

Rule XVII. ADMISSION TO TILE BAR OF THE STATE OF LOUISIANA

SECTION 1. Committee on Bar Admissions. The Courts constitutional authority to regulate the admission of qualified applicants to the Bar of this state shall be administered by the Committee on Bar Admissions of the Supreme Court of Louisiana.

(A) Composition and Terms. The Committee shall consist of fifteen (15) members of the Bar appointed by the Court on recommendation of the Louisiana State Bar Association. Every member of the Committee shall have been admitted to the Bar of this state for a minimum of five years and shall be a member in good standing during their term of office. The members of the Committee shall be appointed for a term of five years, and may be reappointed for one additional term of five years. No member of the Committee may serve for more than ten years, whether or not such years are consecutive. Subject to this limitation, each member of the Committee shall continue to serve after the expiration of his or her term until a successor has been appointed.

Notwithstanding the aforementioned limitation on reappointment terms and length of service, Committee members who are elected or chosen to the following positions may be reappointed to a third term of five years:

(1) Committee Chair;

(2) Director of Character and Fitness;

(3) Director of Accommodations;

(4) Director of Testing; and

(5) Members of the Testing Committee. [Rule XVII, Section 1(A) amended effective March 30, 2001]

(B) Powers of the Committee. The Committee shall elect its own chair and such other officers as it deems necessary to carry out its duties. All officers shall serve at the pleasure of the Committee. The Committee may adopt internal operating rules and procedures which shall be effective upon approval of the Court.

(C) Assistant Examiners. Upon request of the Committee, the Court may appoint such assistant examiners as the Committee may require. Every assistant examiner shall have been admitted to the Bar of this state for a minimum of five years and shall be a member in good standing during their appointment. Assistant examiners shall serve at the pleasure of the Court.

(D) Law School Faculty Bar Review Courses. No full time member of any law school faculty shall serve as a member of the Committee or as an assistant examiner. No member of the adjunct faculty of any law school shall serve as an examiner or assistant examiner for any examination subject that such person teaches in law school. No person who owns a financial interest in, or who participates in the management of, or who provides instruction or materials for any Bar Review Course shall serve as a member of the Committee or as an assistant examiner.

SECTION 2. Duties of the Committee. The Committee shall:

(A) Receive and review applications for admission to the Bar of this state and the application fee(s) therefor as fixed by the Committee with approval of the Court. The form of such application shall be designated by the Committee.

(B) Inquire into the qualifications of applicants for admission to the Bar of this state, including whether each applicant possesses the good moral character and fitness required to practice law in this state.

(C) Conduct regular written examinations, at least twice per year on dates designated by the chair of the Committee, on such subjects as may be designated by the Committee and approved by the Court.

(D) Report to the Court, in writing, the names of all applicants whom the Committee finds to have met all requirements for admission to the Bar of this state.

(E) Publish, in a manner it deems appropriate, the requirements for admission to the Bar of this state, the dates on which the written examination will be administered each year, the subject(s) of the written examination and the scope of such written examination, and the results of each examination.

SECTION 3. Requisites for Admission to the Bar. Every applicant for admission to the Bar of this state shall meet all of the following requirements:

(A) Have reached the age of 18 years as of the date of admission.

- (B) Be a citizen of the United States or a resident alien thereof.
- (C) Have demonstrated sound mind, good moral character and fitness to practice law in accordance with Section 5 of this Rule.
- (D) Be a graduate of a law school located in the United States or its territories that is accredited by the American Bar Association as of the date on which a juris doctorate or its equivalent is conferred on the applicant. If an applicant is a graduate of a law school that is not located in the United States or its territories, such applicant must submit an application for an equivalency determination in accordance with Section 6 of this Rule.
- (E) Have submitted a written certification of graduation and fitness by the dean or chancellor of the law school from which the applicant graduated.
- (F) Satisfactorily complete the written examination as provided in Sections 7 and 8 of this Rule.
- (G) Submit an application for admission to the Bar and pay the application fee provided in Section 2 and the Appendix of this Rule.

SECTION 4. The Application Process.

(A) Law Student Registration Program.

Every prospective applicant for admission to the Bar of this state who is enrolled in one of the ABA accredited law schools located in this state, shall participate in the Law Student Registration Program administered by the National Conference of Bar Examiners (NCBE). Each prospective applicant shall submit an application to the NCBE and pay the prescribed fee no later than October 1st of the fall semester of the second academic year of law school. The NCBE shall conduct an investigation into the applicant's character and fitness and submit to the Committee a preliminary report of its findings. Any prospective applicant for admission to the Bar of the state who is enrolled in an ABA accredited law school located outside of the state may participate in the Law Student Registration Program administered by the NCBE, in which case the above rule shall apply to said student. [Amended effective November 19, 2002]

(B) Preliminary Report of Adverse Information. Upon receipt of a preliminary report from the NCBE reflecting adversely upon the character and fitness of the applicant to practice law in this state, the Committee shall notify the applicant that, based upon such report, it has made a preliminary determination that if the applicant applies for admission to the Bar, it may not certify the applicant to the Court for admission, and advise the applicant of the adverse information received. Within 30 days of receipt of such notice the applicant may submit a written response to the information received by the Committee. Within 45 days of receipt of any such response, the Committee shall notify the prospective applicant whether the information submitted has caused the Committee to make a preliminary determination that it may certify the prospective applicant for admission. Within 30 days of such notice the applicant may submit a written response or materials to the Committee pertinent to the adverse information.

(C) Application for Admission to the Bar. Supplemental Investigation by National Conference of Bar Examiners.

Applicants applying for the examination administered in July shall on or before February 1st submit an application to the Committee on a form prescribed by the NCBE for a comprehensive investigation and shall submit a check payable to the NCBE for the applicable fee along with the fee approved by the Court payable to the Committee on Bar Admissions.

Applicants may apply for the July examination after the February 1st deadline, provided the application is received by the Committee no later than June 30th. All late applications shall include the required fees payable to the National Conference of Bar Examiners and the Committee on Bar Admissions, and a non-refundable late filing fee of \$500, payable to the Committee on Bar Admissions. Under no circumstances will the Committee process an application to take the July examination, and under no circumstances will the Court grant a petition to take the July examination, if the application is received by the Committee after June 30th.

Applicants applying for the examination administered in February shall on or before November 1st of the year preceding the February bar exam submit an application to the Committee on a form prescribed by the NCBE for a comprehensive investigation and shall submit a check payable to the NCBE for the applicable fee along with the fee approved by the Court payable to the Committee on Bar Admissions.

Applicants may apply for the February examination after the November 1st deadline, provided the application is received by the Committee no later than January 15th. All late applications shall include the required fees payable to the National Conference of Bar Examiners and the Committee on Bar Admissions, and a non-refundable late filing fee of \$500, payable to the Committee on Bar Admissions. Under no circumstances will the Committee process an application to take the February examination, and under no circumstances will the Court grant a petition to take the February examination, if the application is received by the Committee after January 15th.

If the applicant has participated in the Law Student Registration Program, the applicant shall submit a supplemental report to the Committee on a form prescribed by the NCBE in accordance with the deadlines established above and shall submit a check payable to the NCBE for the applicable fee along with the fee approved by the Court payable to the Committee on Bar Admissions.

Applicants who are applying in accordance with Section 8 may apply for a waiver of the requirements of this section by certifying no change in circumstances on a form prescribed by the Committee.

No applicant shall be admitted to the practice of law in Louisiana until a final, satisfactory report of investigation has been received from the National Conference of Bar Examiners, and the Committee certifies the applicant's character and fitness to practice law. [Amended effective November 19, 2002]

(D) Notification of Failure to Meet Requirements. If the Committee determines that the applicant does not meet the requirements of Sections 3, 5 or 6 and that the applicant will not be certified to the Court for admission to the Bar of this state, it shall notify the applicant in writing of such determination and the reason(s) therefor. The applicant may appeal the Committee's determination under the provisions of

Section 9.

(E) Request for Accommodation: Americans with Disabilities Act. Any applicant who requests special accommodations under the Americans with Disabilities Act shall make such request, in writing, to the Committee not less than 90 days prior to the beginning of the written examination for which the accommodation is being requested, and shall provide the Committee with such supporting or corroborating information as the Committee may request. The Committee shall advise the applicant of its decision not less than 10 days prior to the beginning of the written examination.

SECTIONS. Character and Fitness.

(A) Public Policy. The primary purpose of character and fitness screening before admission to the Louisiana State Bar is to assure the protection of the public and to safeguard the administration of justice. The attorney licensing process is incomplete if only testing for minimal legal competence is undertaken. The public is adequately protected only by a system that evaluates character and fitness as those elements relate to the practice of law. The public interest requires that the public be secure in its expectation that those who are admitted to the Bar are worthy of the trust and confidence clients may reasonably place in their attorneys.

(B) Good Moral Character and Fitness: Definitions. The term "Good moral character" includes, but is not limited to, the qualities of honesty, fairness, candor, trustworthiness, observances of fiduciary responsibility and of the laws of the State of Louisiana and of the United States of America, and a respect for the rights of other persons. The term "Fitness" includes, but is not limited to, the mental or emotional suitability of the applicant to practice law in this state. In satisfying the requirements of good moral character and fitness, applicants should be persons whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission.

(C) Good Moral Character and Fitness: Factors and Considerations. While the Committee may consider any factor or circumstance in determining whether or not to further investigate an applicant's character and fitness, any of the following should be considered to be a basis for investigation and inquiry before recommending admissions:

- (1) Arrests or criminal charges, whether or not resulting in a conviction.
- (2) Any unlawful conduct.
- (3) Making or procuring any false or misleading statement or omission of relevant information including any false or misleading statement or omission on the application for admission to the Louisiana State Bar or any amendment or in any testimony or any statement submitted to the Committee.
- (4) Misconduct in employment.
- (5) Acts involving dishonesty, fraud, deceit or misrepresentation.
- (6) Commission of an act constituting the unauthorized practice of law.
- (7) Violation of the honor code of the applicant's law school or any other academic misconduct, including undergraduate.
- (8) Membership in an organization which advocates that the United States Government be overthrown by force, if the applicant indicates a present intent that such be done.
- (9) Abuse of process.
- (10) Litigation.
- (11) Neglect of financial responsibilities.
- (12) Neglect of professional obligations.
- (13) Violation of an order of a Court.
- (14) Military misconduct.
- (15) Evidence of mental or emotional instability.

- (16) Evidence of drug or alcohol misuse, abuse or dependency.
- (17) Denial of admission to the Bar in any other jurisdiction on character and/or fitness grounds.
- (18) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.
- (19) Conviction or a plea of guilty or *Ano contest* to any misdemeanor or felony, including juvenile proceedings.
- (20) Any other conduct which reflects adversely upon the character or fitness of the applicant.

(D) Good Moral Character and Fitness: Past Conduct: Rehabilitation . The Committee shall consider whether or not the past conduct of the applicant is likely to be repeated in the future and whether the applicant's past conduct evidences the applicant's character and fitness to practice law. If the applicant is found to have engaged in conduct which at that time would have constituted grounds for an unfavorable recommendation, then the applicant must affirmatively show that his/her character has been rehabilitated and that such inclination or instability is unlikely to recur in the future. The mere fact that there has been no repeat of any such conduct or other conduct evidencing unfitness to practice law shall not in and of itself be sufficient to constitute rehabilitation or proof of good character.

While the Committee is not limited to the factors it considers or weight it will *give* to prior incidents reflecting upon an applicant's character or fitness, the following factors are deemed important by the Committee in assigning the weight and significance given to prior conduct:

- (1) The applicant's age at the time of the conduct.
- (2) The amount of time which has elapsed since the occurrence of such 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) The applicant's positive social contributions since the conduct.
- (8) The applicant's candor and cooperation in the admissions process.
- (9) The materiality of any omissions or misrepresentations.
- (10) The evidence of rehabilitation.

(E) Good Moral Character and Fitness: Burden of Proof. No applicant shall be recommended by the Committee to the Court for admission to the Bar of this state unless such applicant first produces competent evidence to the Committee that (s)he has good moral character and the fitness necessary to practice law in the State of Louisiana. The burden of proof shall be on the applicant.

(F) Disqualification: Conduct: Relationship to Lawyer Disciplinary Standards. Any conduct of a kind which has been considered by this Court as ground for suspension or revocation of the privilege to practice law may be considered by the Committee as sufficient to recommend denial of an application for admission. If an applicant has at any time committed acts or offenses not constituting a felony or misdemeanor, which would have been grounds for disbarment of a practicing attorney, such applicant shall be required to meet the same standards as a disbarred attorney would be required to meet for readmission in order for the Committee to make a favorable recommendation. The burden of proof shall be on the applicant and the evidence submitted by the applicant and/or reviewed by the Committee must clearly and convincingly establish that the applicant has good moral character and the requisite fitness.

(G) factors not Considered . In determining an applicant's character and fitness to practice law in this state, the Committee shall not consider factors which do not directly bear a reasonable relationship to the practice of law, including, but not limited to, the following impermissible factors:

- (1) The age, sex, race, color, national origin, religion, or sexual orientation of the applicant; or
- (2) A physical disability of the applicant that does not prevent the applicant from performing the essential functions of an attorney.

SECTION 6. Equivalency Determinations.

(A) Application. An applicant who has graduated from a law school that is not located in the United States or its territories must submit an application to the Committee for an equivalency determination. Such application shall be in addition to all other applications required by this Rule. Equivalency applicants who wish to sit for the July bar examination shall submit an equivalency application to the Committee no later than December 1 of the calendar year preceding the July bar examination. Applicants who wish to sit for the February bar examination shall submit an equivalency application no later than August 1 of the calendar year preceding the February bar examination. [Effective November 15, 2000]

(B) Standard Burden of Proof. The applicant shall bear the burden of proving that the legal education of the applicant is equivalent to that of the legal education offered in the United States or its territories by a law school accredited by the American Bar Association. The American Bar Association standards for accreditation of law schools shall be relevant to any equivalency determination.

(C) Equivalency Determination Panel. Subsequent to receiving recommendations from the dean or chancellor of each ABA accredited law school in this state, the Court shall appoint one faculty member from each law school to serve on the Equivalency Determination Panel. Initial appointments shall be for one, two, three, or four year terms of office. Thereafter, terms of office for panel members shall be for four years. No panel member shall serve more than two consecutive terms.

The Committee shall also appoint one of its own members to the panel. The Committee members shall chair the work of the panel, but shall only vote on equivalency applications in the event of a tie vote among the other equivalency determination panel members as to whether or not the applicant has met the burden of proof.

The panel shall consider all requests for equivalency determinations and make recommendations to the Committee as to whether an applicant has met the burden of proof. The panel may require such information from an applicant as it desires to consider each application. The panel shall not be required to hold hearings or personally interview any equivalency applicant. However, the panel may in its discretion require an applicant to make a personal appearance in order for the panel to analyze the equivalency application.

The panel shall consider and act upon all pending equivalency applications for the July bar examination no later than January 15. The panel shall consider and act upon all pending equivalency applications for the February bar examination no later than October 15. The Committee shall notify each applicant, in writing, of the recommendation of the panel and the Committee's decision thereon. [Effective November 15, 2000]

[(D) deleted effective November 19, 2002]

SECTION 7. Written Examination.

The Committee shall administer a written examination, consisting of two parts: the nine-part written examination (Part I) and the Multistate Professional Responsibility Examination (Part II).

(A) The multi-part written examination (Part I) shall consist of separate examinations in the following subjects:

1. Civil Code I
2. Civil Code H
3. Civil Code III
4. Louisiana Code of Civil Procedure
5. Torts
6. Business Entities and Negotiable Instruments
7. Constitutional Law
8. Criminal Law, Procedure and Evidence
9. Federal Jurisdiction and Procedure.

Examinations 1-5 are "Code" examinations; examinations 6-9 are "Non-Code" examinations. The Committee shall designate and publish the scope of each examination and provide such information to each applicant.

An applicant must receive a score of 70 or higher to pass each subject examination in Part I.

An applicant who passes at least seven (7) separate subject examinations, including four (4) Code examinations, passes Part I.

An applicant who passes at least seven (7) separate subject examinations, but who does not pass at least four (4) Code examinations, conditionally fails Part I.

An applicant who passes five (5) or six (6) separate subject examinations, including at least three (3) Code examinations, conditionally fails Part I.

An applicant who passes five (5) or six (6) separate subject examinations, but who does not pass three (3) Code examinations, conditionally fails Part I.

An applicant who passes less than five (5) separate subject examinations fails Part I.

(B) The Multistate Professional Responsibility Examination (MPRE) is administered by the NCBE. An applicant may take the MPRE at any time after successfully completing his/her required law school course work in legal ethics or professional responsibility, and must complete the examination with a passing score prior to and as a condition precedent to admission to the Bar of this state.

An applicant must receive a scaled score of 80 or higher to have passed the MPRE. [Amended November 30, 2000, effective March 1, 2001]

SECTION 8. Re -examination/Time Limits.

(A) Conditional Failure, Part I . An applicant who conditionally fails Part I shall be entitled to sit for those separate subject examinations that were not passed, provided that such applicant shall sit no more than two times for such separate subject examinations. If such applicant shall pass at least seven separate subject examinations, including at least four (4) Code examinations, the applicant shall pass Part I. If an applicant shall fail to pass the requisite separate subject examinations on two additional attempts, or upon the lapse of three years from the date of the first written examination conditionally failed, whichever occurs first, the applicant's conditional failure status shall be removed and the applicant shall be required to take the entire Part I examination.

(B) Failure, Part I . An applicant who fails Part I may reapply to take Part I, but shall not receive credit for any separate subject examination passed during any prior examination.

(C) Reapplication . Every applicant who fails or conditionally fails Part I and who desires to take all or part of the examination must submit the application(s) and pay the fee(s) required by this Rule.

(D) Failure: Time Limitations, Part II . Any applicant who fails to pass Part II of the written examination (MPRE) shall be required to take and pass the examination prior to and as a condition precedent to admission to the Bar of this state.

A passing score for the MPRE (Part II) shall be valid for a period of five (5) years from the date of the examination. However, an applicant who has been admitted to the Bar of another state, passed the MPRE in fulfillment of the Bar admissions requirement(s) of the applicant's state(s) of admission, and complied with the continuing legal education requirements of the applicant's state(s) of admission will be considered to have satisfied the requirement. This limitation shall not be waived by the Committee for an applicant who has not previously passed the MPRE in connection with the admission to the Bar of another state(s) or who has not previously been admitted to the Bar of another state.

SECTION 9. Denial of Eligibility; Appeals.

Upon notice to the applicant by the Committee that an applicant has failed to fulfill one or more of the requirements of Sections 3 or 5, or upon notice to the applicant from the Committee that the equivalency panel has found that applicant's legal education is not equivalent to that received by a graduate of a law school approved by the American Bar Association as required by Section 6, and that the Committee concurs in such finding, the applicant may appeal by petition directly to the Court.

(A) Service on Committee. A copy of the petition of appeal shall be served on the Committee through its chair. Service shall be accomplished by certified mail, return receipt requested. Proof of service shall be filed in the record.

(B) Procedure in Supreme Court. The Court may, in its discretion, without taking further evidence, affirm or reverse the Committee's recommendation, remand to the Committee for further action as the Court instructs, or appoint a Commissioner to take evidence. Should the Court appoint a Commissioner, the procedure shall be as follows:

(1) Commissioner: Qualifications: Powers. The Court may appoint as a Commissioner any sitting or retired judge or any lawyer who has been engaged in the active practice of law as a member in good standing of the Bar for not less than ten (10) years. [amended effective November 1, 1999] The Commissioner shall regulate the proceedings and shall have full authority to examine the parties in the cause upon oath, touching all matters contained in the appeal. The Commissioner may require, by subpoena duces tecum, the production of all books, papers, writings, and other documents applicable thereto, and examine on oath all witnesses produced by the parties. He/she may cause the testimony of absent witnesses to be taken, as hereinafter provided, and direct the place where and the manner in which the matters requiring evidence shall be proved. He/she shall have the right to compel, by subpoena, the attendance of witnesses from any part of the state and, generally, to do all other acts and direct all other inquiries and proceedings in the matters which the Commissioner may deem necessary and proper to the justice and merits of the matter and the rights of the parties. The Commissioner shall have the right to certify parties, members of the Bar, or witnesses, to the Supreme Court for contempt of the Commissioner's authority.

(2) Testimony of Absent Witnesses . If a witness whose testimony is material to the cause resides out of the parish in which the Commissioner maintains his/her practice, the testimony of the witness may be taken according to the forms prescribed by law for the taking of such testimony in civil cases in the district courts of the state; or if the witness resides out of the state or is absent from the state, his or her testimony may be taken in the form of depositions in answer to written interrogatories and cross-interrogatories under a commission, issued by the Commissioner, and directed to a notary public or other officer authorized to administer oaths and take depositions; provided that if the testimony is taken in the form of depositions in answer to written interrogatories, the attorney for the applicant on appeal shall have the right to attend the taking of the testimony and to cross-examine or re-examine the witnesses orally; and provided further, that whether the testimony is to be taken in the form of deposition or written interrogatories, the Commissioner shall fix the time and the place for taking of the testimony.

(3) Report of the Commissioner. Within ninety (90) days of the termination of the proceedings, the Commissioner shall file with the Supreme Court his/her written report, wherein the Commissioner shall state findings of fact and conclusions of law and recommendations as to appropriate action by the Court. A copy of the Commissioner's report shall be provided to the Committee and to the applicant, each of whom shall have thirty (30) days from the time of the filing of the report to file exceptions thereto. If no exceptions are filed by either party, the report may be confirmed by the Court and adopted as its judgment. If exceptions are filed, the matter shall then be set on the Court's summary docket and heard as the Court directs.

(4) Code of Civil Procedure Applicable. Except as otherwise provided herein, the practice before the Commissioner shall conform as near as may be practicable to the procedures for ordinary civil actions before the district courts of this state.

SECTION 10. Bar Admissions Advisory Committee.

(A) Composition. The dean or chancellor of each law school located in this state shall nominate one member of its full time faculty to serve on the Bar Admissions Advisory Committee. The nominees shall be appointed to the Bar Admissions Advisory Committee by order of the Court.

(B) Powers and Duties. The members of the committee shall select one of their number to serve as chair, who shall serve as principal liaison to the Committee on Bar Admissions. The Bar Admissions Advisory Committee shall advise and assist the Committee on Bar Admissions. The Bar Admissions Advisory Committee shall solicit critiques of each written examination from their faculty colleagues and shall provide such critiques to the Committee on Bar Admissions and to the Court. The Bar Admissions Advisory Committee shall attend the regular meetings of the Committee on Bar Admissions and shall perform such other duties as may be requested by the Committee on Bar Admissions or directed by the Court.

SECTION 11. Reciprocity.

No person shall be admitted to the Bar of this state based solely upon the fact that such person is admitted to the Bar of another state or because the laws of another state would grant admission to a member of the Bar of this state. The temporary practice of law in this state by visiting attorneys is governed by statute. The Committee shall have no authority with regard to the practice of law by visiting attorneys.

SECTION 12. Review Procedure for Part I of the Louisiana State Bar Examination

(A) Representative Good Answers

As provided in the *Assistant Examiner Handbook*, published by the Committee on Bar Admissions, Assistant Examiners shall assign a numerical grade for each question and shall post the numerical grade for each question in the margin of the examination booklet. The total numerical grade for an examination shall be written on the cover of the examination booklet. Assistant Examiners are encouraged to write remarks regarding grading in the margins of the examination booklets.

Each Assistant Examiner shall designate a representative good answer for each question graded. The Committee Examiner shall review representative good answers submitted by Assistant Examiners and select a representative good answer for each question on the examination. Representative good answers will be made available to failed applicants only during the review process. Neither the real nor the fictitious name of the author of representative good answers will be revealed.

(B) Review

All failing Part I subject examination booklets will be retained by the Bar Admissions Administrator. Any applicant who fails or conditionally fails Part I shall have the right to review his/her failing examination booklets and the representative good answers for the failed examinations after making a written request. The Committee on Bar Admissions shall designate appropriate dates and deadlines for applicants to request a review of their failed examination booklets and the representative good answers.

The Bar Admissions Administrator shall then send a postcard to each applicant submitting a written request with the date and time for the applicant to review his/her failed examination booklets. The Bar Admissions Administrator shall designate one makeup day for those unable to review failed examination booklets at the assigned time. The Committee shall designate appropriate dates and deadlines for administering the review procedure.

All reviews shall take place at the offices of the Committee on Bar Admissions, or at any other location designated by the Committee. Reviews will be conducted between 8:30 a.m. and 12:00 noon and between 1:00 p.m. and 4:30 p.m. Applicants must complete their review before the close of each session. Applicants must sign a receipt for all examination booklets and representative answers received for review. Applicants will not be allowed to copy or remove any Part I failed examination or representative answers. No person other than the applicant will be allowed to review his/her failed examination booklets or representative answers. No person other than the applicant will be allowed to participate in the review. Applicants must return all examination booklets and representative answers to the monitor before being allowed to sign out. Failure to comply with review procedures will be reported to the Director of Character and Fitness.

The decision of the Committee on Bar Admissions as to whether an applicant has passed or failed a bar examination shall be final.

All failing Part I examination booklets may be destroyed by the committee at any time following the scheduled date of the next bar examination.

No cause of action shall arise in favor of a failed bar applicant as a result of the applicant's exercise of the review rights conferred herein. [Amended effective March 19,2002; amended effective March 28, 2003.]

SECTION 13. *Pro Hoc Vice* Admission

A. Admission in Pending Litigation Before a Court or Agency

1. Definitions

(i) An "out-of-state" attorney is a person not admitted to the bar of this state but who is a member in good standing of the bar of any United States District Court or of the highest court of any state, territory, or insular possession of the United States or of the District of Columbia.

(ii) An out-of-state attorney is "eligible" for admission *pro hoc vice* if the attorney acts in association with an attorney duly licensed to practice law by the Supreme Court of this state as required under Louisiana Revised Statute 37:214 and the out-of-state attorney:

a. lawfully practices solely on behalf of the attorney's employer and its commonly owned organizational affiliates, regardless of where such attorney may reside or work; or

b. neither resides nor is regularly employed at an office in this state; or

c. resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission *pro hoc vice* or in other lawful ways.

(iii) A "client" is a person or entity for which the out-of-state attorney has rendered services or by whom the attorney has been retained prior to the attorney's performance of services in this state.

(iv) An "alternate dispute resolution" ("ADR") proceeding includes all types of arbitration or mediation, and all other forms of alternative dispute resolution, whether arranged by the parties or otherwise.

(v) "This state" refers to the State of Louisiana. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts this rule.

2. Authority of Court or Agency to Permit Appearance By Out-of-State Attorney and In-State Lawyer's Duties Generally

(i) **Court Proceeding** . A court of this state may, in its discretion, admit an eligible out-of-state attorney retained to appear in a particular proceeding pending before such court to appear *pro hoc vice* as counsel in that proceeding.

(ii) **Administrative Agency Proceeding** . If representation of a person in a matter before an agency of this state is limited to licensed attorneys, the agency may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding to appear as counsel in that proceeding *pro hoc vice* .

(iii) **In-State Lawyer's Duties** . When an out-of-state attorney appears for a client in a proceeding pending in this state, either in the role as an attorney of record, or in an advisory or consultative role, any in-state lawyer for that client in the proceeding remains responsible to the client and remains responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to advise the client in the suit of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state attorney.

3. Procedure

(i) **Motion and Verified Application**. The attorney licensed in this state shall file a written *ex part* motion with the court or agency where the proceeding is pending, requesting that the out-of-state attorney be admitted *pro hoc vice* . Appended to the motion shall be an application verified by both the out-of-state counsel and in-state counsel. The motion and application shall be served on all parties who have appeared in the matter and the Louisiana Attorney Disciplinary Board. The motion and application shall include proof of service, and shall include proof of payment to the Disciplinary Board of the fee required by Subpart A4(ii). The court or agency has the discretion to grant or deny the motion and application summarily, and in advance of the twenty day period for objecting allowed by Subpart A3(ii).

(ii) **Objection to Motion** . Within twenty days of service, the Louisiana Attorney Disciplinary Board or any party to the proceeding may file an objection to the motion. The Louisiana Attorney Disciplinary Board or objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The Louisiana Attorney Disciplinary Board or objecting party may seek denial of the motion or modification of it, and may request a hearing on the matter. If the motion has already been granted, the Louisiana Attorney Disciplinary Board or any party may move that the *pro hoc vice* admission be withdrawn.

(iii) Standard for Admission and Revocation of Admission . The courts and agencies of this state have discretion as to whether to grant motions and applications for admission *pro hoc vice*. A motion seeking *pro hoc vice* admission ordinarily should be granted unless the court or agency finds reason to believe:

- a. the admission may be detrimental to the prompt, fair and efficient administration of justice;
- b. the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client(s) the applicant proposes to represent;
- c. one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk;
- d. the applicant has engaged in frequent appearances as to constitute regular practice in this state; or
- e. the applicant attorney is not competent or ethically fit to practice.

(iv) Revocation of Admission . Admission to appear as counsel *pro hoc vice* in a suit may be revoked for any of the reasons listed in subpart A(3)(iii) above, or for any other reason the court or agency, in its discretion, deems appropriate.

4. Application

(i) Required Information . An application shall include the information listed in the form Application for ProHire vice Admission , which is hereby approved for use in applying for *pro hoc vice* admission. The form application is included as Part C of the Appendix to this rule. The applicant may also include any other matters supporting admission *pro hac vice*.

(ii) Application Fee . An applicant for permission to appear as counsel *pro hoc vice* under this rule shall pay a non-refundable fee of \$250.00 to the Louisiana Attorney Disciplinary Board. This fee shall be separate and distinct from any fee which is assessed by the Court or agency in which the application is filed.

(iii) Exemption for Pro Bono Representation . An applicant shall not be required to pay the fee required by subpart. A(4)(ii), above, if the applicant will not charge an attorney fee to the client(s) and is:

- a. Employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs; or
- b. Involved in a criminal case or a habeas proceeding for an indigent defendant

5. Authority of the Louisiana Attorney Disciplinary Board and Court Application of Ethical Rules Discipline Contempt and Sanctions

(i) Authority Over Out-of-State Attorney and Applicant.

a. During pendency of an application for admission *pro hac vice* and upon the granting of such application, an out-of-state attorney submits to the authority of the courts and the Louisiana Attorney Disciplinary Board of this state for all conduct relating in any way to the proceeding in which out-of-state attorney seeks to appear. The applicant or out-of-state attorney who has obtained *pro hac vice* admission in a proceeding submits to this authority for all that attorney's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An applicant or out-of-state attorney who has *pro hac vice* authority for a proceeding may be disciplined in the same manner as an in-state lawyer.

b. The authority of the Courts and the Louisiana Attorney Disciplinary Board referred to in the foregoing section includes, without limitation, the authority under Louisiana Supreme Court Rule XIX, the Rules of Professional Conduct, rules of discipline, contempt and sanctions orders, local court rules, and court policies and procedures.

(ii) Familiarity With Rules. An applicant shall become familiar with the Rules of Professional Conduct, rules of discipline of the Louisiana Attorney Disciplinary Board, local court rules, and policies and procedures of the court or agency before which the applicant seeks to practice.

B. Out-of-State Proceedings, Potential In-State and Out-of-State Proceedings, and All ADR

1. In-State Ancillary Proceeding Related to Pending Out-of-State Proceeding. In connection with proceedings pending outside this

state, an out-of-state attorney admitted to appear in that proceeding may render in this state legal services regarding or in aid of such proceeding.

(i) **Consultation with In-State Lawyer** . An out-of-state attorney may consult in this state with an in-state lawyer concerning the in-state lawyer's client's pending or potential proceeding in this state.

(ii) **Consultation with Potential Client**. At the request of a person in this state contemplating a proceeding or involved in a pending proceeding, irrespective of where the proceeding is located, an out-of-state attorney may consult in this state with that person about that person's possible retention of the out-of-state lawyer in connection with the proceeding.

3. **Preparation for In-State Proceeding** . On behalf of a client in this state or elsewhere, the out-of-state attorney may render legal services in this state in preparation for a potential proceeding to be filed in this state, provided that the out-of-state attorney reasonably believes he/she is eligible for admission *pro hac vice* in this state.

4. **Preparation for Out-of-State Proceeding** . In connection with a potential proceeding to be filed outside this state, an out-of-state attorney may render legal services in this state for a client or potential client located in this state, provided that the out-of-state attorney is admitted or reasonably believes he/she is eligible for admission generally or *pro hac vice* in the jurisdiction where the proceeding is anticipated to be filed.

5. **Services Rendered Outside This State for In-State Client**. An out-of-state attorney may render legal services while the attorney is physically outside this state when requested by a client located within this state in connection with a potential or pending proceeding filed or to be filed in or outside this state.

6. **Alternative Dispute Resolution ("ADR") Procedures** . An out-of-state attorney may render legal services to prepare for and participate in an ADR procedure regardless of where the ADR procedure is expected to take or actually takes place.

7. **No Solicitation** . An out-of-state attorney rendering services in this state in compliance with this rule or here for other reasons is not authorized by anything in this rule to hold himself or herself out, to non-lawyers who have not requested the out-of-state lawyer's presence, as available to assist in potential suits. Nothing in this rule authorizes out-of-state attorneys to solicit, advertise, or otherwise hold themselves out in publications directed solely to this state as available to assist in litigation in this state.

8. **Temporary Practice** . An out-of-state attorney will only be eligible for admission *pro hac vice* or to practice in another lawful way no more than temporarily in this state.

C. **Not the Unauthorized Practice of Law**. The foregoing rendition of legal or other services shall not be deemed the unauthorized practice of law by the out-of-state attorney, even if ultimately no proceeding is filed or if *pro hac vice* admission is ultimately denied. An out-of-state attorney rendering services in this state in compliance with this rule or here for other reasons is not authorized by anything in this rule to hold himself or herself out, to non-lawyers who have not requested the out-of-state lawyer's presence, as available to assist in potential suits.

[Effective August 1, 2004]

Section 14. Limited Admission for **In-House** Counsel [added effective April 1, 2005] [ed. note: see transition rules in Appendix, Part D)

(A) A lawyer admitted and authorized to practice law in another state or territory of the United States may receive a limited license to practice law in this state when the lawyer is employed in Louisiana as a lawyer exclusively for: a corporation, its subsidiaries or affiliates; an association; and/or a business which consists of activities other than the practice of law or the provision of legal services, if the lawyer:

(1) Has filed an application for a limited license pursuant to this Rule with the Committee on Bar Admissions of the Supreme Court of Louisiana containing the following:

(a) A written application in the form prescribed by the Committee;

(b) A sworn statement that either:

(i) no complaints with any disciplinary authority are pending in any jurisdiction and that no charges of professional misconduct are pending against the applicant in any jurisdiction; or

(ii) if any such complaints or charges are pending, full details of the complaints or charges, and the current status of same;

(c) Information which indicates that the applicant meets the requirements' of subparts (A), (B), (C), and

(D) of Rule XVII, Section 3;

(d) An affidavit from an officer, director or general counsel of the applicants employer in this state attesting the fact that the applicant is employed as a lawyer exclusively for the employer, that the applicant is an individual of good moral character, and that the nature of the employment conforms to the requirements of this Rule;

(e) The National Conference of Bar Examiners Character Report.

(i) If the applicant has completed an NCBE character report within three years of the application for limited licensure, the prior report may be submitted in lieu of a new report.

(ii) In the event a prior NCBE report is submitted, the applicant shall also append to the prior report the NCBE Supplemental Character Report.

(f) The non-refundable prescribed application fee set by the Supreme Court of Louisiana;

(2) Otherwise meets the character and fitness requirements of this Rule and the Committee on Bar Admissions of the Supreme Court of Louisiana; and

(3) Receives the recommendation and approval of the Committee on Bar Admissions of the Supreme Court of Louisiana.

(B) The application, affidavits, and other materials, including the report of character and fitness, shall be reviewed by the Committee on Bar Admissions of the Supreme Court of Louisiana. The Louisiana Supreme Court, in its discretion, may issue the limited license to practice law in the State of Louisiana based on the recommendations and approval of the Committee on Bar Admissions.

(C) Licensure pursuant to the Rule is not a matter of right and shall be granted only in those cases where the public interest, considering the character, background and employment of the applicant, is furthered by issuing a license. In the event the Committee does not recommend the limited licensure of an applicant, the applicant may then appeal in accordance with Rule XVII, Section 9.

(D) The license issued pursuant to this Rule only authorizes the lawyer to practice exclusively for the employer filing the affidavit required by subpart (A)(1)(d) of this rule. Nothing in this rule or in this subpart shall be deemed to allow court appearances by any lawyer who has been issued a limited license pursuant to this rule. Any such appearance, or contemplated appearance, by a lawyer who has been issued a limited license pursuant to this rule shall be governed by rules and procedures applicable to *pro hac vice* admission.

(E) A limited license issued pursuant to this Rule shall be valid for four years from the date of issuance. The license is automatically terminated if the lawyer is admitted to the practice of law pursuant to any other provisions of Rule XVII. The license is automatically suspended if the lawyer's employment by the employer filing the affidavit required by subpart (A)(1)(d) of this rule is terminated. If a lawyer's employment is terminated but the lawyer is immediately thereafter employed by an employer filing the affidavit required by subpart (A)(1)(d) of this rule, the limited license shall be reinstated for the remainder of the period of four years from the date the license originally was issued.

(F) A limited license issued pursuant to this Rule may be renewed for a successive four year period by filing the written application required by the Committee. The application shall be filed at least ninety days prior to the expiration of the current license. For good cause shown, the Court may permit the late filing of an application. The application shall include at least the following:

(1) The licensee's sworn statement that no complaints with any disciplinary authority are pending and that no charges of professional misconduct are pending against the licensee in any jurisdiction. Alternatively, if any such complaints or charges are pending or any disciplinary action has been taken against the licensee in any jurisdiction, full details of the complaint and charges, the current status of the complaint or charges, and the disposition thereof, if not currently pending, shall be set forth;

(2) An affidavit from an officer; director or general counsel of the licensee's employer in this state attesting the fact that the licensee remains employed as a lawyer exclusively for the employer and that the nature of the employment continues to conform to the requirements of this Rule;

(3) An affidavit from the licensee setting forth any changes in information from that provided in his or her immediately preceding application pursuant to this Rule or attesting that there are no such changes;

(4) The NCBE Supplemental Character Report;

(5) The application for renewal shall be accompanied by the non-refundable fee approved by the Court.

(G) A lawyer admitted pursuant to this Rule is required to pay the annual Disciplinary Assessment required of attorneys admitted to practice three years or more pursuant to La. S. Ct. Rule XIX, Section 8; and Louisiana State Bar Association annual dues pursuant to Article V of the Articles of Incorporation of the Louisiana State Bar Association during the period of the limited license.

(I-) A lawyer admitted pursuant to this rule shall be subject to the Louisiana Rules of Professional Conduct and to the disciplinary authority of the courts and the Louisiana Attorney Disciplinary Board.

(I) A lawyer admitted pursuant to this rule shall comply with the annual registration requirements contained in Louisiana Supreme Court Rule XIX, §8.

(J) A lawyer admitted pursuant to this Rule is required to meet the continuing legal education requirements specified in La. S. CL. Rule XXX.

PART II. An appendix to Rule XVII of the Rules of the Supreme Court of Louisiana is hereby enacted to read as follows:

APPENDIX

Part A. Bar Admission Fees

The following fees relating to admission to the Louisiana State Bar Association are hereby approved:

I. Fee to be paid to the Committee on Bar Admissions - \$300.

II. Any and all fees assessed by the National Conference of Bar Examiners.

III. Additional fee to be paid to the Committee on Bar Admissions by bar applicants who were enrolled in one of the ABA accredited law schools in this state, and who could have, but did not, participate in the Law Student Registration Program - \$175.

[Added effective November 19, 2002, amended effective January 1, 2003.]

Part B. Transition Rules

1. Law Student Registration Program - Section 4(A) shall initially apply to law students entering the second year of law school in Fall 1999. An Application packet may be obtained from the Administrator of the Committee on Bar Admissions. The Application Packet must be completed and returned to the Administrator of the Committee on Bar Admissions in accordance with Section 4(A). Section 4(A) shall not be applicable to law students entering the third year of law school in Fall 1999.

2. Application for Admission to the Bar - Section 4(C) shall initially apply to applicants for the bar examination to be administered in February, 2000. Application Packets may be obtained from the Administrator of the Committee on Bar Admissions and must be submitted to the Administrator no later than November 1, 1999. Applicants for the bar examination to be administered in July 2000 shall obtain and submit Application Packets not later than February 1, 2000. Thereafter applicants who have participated in the Law Student Registration Program shall submit a supplemental report in accordance with Section 4(C). [added May 6, 1999 to become effective August 1, 1999.]

PART III. These amendments shall become effective on August 1, 1999, and shall remain in full force and effect thereafter until amended or changed under the authority of future orders of this Court.

Part C. Application for Pro Hac Vice Admission in Louisiana

Part D. Transitional Rules Pertaining to In-House Counsel Rule [effective April 1, 2005]

Section 1. No lawyer who is acting or has acted as in-house counsel in this state on or prior to the effective date of the in-house counsel rule shall be denied admission pursuant to this rule solely because of the lawyer's failure to otherwise seek admission under this rule if an application pursuant to this rule is filed prior to July 1, 2005. Failure to apply prior to July 1, 2005 may be grounds for the denial of an application.

Section 2. The following fees relating to the limited admission of in-house counsel in Louisiana be and are hereby approved:

I. Application fee to be paid to the Committee on Bar Admissions - \$300.00

II. Any and all fees assessed by the National Conference of Bar Examiners

Section 3. Lawyers subject to the in-house counsel rule shall first be required to pay the annual disciplinary assessment, annual Bar Association dues, and comply with the annual registration requirement for the period beginning on July 1, 2005. All persons who are subject to the in-house counsel rule shall comply with continuing legal education requirements for calendar year 2005 and thereafter.

Section 4. These Rules shall be enacted and published as Part D of the Appendix to Louisiana Supreme Court Rule XVII.