



SUPREME COURT OF GEORGIA

Atlanta March 9, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Rules Governing Admission to the Practice of Law, Part A, Board to Determine Fitness of Bar Applicants, Section 6 (Investigation of Applicants) be amended by adding new subsection (d) and that Section 8 (c) (Hearings) be revised; that Part B, Board of Bar Examiners, Section 2 (a) (Applications for Examinations), Section 6 (b), (c) and (e) (Examinations), Section 8 (d) (Grading of the Examination and Notification of Results), Section 14 (Certificates of Eligibility for Admission to the Practice of Law), and Section 15 (Duty of Judges After Receiving Certificate of the Board of Bar Examiners) be revised; that Part C, Admission on Motion Without Examination, Section 2 (a) (Eligibility) and Section 3 (a)(6) (Definition of Practice of Law) be revised; and that Part F, General Provisions, Section 4 (b) (Records) and Section 8 (a) (Appeals) be revised, such that the amended rules will read as follows:

PART A BOARD TO DETERMINE FITNESS OF BAR APPLICANTS

Section 6. Investigation of Applicants

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(d) Each applicant shall affirmatively pursue Certification of Fitness. In the event of an absence of written communication from an applicant for three years from the date of the most recent communication from the applicant, the Fitness Board shall determine that the file has been abandoned. The applicant's status will be marked as such, and if said applicant wishes to pursue Certification of Fitness, he or she will be required to file a new Application for Certification of Fitness along with the applicable fees in effect at the time of filing.

Section 8. Hearings

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(c) Prior to the hearing, written interrogatories may be served upon any witness not within the state of Georgia. The answers to the written interrogatories and any exhibits submitted with them shall be admissible as evidence at the hearing. At the hearing, the hearing officer shall not be bound to strictly observe the rules of evidence but shall consider all evidence deemed relevant to the specifications and the answers, affirmative defenses and matters in mitigation raised by the Board and the applicant in an effort to discover the truth without undue embarrassment to the applicant; provided, however, the Board's investigatory file with respect to matters not placed in issue by the specifications, answers, affirmative defenses and matters in mitigation shall not be subject to discovery or introduction into evidence. The hearing officer shall make written findings of fact and recommendations to the Board, which, however, shall not be binding upon the Board.

PART B
BOARD OF BAR EXAMINERS

Section 2. Applications for Examinations

(a) An application to take the February administration of the Georgia Bar Examination must be filed with the Office of Bar Admissions not later than the first Wednesday of the preceding January; an application to take the July administration of the Georgia Bar Examination must be filed with the Office of Bar Admissions not later than the first Wednesday of the preceding June. However, any person who was unsuccessful on any examination shall be allowed ten business days from the date of the general announcement of examination results in which to file an application to take the next examination if such announcement falls on, after or within five business days prior to the application deadline provided above, and in those instances where the Board to Determine Fitness of Bar Applicants certifies an applicant as fit to practice law after the deadline for filing an application to take the examination as described above, the applicant shall be allowed ten business days from the date of his or her notification of certification in which to file an application to take the examination.

Section 6. Examinations

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(b) The exam shall consist of three parts: (1) four essay questions prepared and graded by the Board of Bar Examiners; (2) the Multistate Bar Examination prepared and graded by the National Conference of Bar Examiners; and (3) the Multistate Performance Test prepared by the National Conference of Bar Examiners and graded by the Board of Bar Examiners.

(c) Essay questions prepared by the Board of Bar Examiners shall be drawn from the following list of subjects, to wit: Business Organizations; Constitutional Law; Contracts; Criminal Law and Procedure; Evidence; Family Law; Federal Practice and Procedure; Georgia Practice and Procedure; Non-Monetary Remedies; Professional Ethics; Property; Torts; Trusts, Wills and Estates; and the Uniform Commercial Code (Articles 2, 3 & 9).

...

(e) The Multistate Performance Test (MPT) shall consist of two performance items, and the areas of law may involve any subject matter whether covered in the essay questions, Multistate Bar Examination or otherwise.

Section 8. Grading of the Examination and Notification of Results

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(d) A bar applicant who receives a passing score on the Georgia Bar Examination, but who has not met all of the requirements of these **Rules** at the time of the notification of the passing score, shall have three years from the date of the notification to complete the requirements of these **Rules** in order to qualify for certification of eligibility for admission to the practice of law. The Board of Bar Examiners shall not issue a certificate of eligibility for admission to the practice of law to an applicant who has not completed all of the requirements of these **Rules** within three years of the notification that the applicant received a passing score on the Georgia Bar Examination. An applicant who has not completed all of the requirements of these **Rules** within three years of the notification that the applicant received a passing score on the Georgia Bar Examination shall be required to sit for and pass another Georgia Bar Examination in order to be eligible for admission.

Section 14. Certificates of Eligibility For Admission to the Practice of Law

Upon an applicant's passing the bar examination and provided that his or her Certification of Fitness to Practice Law is current and that he or she has met all of the educational and testing requirements of these **Rules**, the Board of Bar Examiners shall issue a certification of eligibility for admission to the practice of law to the applicant. Certification may be in such form as the Board prescribes, including a letter bearing the seal of the Board and signed by the chair of the Board of Bar Examiners, or any member of the Board designated by the chairman or by the Director of Bar

Admissions. The applicant shall deliver an original certificate to the Chief Judge of the circuit in which he or she wishes to be admitted to the Bar. Such certificate shall be valid for one year from the date of issuance. A duplicate original certificate shall not be issued for ten (10) business days following the release date of bar examination results.

Section 15. Duty of Judges After Receiving Certificate of the Board of Bar Examiners

The Judge of the Superior Court, upon receiving the original Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners, shall enter an order in substantially the following form:

“At Chambers, _____ day of _____ 20___. It appearing from the Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners, that _____ is entitled to be licensed to practice law in this State upon taking the oath prescribed by law and paying the usual fee to the Clerk of this Court, it is ordered that upon doing so, the Clerk issue a license, authorizing such applicant to plead and practice law in all the courts of this State, except the Supreme Court and the Court of Appeals, upon compliance with the Rules of the State Bar of Georgia. It is further ordered that the original Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners be filed with the Clerk, and this order and the oath as attorney be entered upon the minutes of this Court.

Judge, Superior Court”

PART C ADMISSION ON MOTION WITHOUT EXAMINATION

Section 2. Eligibility

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(a) Must meet the educational eligibility requirements established in Part B, Section 4 of these **Rules**, including holding a first professional degree in law (JD or LL.B) from a law school approved by the American Bar Association;

Section 3. Definition of Practice of Law

(a) For purposes of this Rule, the “active practice of law” 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 in that jurisdiction; however, in no event shall any activities that were performed in advance of bar admission in some state, territory, or the District of Columbia be accepted toward the durational requirement:

- (1) representation of one or more clients in the practice of law;
- (2) service as a lawyer with a local, state or federal agency, including military service;
- (3) teaching law at a law school approved by the American Bar Association;
- (4) service as a judge in a federal, state or local court of record;
- (5) service as a judicial law clerk; or
- (6) service as in-house counsel provided to the lawyer’s employer or its organizational affiliates.

PART F
GENERAL PROVISIONS

Section 4. Records

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(b) All other information provided by or obtained with respect to an applicant for Certification of Fitness to Practice Law or to stand for 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 the name, applicant identification number, date of birth, Law School Admissions Council (LSAC) number, law school, date J.D. degree conferred, bar passage information (passed, failed, did not sit, results restricted) and total examination attempts may be furnished to the National Conference of Bar Examiners for dissemination for accreditation purposes to the American Bar Association and to the law schools; 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 telephone numbers and e-mail addresses of applicants from their files in the Office of Bar Admissions may be disclosed to the Membership Department of the State Bar of Georgia for registration purposes; and information and records may be disclosed as provided by order of the Court.

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 thirty days of notification that his or her application has been denied by the Board to Determine Fitness of Bar Applicants, or within thirty days of notification of the final determination by the Board of Bar Examiners, 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.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 Clerk