating to pending Applications for Certification of Fitness to Practice Law and all communications to or with the Board of Bar Examiners or any member thereof relating to pending applications to take the bar examination or to the results thereof or to eligibility for admission to the bar examination or to certificates of eligibility for admission to the practice of law and all communications with either Board or any member thereof relating to waiver of any part of these **Rules**, whether by an applicant or by any person or agent acting for or on the behalf of an applicant shall be transmitted through the Office of Bar Admissions unless otherwise directed in writing by the Chair of the appropriate board or by the Director of Bar Admissions.

SECTION 7. FILINGS

All filings required to be made with the Board to Determine Fitness of Bar Applicants and with the Board of Bar Examiners by these **Rules** shall be made with the Office of Bar Admissions. Unless otherwise indicated, filings must be *received* by the Office of Bar Admissions on or before the appropriate filing deadline in order to be filed in a timely manner. Mailings which are *received* after a deadline or which, if *received* by or on a deadline date, are incomplete or which do not include required fees or which include a check in payment of required fees which is not honored by the drawee bank will not be considered as filed in a timely manner.

SECTION 8. APPEALS

(a) Upon being notified by the Board to Determine Fitness of Bar Applicants that his or her application has been denied or by the Board of Bar Examiners of any final determination by that Board (with the exception of bar exam results), an applicant may appeal the decision to the Court for review. To secure the appeal, the applicant must, within 30 days of notification that his or her application has been denied, file a written notice of appeal with the Office of Bar Admissions and with the Clerk of the Supreme Court and must serve a copy of the notice of appeal on the Attorney General of Georgia. The Office of Bar Admissions shall then prepare the complete file, which shall be confidential, for delivery to the Clerk.

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(b) The Clerk shall docket the appeal, which shall be a public record, and shall notify the applicant or the applicant's attorney, the Office of Bar Admissions and the Attorney General of Georgia that the appeal has been docketed. Within 20 days the applicant or his or her attorney may submit written argument (an original and seven copies) in support of his or her appeal, a copy of which must be served on the Office of Bar Admissions and on the Attorney General of Georgia. Arguments of the Board in support of its decision shall be filed within 40 days after the appeal is docketed or 20 days after the filing of the applicant's arguments, whichever is later. Although the bar admissions file shall be a confidential record during the appeal process, the docketing information shall be a public record.

(c) The Court, upon review of the arguments, shall issue an order affirming or reversing the decision of the Board or remanding the application for further consideration by the Board. Written opinions may be rendered and may be based upon facts contained in the confidential record. Oral arguments will not be had unless requested by the Court.

SECTION 9. CIVIL IMMUNITY

(a) The Board of Bar Examiners and the Board to Determine Fitness of Bar Applicants, and their members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, the character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(b) Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity including any person, firm, or institution, without malice, to the Board of Bar Examiners or the Board to Determine Fitness of Bar Applicants, or their members, employees, or agents are privileged, and civil suits predicated thereon may not be instituted.