

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

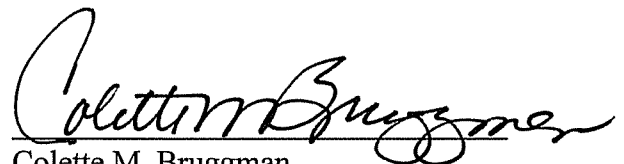
ORDER OF ADOPTION
Supreme Court No. 20080262

Proposed Amendments to the North Dakota Admission to Practice Rules

On May 13, 2008, the State Board of Law Examiners filed proposed amendments to the North Dakota Admission to Practice Rules. The proposed amendments with technical corrections were forwarded to the Joint Committee on Attorney Standards for review. The Joint Committee on Attorney Standards approved the proposed amendments and returned them on October 2, 2008, with the State Bar Association's Board of Governor's support, for submission to the Supreme Court. The Supreme Court issued a Notice of Comment on October 15, 2008, which permitted written comments to be filed by November 17, 2008. All comments received were submitted to the Court. The Court considered the matter, and

ORDERED, that the proposed amendments to the North Dakota Admission to Practice Rules, as further amended by the Court, are ADOPTED effective March 1, 2009.

The Supreme Court of the State of North Dakota convened December 10, 2008, with the Honorable Gerald W. VandeWalle, Chief Justice, and the Honorable Dale V. Sandstrom, the Honorable Mary Muehlen Maring, the Honorable Carol Ronning Kapsner, the Honorable Daniel J. Crothers, Justices, directing the Chief Deputy Clerk of the Supreme Court to enter the above order.



Colette M. Bruggman
Chief Deputy Clerk
North Dakota Supreme Court

ADMISSION TO PRACTICE RULES

Rule 1. General Requirements for Admission

A. No person may be admitted to practice as an attorney and counselor at law in this state unless the person:

1. is at least eighteen (18) years of age;
2. is of good moral character and fit to practice law;

~~a. The State Board of Law Examiners will determine that an applicant's moral character is such as permits a positive recommendation when the applicant's record of conduct indicates that the applicant is presently honest, trustworthy, diligent, and reliable. Those traits in an applicant suggest that the applicant is one who, if otherwise admissible, will properly perform the obligations a member of the bar owes to clients, the courts, opposing parties and counsel, and the public generally. It is the duty of the applicant to supply information sufficient to enable the Board to review the applicant's conduct.~~

~~b. When an applicant's record of conduct includes inappropriate behavior - such as, for example, an instance of any of the items listed below - the Board will make further inquiry before deciding whether the applicant possesses the good moral character and fitness to practice law required for a positive recommendation:~~

- ~~(1) unlawful conduct;~~
- ~~(2) academic misconduct;~~
- ~~(3) making false statements;~~
- ~~(4) misconduct in employment;~~
- ~~(5) acts involving dishonesty, fraud, deceit or misrepresentation;~~
- ~~(6) abuse of legal process;~~
- ~~(7) neglect of financial responsibilities;~~
- ~~(8) neglect of professional obligations;~~
- ~~(9) violation of an order of a court;~~
- ~~(10) evidence of mental or emotional instability;~~

- 28 ~~(11) evidence of drug or alcohol dependency;~~
29 ~~(12) denial of admission to the bar in another jurisdiction;~~
30 ~~(13) disciplinary action by a lawyer disciplinary agency or other professional agency~~
31 ~~of any jurisdiction.~~

32 ~~c. In determining whether the present moral character and fitness of an applicant~~
33 ~~qualifies her or him for a positive recommendation, the Board will assess the weight~~
34 ~~and significance of any inappropriate conduct by considering the following factors:~~

- 35 ~~(1) the applicant's age at the time of the conduct;~~
36 ~~(2) the recentness of the conduct;~~
37 ~~(3) the reliability of the information concerning the conduct;~~
38 ~~(4) the seriousness of the conduct;~~
39 ~~(5) the factors underlying the conduct;~~
40 ~~(6) the cumulative effect of conduct or information;~~
41 ~~(7) the evidence of rehabilitation;~~
42 ~~(8) the applicant's positive social contributions since the conduct;~~
43 ~~(9) the applicant's candor in the admissions process;~~
44 ~~(10) the materiality of any omissions or misrepresentations.~~

45 ~~d. The Board may employ such assistance in conducting the character and fitness~~
46 ~~investigation as it deems necessary, including a character report by the National~~
47 ~~Conference of Bar Examiners or further investigation by the Character and Fitness~~
48 ~~Committee.~~

49 ~~e. At any stage of the registration or application proceedings, the Board may request the~~
50 ~~applicant to appear before it or a designated Board member to answer any questions.~~

- 51 3. has designated the Clerk of the Supreme Court as the applicant's agent for service of
52 process for all purposes;
53 4. has received a juris doctor or equivalent degree from a law school approved or
54 provisionally approved for accreditation by the American Bar Association;
55 5. has complied with either Rule 6 or Rule 7; and

56 6. has taken the oath and pledge required by Section 27-11-20, North Dakota Century Code;
57 and

58 67. has paid all required fees.

59 B. Duty to Cooperate. An applicant has the duty to cooperate with the State Board of Law
60 Examiners (Board) by timely complying with requests, including requests to:

61 1. provide complete information, documents and signed authorizations for release of
62 information;

63 2. obtain reports or other information necessary for the Board to properly evaluate the
64 applicant's character and fitness to practice law; and

65 3. appear for interview to determine eligibility for admission or facilitate the background
66 investigation.

67 An applicant shall not discourage a person from providing information to the Board or
68 retaliate against a person for providing information to the Board.

69 An applicant who violates this rule may be denied an opportunity to test or may be denied
70 admission.

71 C. Continuing Obligation.

72 1. An applicant has a continuing obligation to update the application with respect to all
73 matters inquired of on the application. This obligation continues during the pendency of
74 the application, including the period when the matter is on review to the Board or the
75 Supreme Court.

76 2. Whenever a attorney admitted to practice in this state moves from the address listed in
77 the Board of Law Examiners records or when the name of a attorney is changed by
78 marriage or otherwise, that attorney shall within ten days thereafter notify the Board or
79 the Clerk of the Supreme Court, in writing, of that person's old and new addresses or of
80 such former and new names held by that attorney.

81
82 **Rule 2. Character and Fitness Committee Standards for Admission**

83 A. Essential Eligibility Requirements. Applicants must meet the following essential eligibility
84 requirements for the practice of law:

1. The ability to be honest and candid with clients, attorneys, courts, the Board, and others;
2. The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
3. The ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;
4. The ability to use good judgment on behalf of clients and in conducting one's professional business;
5. The ability to conduct oneself with respect for and in accordance with the law;
6. The ability to avoid acts which exhibit disregard for the rights or welfare of others;
7. The ability to comply with the requirements of the North Dakota Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a Court or tribunal;
8. The ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts, and others;
9. The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
10. The ability to comply with deadlines and time constraints.

B. Character and Fitness Standards and Investigation

1. The applicant shall have the burden of proving that the applicant possesses good moral character and fitness to practice law.
 - a. The Board shall determine whether an applicant's moral character is such as permits a positive recommendation when the applicant's record of conduct indicates that the applicant is presently honest, trustworthy, diligent, and reliable.
 - b. The Board shall determine whether an applicant possesses the present fitness to carry out professional duties to clients, courts and the profession. Fitness involves the assessment of mental and emotional health as it affects the competence of a prospective attorney. An applicant may be of good moral character, but may be incapacitated from proper discharge of the duties as an attorney by a mental or emotional illness or condition.

- c. When an applicant's record of conduct includes inappropriate behavior - such as, for example, an instance of any of the items listed below - the Board will make further inquiry before deciding whether the applicant possesses the good moral character and fitness to practice law required for a positive recommendation:
- (1) unlawful conduct;
 - (2) academic misconduct;
 - (3) making false statements;
 - (4) misconduct in employment;
 - (5) acts involving dishonesty, fraud, deceit or misrepresentation;
 - (6) abuse of legal process;
 - (7) neglect of financial responsibilities;
 - (8) neglect of professional obligations;
 - (9) violation of an order of a court;
 - (10) evidence of mental or emotional instability;
 - (11) evidence of drug or alcohol dependency;
 - (12) denial of admission to the bar in another jurisdiction;
 - (13) disciplinary action by a attorney disciplinary agency or other professional agency of any jurisdiction.
- d. In determining whether the present moral character and fitness of an applicant qualifies the applicant for a positive recommendation, the Board will assess the weight and significance of any inappropriate conduct by considering the following factors:
- (1) the applicant's age at the time of the conduct;
 - (2) the recentness 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 conduct or information;
 - (7) the evidence of rehabilitation;

143 (8) the applicant's positive social contributions since the conduct;

144 (9) the applicant's candor in the admissions process;

145 (10) the materiality of any omissions or misrepresentations.

146 2. The Board may employ such assistance in conducting the character and fitness
147 investigation as it deems necessary, including a character report by the National
148 Conference of Bar Examiners or further investigation by the Character and Fitness
149 Committee.

150 3. At any stage of the registration or application proceedings, the Board may request the
151 applicant to appear before it or a designated Board member to answer any questions.

152 C. Independent Evaluation. The Board may require further evidence of an applicant's mental
153 stability and fitness to practice law reasonably related to the standards for admission, which
154 may require the applicant to undergo an independent evaluation by a licensed professional
155 selected by the Board. The applicant shall be required to complete any necessary releases to
156 facilitate the evaluation. The Board shall request a written report from the professional,
157 including results of all tests made, diagnoses and conclusions. A copy of the report shall be
158 provided to the applicant when the Board receives the report. The cost of any independent
159 evaluation required under this Rule shall be the responsibility of the Board.

160 D. Character and Fitness Committee. To assist the Board in conducting such character and
161 fitness investigation as it deems necessary, the Board may appoint a Character and Fitness
162 Committee.

163 ~~A1.~~ The Committee shall consist of five persons no more than three of whom may be lawyers
164 attorneys currently licensed to practice law in North Dakota. Committee members shall
165 be appointed to five-year terms from a list of nominees submitted by the State Bar
166 Association on an annual basis. Upon the initial appointment of the Committee, its
167 members shall determine by lot the term length of each member. From its members, on
168 an annual basis, the Board shall select a Chairperson. Committee members shall serve
169 without compensation except that they shall be reimbursed their actual expenses incurred
170 in attending Committee meetings.
171

172 B2. The Character and Fitness Committee shall investigate issues concerning the moral
173 character and fitness and moral qualifications of a registrant or an applicant for admission
174 ~~upon the request of~~ as referred by the Board. Upon receipt of such a request referral,
175 accompanied by all information regarding the registrant or applicant as obtained by the
176 Board, the Character and Fitness Committee shall review the information and conduct
177 such additional investigation as it deems necessary in order to make its report its findings
178 ~~and recommendations~~ to the Board. The Committee shall conduct a personal interview
179 with the registrant or applicant regarding the issues referred by the Board in order to
180 ~~determine whether, considering all information in the possession of the Board, the~~
181 ~~registrant or applicant possesses the requisite character, fitness and moral qualifications~~
182 ~~for admission to the bar.~~

183 C3. The Character and Fitness Committee shall consider the issues referred by the Board
184 ~~determine a registrant's or an applicant's character, fitness and moral qualifications in~~
185 accordance with:

186 1a. The provisions of this Rule; and

187 2. ~~The provisions of Rule 1.A.2.~~

188 3b. The applicable decisions of the Supreme Court of North Dakota and the Supreme Court
189 of the United States.

190 D4. Upon completion of the investigation the Committee shall submit to the Board its written
191 report findings and recommendations concerning the ~~registrant's or applicant's character,~~
192 ~~fitness and moral qualifications~~ issues referred by the Board. After review by the Board,
193 a copy of the report shall be forwarded to the applicant only if the Board recommends a
194 conditional admission or makes a negative recommendation.

195 E. Reapplication and Rehabilitation. Any applicant who receives a negative recommendation
196 for admission based on the lack of moral character and/or fitness that has been accepted by
197 the Supreme Court, may reapply for admission by filing a new application two years after the
198 date of the Board's negative recommendation or such other period as may be set by the Board
199 or the Court. The applicant shall produce clear and convincing evidence of the applicant's
200 rehabilitation and present moral character and fitness to practice law.

Rule 3. Pro Hac Vice Admission and Registration of Nonresident Attorneys

A. Pro Hac Vice Admission. Pro hac vice admission is required for all nonresident attorneys admitted and licensed to practice law in another state or the District of Columbia, but not licensed in North Dakota, and who engage in the practice of law in this state by appearing, either in person, by signing pleadings, or by being designated as counsel in actions filed in state courts, administrative agencies, or tribunals.

1. Filing Requirements.

a. A nonresident attorney may occasionally be permitted to appear as counsel in an action in a trial court of this state or before an administrative agency or tribunal in this state if the attorney first:

(1) designates an associate attorney admitted and licensed to practice law in this state;

(2) files a motion requesting permission to appear and an affidavit in support of the motion with the clerk of the trial court, the hearing officer of the administrative agency matter, or the presiding officer of the tribunal;

(3) files a copy of the motion and affidavit with the State Board of Law Examiners at the same time they are filed with the appropriate individual identified in Section A(1)(a)(2);

(4) remits to the State Board of Law Examiners the fee required for an attorney who has been licensed in this state for five years or more or certifies the attorney has paid the fee to the State Board of Law Examiners during that calendar year; and

(5) obtains permission from the court, hearing officer, or presiding officer.

b. In the affidavit in support of the motion requesting permission to appear in a North Dakota action, the nonresident attorney must state:

(1) the jurisdictions in which the attorney is admitted to practice law and the number of years admitted;

(2) whether the attorney is presently subject to a disciplinary proceeding in any jurisdiction;

229 (3) whether the attorney is under any restriction or probation in the practice of law in
230 any jurisdiction in which the attorney is licensed;

231 (4) whether the attorney is now or has ever been suspended or disbarred from a court
232 in any jurisdiction; and

233 (5) the number of North Dakota actions in which the nonresident attorney has
234 appeared during the prior three years, and whether the attorney has ever registered
235 under this rule.

236 2. The motion requesting permission to appear must be filed no later than 45 days after
237 service of the pleading, motion, or other paper.

238 3. Names and Appearances. The name and address of the associate attorney must be
239 shown on all papers served and filed. The associate attorney shall appear personally
240 and, unless excused by the court, hearing officer, or presiding officer, remain in
241 attendance with the nonresident attorney in all appearances before the court,
242 administrative agency, or tribunal.

243 4. Frequency of Motions. Separate permission is required for each action in which a
244 nonresident attorney appears in a North Dakota state court proceeding, before an
245 administrative agency, or before another tribunal in the state.

246 5. Appeal.

247 a. If an attorney desires to appear in a proceeding before a North Dakota appellate court,
248 and the attorney obtained permission to appear in a proceeding involving the same
249 action in a North Dakota state trial court, administrative agency, or tribunal, the
250 attorney only needs to file an updated affidavit with the Clerk of the Supreme Court.
251 An additional filing fee is not required to be remitted to the State Board of Law
252 Examiners, unless it is a new calendar year.

253 b. If an attorney desires to appear in a proceeding before a North Dakota appellate court,
254 and the attorney did not obtain permission to appear in a proceeding involving the
255 same action in a North Dakota state trial court, administrative agency, or tribunal, the
256 attorney shall file a motion and affidavit with the Clerk of the Supreme Court

requesting permission to appear. The motion, affidavit, and fee must be submitted as otherwise provided in Section A(1).

B. Registration. A nonresident attorney must register under this section if the attorney represents a client in an alternative dispute resolution process in this state or is employed in North Dakota as in-house counsel exclusively for a corporation or its subsidiaries or affiliates, an association, or a business whose lawful activities are other than the practice of law or the provision of legal services. The attorney must be admitted and licensed to practice law in another state or the District of Columbia, but not licensed in North Dakota, and, except for the time requirements in Rule 7A, must be otherwise qualified for admission to the practice of law in this state.

1. Registration Requirements. An attorney must file with the State Board of Law Examiners the following:

a. An affidavit requesting permission to render legal services in North Dakota for the calendar year as in-house counsel or by representing a client in an alternative dispute resolution process and stating:

(1) the jurisdictions in which the attorney is admitted to practice law and the number of years of admission;

(2) whether the attorney is presently subject to a disciplinary proceeding in any jurisdiction;

(3) whether the attorney is under any restriction or probation in the practice of law in any jurisdiction in which the attorney is licensed;

(4) whether the attorney is now or has ever been suspended or disbarred in any jurisdiction; and

(5) whether the attorney has appeared in any North Dakota actions based on pro hac vice admission during the past three years, and how many years the attorney previously registered under this rule.

b. With respect to an attorney registering as in-house counsel, an affidavit from an officer, director or general counsel of the attorney's employer in this state attesting that the registrant is employed as an attorney exclusively for the employer, that the

registrant is an individual of good moral character, and that the nature of the employment qualifies the attorney for registration under this rule. With respect to an attorney registering to represent a client in an alternative dispute resolution process, a letter from the disciplinary authority in each jurisdiction in which the attorney is admitted indicating the attorney is in good standing in the jurisdiction.

c. The fee required for an attorney who has been licensed in this state for five years or more.

2. Frequency of Registration. Registration is required for each calendar year in which a nonresident attorney provides legal services in this state as provided in this rule and N.D.R. Prof. Conduct 5.5.

3. Continuing Legal Education Requirements. Each nonresident attorney who is registered as in-house counsel under this section must complete not fewer than 45 hours of approved coursework in Continuing Legal Education during each three-year period the attorney is registered and must file a report as provided in the North Dakota Rules for Continuing Legal Education.

4. Limitation on Registration. A nonresident attorney may provide legal services under this rule for 5 years or until the attorney becomes eligible for admission based on practice as provided by Rule 7A, whichever is earlier. After that time, the attorney must apply for and be admitted to the practice of law in North Dakota to provide any legal services in this state.

5. Automatic Termination of Registration. Permission to render legal services based on registration expires at the end of each calendar year, if employment by the employer filing the affidavit required by this rule is terminated, or if the nonresident attorney becomes eligible for admission under Rule 7A.

6. Pro Hac Vice Admission Separate. If a nonresident attorney registered as in-house counsel under this section desires to appear, either in person, by signing pleadings, or by being designated as counsel in actions filed in courts, administrative agencies, or other tribunals in this state, a separate motion for pro hac vice admission is required under this

rule. However, a separate fee is not required, provided in-house counsel has registered under this rule.

C. Ineligibility for Pro Hac Vice Admission or Registration. A nonresident attorney who is currently under suspension, disbarment, or license restriction in any jurisdiction is not eligible for pro hac vice admission or registration under this rule.

D. Use of Fees. Fees collected by the State Board of Law Examiners under this rule must be distributed in the manner provided for the distribution of license fees under N.D.C.C. Section 27-12-04 .

EXPLANATORY NOTE

Rule 3 was amended, effective March 1, 2005, to incorporate N.D.R.Ct. 11.1, with modifications, and provide for pro hac vice admission for all adjudicative proceedings and for registration of in-house counsel and nonresident attorneys representing clients in alternative dispute resolution proceedings.

This rule is not limited to an appearance in a North Dakota state court action.

Under this rule, an appearance is not limited to actual physical presence in a court action. An attorney also makes an appearance by signing or otherwise being designated as counsel on a pleading, motion, or other paper served or filed in an action venued in a North Dakota state court, administrative agency, or other tribunal.

Section A(2) of this rule requires a motion for permission to appear to be filed within 45 days of service of a pleading, motion, or other paper. If an action is commenced by service, an attorney should be aware that the action must be filed before the attorney moves for permission to appear. If the action settles before it is filed, a motion requesting permission to appear does not need to be filed.

An attorney seeking to take a deposition within the state of North Dakota for an action pending in another jurisdiction must comply with N.D.R. Prof. Conduct 5.5.

SOURCES: Joint Procedure Committee Minutes of May 6-7, 1999, pages 2-7; January 28-29, 1999, pages 13-16; November 7-8, 1991, page 6; October 25-26, 1990, page 19; June 21, 1984, pages 1-2; Joint Committee on Attorney Standards Minutes of June 24, 2003, pgs. 5-8; September 25, 2003, pgs. 2-8; November 14, 2003, pgs. 2-6; February 27, 2004, pgs. 3-5; and April 16, 2004, pgs. 1-6.

CROSS REFERENCE: N.D.R. Prof. Conduct 5.5.

SUPERSEDED: N.D.R. Ct. 11.1.

Rule 4. Licensing and Practice of Foreign Legal Consultants

A. General Regulation as to Licensing. In its discretion, the Supreme Court may license to practice in this State as a foreign legal consultant, without examination, an applicant who:

1. is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as ~~lawyers~~ attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;
2. for at least five of the seven years immediately preceding application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;
3. possesses the good moral character and general fitness requisite for a member of the bar of this State; and
4. intends to practice as a foreign legal consultant in this State and to maintain an office in this State for that purpose.

B. Application. An applicant under this Rule shall file, with the State Board of Law Examiners, an application for a foreign legal consultant license, which must include all of the following:

1. a certificate from the professional body or public authority having final jurisdiction over professional discipline in the foreign county in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as ~~an lawyer~~ an attorney or counselor at law or the equivalent;
2. a letter of recommendation from one of the members of the executive body of the professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of the foreign country in which the applicant is admitted;
3. duly authenticated English translations of the certificate required by Section B(1) of this Rule and the letter required by Section B(2) of this Rule if they are not in English;

380 4. other evidence as the Supreme Court may require regarding the applicant's educational
381 and professional qualifications, good moral character and general fitness, and compliance
382 with the requirements of Section A of this Rule; and

383 5. an application fee ~~as set by the Supreme Court~~ equivalent to that paid by motion
384 applicants under Rule 7.

385 C. Scope of Practice. A person licensed to practice as a foreign legal consultant under this Rule
386 may render legal services in this State but shall not be considered admitted to practice law in
387 this State, or in any way hold himself or herself out as a member of the bar of this State, or
388 do any of the following:

389 1. appear as an ~~lawyer~~ attorney on behalf of another person in any court, or before any
390 magistrate or other judicial officer, in this State (except when admitted *pro hac vice*
391 pursuant to Rule 3A of the Admission to Practice Rules);

392 2. prepare any instrument effecting the transfer or registration of title to real estate located
393 in the United States of America;

394 3. prepare:

395 a. any will or trust instrument effecting the disposition on death of any property located
396 in and owned by a resident of the United States of America, or

397 b. any instrument relating to the administration of a decedent's estate in the United
398 States of America;

399 4. prepare any instrument in respect of the marital or parental relations, rights or duties of a
400 resident of the United States of America, or the custody or care of the children of the
401 resident;

402 5. render professional legal advice on the law of this State or of the United States of
403 America (whether rendered incident to the preparation of legal instruments or otherwise)
404 except on the basis of advice from a person duly qualified and entitled (other than by
405 virtue of having been licensed under this Rule) to render professional legal advice in this
406 State; or

407 6. carry on a practice under, or utilize in connection with such practice, any name, title, or
408 designation other than one or more of the following:

- a. the foreign legal consultant's own name;
- b. the name of the law firm with which the foreign legal consultant is affiliated;
- c. the foreign legal consultant's authorized title in the foreign country where admitted to practice, which may be used in conjunction with the name of the country; and
- d. the title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country where admitted to practice]".

D. Rights and Obligations. Subject to the limitations set forth in Section C of this Rule, a person licensed under this Rule is considered a foreign legal consultant affiliated with the bar of this State and is entitled and subject to:

- 1. the rights and obligations set forth in the North Dakota Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this State; and
- 2. the rights and obligations of a member of the bar of this State with respect to:
 - a. affiliation in the same law firm with one or more members of the bar of this State, including by:
 - (1) employing one or more members of the bar of this State;
 - (2) being employed by one or more members of the bar of this State or by any partnership or professional corporation that includes members of the bar of this State or that maintains an office in this State; and
 - (3) being a partner in any partnership or shareholder in any professional corporation that includes members of the bar of this State or that maintains an office in this State; and
 - b. attorney-client privilege, work-product privilege and similar professional privileges.

E. Discipline. A person licensed to practice as a foreign legal consultant under this Rule is subject to professional discipline in the same manner and to the same extent as members of the bar of this State. To this end:

- 1. Every person licensed to practice as a legal consultant under this Rule:

- 437 a. is subject to the jurisdiction of the Supreme Court and to censure, suspension,
438 removal or revocation of the person's license to practice by the Supreme Court and is
439 otherwise governed by the North Dakota Rules of Professional Conduct; and
- 440 b. shall execute and file with the Supreme Court, in the form and manner as the court
441 may prescribe:
- 442 (1) a commitment to observe the North Dakota Rules of Professional Conduct to the
443 extent applicable to the legal services authorized under Section C of this Rule;
- 444 (2) a written undertaking to notify the court of any change in the foreign legal
445 consultant's good standing as a member of the foreign legal profession referred to
446 in Section A(1) of this Rule and of any final action of the professional body or
447 public authority referred to in Section B(1) of this Rule imposing any disciplinary
448 censure, suspension, or other sanction upon the foreign legal consultant; and
- 449 (3) a duly acknowledged instrument, in writing, providing the foreign legal
450 consultant's address in this State and designating the Clerk of the Supreme Court
451 as the consultant's agent for service of process. The foreign legal consultant shall
452 keep the clerk advised in writing of any changes of address in this State. In any
453 action or proceeding brought against the foreign legal consultant and arising out
454 of or based upon any legal services rendered or offered to be rendered by the
455 consultant within or to residents of this State, service shall first be attempted
456 upon the consultant at the most recent address filed with the clerk. Whenever
457 after due diligence service cannot be made upon the foreign legal consultant at
458 that address service may be made upon the clerk. Service made upon the clerk in
459 accordance with this provision is effective as if service had been made personally
460 upon the foreign legal consultant.
- 461 2. Service of process on the clerk, pursuant to the designation filed under Section
462 E(1)(b)(3), must be made by personally delivering to the clerk's office, and leaving
463 with the clerk or with a deputy or assistant authorized by the clerk to receive service,
464 duplicate copies of the process together with a fee of \$10. The clerk shall promptly
465 send one copy to the foreign legal consultant to whom the process is directed, by

certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent address provided in accordance with Section E(1)(b)(3).

F. Annual Fee. A person licensed as a foreign legal consultant shall pay an annual fee ~~as set by the Supreme Court~~ equivalent to the fee required for an attorney who has been licensed in this state for five years or more. Fees collected by the State Board of Law Examiners under this rule must be distributed in the manner provided for the distribution of license fees under N.D.C.C. Section 27-12-04.

G. Revocation of License. If the Supreme Court determines that a person licensed as a foreign legal consultant under this Rule no longer meets the requirements for licensure set forth in Section A(1) or Section A(2) of this Rule, it shall revoke the foreign legal consultant's license.

H. Admission to Bar. If a person licensed as a foreign legal consultant under this Rule is subsequently admitted as a member of the bar of this State under the Rules governing admission, that person's foreign legal consultant license is deemed superseded by the license to practice law as a member of the bar of this State.

I. Application for Waiver of Provisions. The Supreme Court, upon written application, may waive any provision or vary the application of this Rule where strict compliance will cause undue hardship to the applicant. The application for waiver must be in the form of a verified petition setting forth the applicant's name, age, and residence address; the facts relied upon; and a prayer for relief.

Rule 5. Law Student Registration Requirements ~~-(Effective with the first year class entering law school in the fall of 1993.)~~

A. Except as provided in D., no person shall be entitled to write an examination for admission to practice law in this state unless such person has filed with the Board a Law Student Registration Application by October 1 of the applicant's second year of law school or in no event later than 14 months after the applicant's first day of the first year of law school.

B. The application shall be submitted on forms provided by the Board and shall be accompanied by the required fees.

- 495 C. The filing of a Law Student Registration Application does not constitute the filing of a bar
496 examination application.
- 497 D. Upon payment of a late registration fee as required by the Board, a person who does not
498 comply with section A. shall be permitted to file a late application not later than the last
499 established filing date of application for the bar examination.

500

501 **Rule 6. Admission by Bar Examination**

- 502 A. All applicants for admission by bar examination:
- 503 1. must meet the requirements of Rules 1, 2 and Rule 5;
 - 504 2. shall apply to take the examination on forms provided by the Board;
 - 505 3. must receive a passing score on the North Dakota bar examination as recommended by
506 the Board in a pass/fail policy approved by the Supreme Court prior to each exam; and
 - 507 4. must receive at least a scaled score of 80 85 on the Multistate Professional Responsibility
508 Examination (MPRE).
- 509 B. The North Dakota bar exam shall consist of the Multistate Bar Examination (MBE), the
510 Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT), which
511 are prepared by and given under the supervision of the National Conference of Bar
512 Examiners.
- 513 C. In lieu of taking the MBE in North Dakota, an applicant may transfer any MBE scaled score
514 received from an examination given in another jurisdiction provided:
- 515 1. the other requirements of this Rule are met;
 - 516 2. the applicant has been admitted to the bar of the jurisdiction in which the MBE
517 examination was written; and
 - 518 3. proof of the MBE score and a completed application are received at the offices of the
519 Board within two years of the date of the examination in the jurisdiction of admission.
- 520 BD. Upon acceptance and approval of the application by the Board and the payment of the
521 required fees, the applicant may take the bar examination. This general permission to
522 take the examination does not imply that an applicant has met all the requirements
523 for admission to the bar of North Dakota.

524 ~~E~~. The Board shall set the date, time, place and content of each examination.

525 ~~F~~. An applicant whose disability requires testing accommodations shall submit with the
526 application a written request on such forms as required under the Board's testing
527 accommodations policy. The Board shall notify the applicant of its decision and provide
528 an opportunity for reconsideration.

529 G. Taking into consideration the results of the bar examination, along with the applicant's moral
530 character, the Board shall make a recommendation to the Supreme Court regarding the
531 admission of each applicant to the bar.

532
533 **Rule 6.1 Temporary License for Attorneys Applying for Admission**

534 A. Any attorney meeting the following qualifications may apply for the privilege to practice law
535 temporarily in North Dakota as provided in this rule.

536 1. The attorney must be a member in good standing of the bar of another state or the District
537 of Columbia and shall:

538 (a) be an applicant for admission to the North Dakota Bar under Rule 6 or Rule 7, and
539 meet all eligibility requirements of those rules; and

540 (b) not be the subject of any suspension or disbarment proceedings in any court or the
541 subject of any pending disciplinary complaints.

542 B. The attorney shall file an application with the Board, which must be attested to or sworn and
543 state:

544 1. that the attorney has applied for admission to the practice of law in North Dakota under
545 Rule 6 or Rule 7; and

546 2. the name and address of an associate attorney admitted and licensed to practice law in
547 this state.

548 C. Attached to the application must be a statement from the associate attorney that ~~he or she~~ the
549 attorney has agreed to serve as an associate attorney under this rule, is admitted and licensed
550 to practice of law in this state, and agrees to fulfill the responsibilities of an associate
551 attorney described under Rule 3A.

- 552 D. The application must be accompanied by a fee of \$100. All fees collected under this rule
553 must be divided equally between the State Bar Association and the Board of Law Examiners.
- 554 E. Upon approval by the Board, the applicant shall be issued a temporary license to practice law
555 in this state. The temporary license is valid for no more than six months from the date of
556 issuance or, if the applicant has applied under Rule 6 for a February bar exam, and that exam
557 is not given, only until the results are available from the next bar exam offered in North
558 Dakota.
- 559 F. The Board shall summarily revoke the temporary license if the applicant:
- 560 1. files an untruthful affidavit with the Board;
 - 561 2. fails the bar examination;
 - 562 3. fails to take the bar examination when eligible to do so;
 - 563 4. receives a negative recommendation for admission on character and fitness grounds;
 - 564 5. has formal disciplinary proceedings instituted against the applicant;
 - 565 6. withdraws the application for admission to practice law under Rule 6 or 7; or
 - 566 7. is admitted to the practice of law in North Dakota under Rule 6 or 7.

567 The Board shall notify the Disciplinary Board of the Supreme Court of any person whose
568 temporary license is revoked under 1 through 6.

569

570 **Rule 7. Admission by Motion**

571 A. Eligibility by Practice.

- 572 1. Any person who is a member of the bar of another state or the District of Columbia may
573 apply for admission by motion if that person:
 - 574 a. meets the requirements of Rules 1 and 2;
 - 575 b. has been a member of the bar of another state or the District of Columbia for at least
576 five (5) years;
 - 577 c. has for at least four (4) of the last five (5) years immediately preceding the
578 application for admission on motion been actively engaged, to an extent deemed by
579 the Board to demonstrate competency in the practice of law, in one or more of the
580 following:

- 581 (1) the private practice of law;
582 (2) service as a judge of a court of record.
583 (3) the teaching of law as a full-time instructor in a law school or schools accredited
584 by the American Bar Association; or
585 (4) the performance of full-time legal work in a legal capacity.

586 2. The application for admission by motion shall be filed with the ~~Clerk of the Supreme~~
587 ~~Court Board~~. The application must be accompanied by:

- 588 a. an affidavit identifying all other jurisdictions in which the applicant has applied for
589 admission and the final decision of the admitting authority in each jurisdiction;
590 b. certification of admission to practice by the admitting authority in each jurisdiction
591 that the applicant has identified in a. as having admitted the applicant to the bar;
592 c. an affidavit disclosing the place or places in the other state or states or the District of
593 Columbia where the applicant has practiced law;
594 d. the name and post office address, whenever possible, of at least one judge of a court
595 of general jurisdiction who, during the specified period, has presided in a court before
596 which the applicant has practiced law;
597 e. certification by the attorney disciplinary authority in each jurisdiction where the
598 applicant has been admitted to the bar that there are no prior or pending proceedings
599 of disbarment or suspension of the applicant's license to practice law against the
600 applicant in that jurisdiction;
601 f. the affidavits of at least two attorneys from another jurisdiction where the applicant
602 has been admitted to the bar which attest to the applicant's good moral character and
603 fitness to practice law. The affidavits must be from attorneys who practiced law
604 contemporaneously with the applicant; and
605 g. verification of 45 hours of approved or approvable course work in Continuing Legal
606 Education, three hours of which shall be in the area of ethics or course work
607 commonly considered professional responsibility, during the three years immediately
608 preceding the application for admission to the bar of this state.

- 609 3. If the Board determines that the applicant's legal experience does not demonstrate
610 sufficient competency in the practice of law, it shall require the applicant to take an
611 attorney's examination. The Board shall set the date, time, place and content of each
612 examination.

613 B. Eligibility by Test Score.

- 614 1. An applicant may be eligible for admission by motion provided the applicant:
- 615 a. meets the requirements of Rules 1 and 2;
 - 616 b. has received a scaled score of 150 or above on the Multistate Bar Examination
617 (MBE) taken as a part of and at the same time as the essay or other written bar
618 examination given by another jurisdiction;
 - 619 c. has received a scaled score of ~~80~~ 85 on the Multistate Professional Responsibility
620 Examination (MPRE) given under the auspices of the National Conference of Bar
621 Examiners; and
 - 622 d. has been admitted to the bar of the jurisdiction in which the MBE examination was
623 written.
- 624 2. Proof of the MBE score and a completed application must be received at the offices of
625 the Board within two years of the date of the examination in the jurisdiction of
626 admission.

627 C. The application for admission by motion must be referred to the Board which shall
628 investigate the same and its sufficiency, including the moral character of the applicant.

629 D. Taking into consideration each applicant's moral character, and the results of the attorney's
630 examination, if required, the Board shall make a recommendation to the Supreme Court
631 regarding the admission of each applicant to the bar.

632 ~~E. Upon the report of the Board recommending an applicant's admission, a written motion for~~
633 ~~admission may be considered by the Supreme Court. The motion must be:~~

- 634 ~~1. made by a member of the North Dakota bar; and~~
635 ~~2. filed with the Clerk of the Supreme Court.~~

Rule 8. Licensure of Inactive Attorneys

A. Any person applying for a license to practice law who has been previously admitted to the bar of North Dakota, but has not secured a license for more than one year anytime after the date of the person's admission to the bar of North Dakota, shall file an application for licensure with the Board. This application must be accompanied by:

1. an affidavit stating:

a. if the applicant has not been licensed for a period of less than two years, that the applicant has received 15 hours of approved or approvable course work in Continuing Legal Education, one hour of which shall be in the area of ethics or course work commonly considered professional responsibility, in the year immediately preceding the application;

b. if the applicant has not been licensed for a period of more than two years but less than three years, that the applicant has received 30 hours of approved or approvable course work in Continuing Legal Education, two hours of which shall be in the area of ethics or course work commonly considered professional responsibility, during the two years immediately preceding the application; or

c. if the applicant has not been licensed for a period of three or more years, that the applicant has received 45 hours of approved or approvable course work in Continuing Legal Education, three hours of which shall be in the area of ethics or course work commonly considered professional responsibility, during the three years immediately preceding the application;

2. certification of admission to practice by the admitting authority in each jurisdiction where the applicant has been admitted to the bar;

3. certification by the attorney disciplinary authority in each jurisdiction where the applicant has been admitted to the bar that there are not prior or pending proceedings of disbarment or suspension of the applicant's license to practice law against the applicant in that jurisdiction;

4. an affidavit containing the following information:

a. the specific dates of nonlicensure in North Dakota;

- 665 b. the applicant's reasons for not seeking a license to practice law in North Dakota
666 during the period identified in a.; and
- 667 c. the applicant's employment and legal activities during the period identified in a.; and
- 668 5. payment of a licensure investigation fee set by the Board.
- 669 B. The Board shall investigate the applicant's application and its sufficiency, including the
670 moral character of the applicant. In its investigation of the applicant's application the Board
671 shall give consideration to the following factors:
- 672 1. the applicant's work experience during the period of nonlicensure in North Dakota;
- 673 2. the length of time during which the applicant did not secure a license to practice law in
674 North Dakota;
- 675 3. the applicant's continued licensure in another jurisdiction during the period of
676 nonlicensure in North Dakota;
- 677 4. the number of hours of approved or approvable course work in Continuing Legal
678 Education received during the period of nonlicensure in North Dakota; and, if the
679 applicant has been previously licensed in North Dakota, the number of hours of approved
680 or approvable course work in CLE received during the three year period preceding the
681 period of nonlicensure.
- 682 C. If the Board determines that the applicant's legal experience during the nonlicensure does not
683 demonstrate sufficient competency in the practice of law, it shall require the applicant to take
684 an attorney's examination. The Board shall set the date, time, place, and content of each
685 examination.
- 686 D. Based upon the results of the investigation of the applicant's application and the attorney's
687 examination, if required, the Board may issue a license to practice law to the applicant upon
688 the applicant's payment of the license fee established by Section 27-11-11, N.D.C.C., to the
689 Secretary-Treasurer of the State Board of Law Examiners.
- 690 E. The Board may issue a conditional license under the provisions of Rule 9.
- 691

Rule 9. Conditional Admission/License

- A. The Board may, in light of an applicant's physical or mental disability, present or past use or abuse of drugs or alcohol, neglect of financial responsibilities, or other circumstances in which the Board determines the protection of the public requires it, recommend admission or licensure to the bar conditional upon the applicant's compliance with relevant conditions prescribed by the Board.
- B. The Board may recommend specific conditions of admission or licensure, including, but not limited to, requiring alcohol or drug treatment, medical care, psychological or psychiatric care, professional office practice or management counseling, practice supervision, participation in the lawyer assistance program, and/or professional audits or reports. The Board may recommend persons to supervise the applicant and may recommend that cooperation with such supervisors be a condition. All costs related to any condition are the responsibility of the applicant. The Board shall recommend a specific duration for the conditions.
- C. If the applicant is granted conditional admission or licensure by the Court, the terms and conditions of the applicant's admission or licensure shall be administered and monitored by the Board. During the period of conditional admission or licensure, the Board shall be notified of any disciplinary proceedings and shall have access to all information relating to any disciplinary complaint filed against the applicant.
- D. At the end of the specified period, the Board shall file a report with the Court and recommend entry of an order lifting the conditional admission or licensure and allowing the applicant to practice law without restrictions, continuing the conditions, or amending the conditions.
- E. If the applicant violates any conditions of admission or licensure, the Board is authorized to institute proceedings for revocation of the conditional admission or license under Rule 11 or 12 and shall notify the applicant and the disciplinary authority of its intent. The applicant's notice shall be by certified mail directed to the applicant at the last known address of the applicant.

F. The fact an individual is conditionally admitted is a matter of public record. All other information relating to conditional admission or licensure of an applicant shall remain confidential unless otherwise ordered by the Court.

G. Nothing in these rules diminishes the authority of the Disciplinary Board of the Supreme Court to address violations of the North Dakota Rules of Professional Conduct by an applicant. However, the Board shall have the responsibility for administering, monitoring and recommending appropriate action for noncompliance with any conditions.

Rule 10. Review Procedures

A. Informal Interview

At any stage of the application proceedings, the Board may request the applicant to appear before it or a designated Board member to answer any questions.

B. Formal Hearing

1. If the Board makes a recommendation for conditional admission or licensure, a negative recommendation for admission to the bar or a negative decision on licensure for any reason, it shall so notify the applicant by certified mail directed to the applicant at the mailing address appearing on the applicant's application. The notice must specify the grounds for the recommendation or decision by the Board.

If a negative recommendation or decision is based on the grounds that the applicant has failed to pass a portion of the examination or the attorney's examination, upon written request, and payment of a reasonable copying fee, as applicable:

- a. ~~the applicant must be furnished with a copy of any essay portion of the applicant's examination and a copy of a set of model essay examination analyses prepared by or under the supervision of the Board; or~~
- b. ~~if any part or all of the exam is prepared by or under the supervision of the National Conference of Bar Examiners, the applicant shall be given the opportunity to inspect that part of the examination and~~ provided copies of the appropriate point sheet or model analyses, prepared by or under the supervision of the National Conference of Bar Examiners, for that part of the applicant's examination. Any inspection and

749 copying of the examination prepared and scored by or under the supervision of the
750 National Conference of Bar Examiners will be as permitted by the guidelines and
751 limitations prescribed by the National Conference of Bar Examiners or its designee.

752 a. If the Board provides for an independent duplicate grading procedure under the
753 pass/fail policy, the Board will not regrade any exam; however, the Board may
754 reconsider a score if there is an obvious flaw in the question or analysis or the overall
755 administration of the examination was faulty.

756 2. Within 30 days after the mailing of the notification, the applicant may demand a formal
757 hearing by written petition directed to the Board.

758 3. At least 20 days before the hearing, the Board shall notify the applicant of the time and
759 place of the hearing and shall inform the applicant of the applicant's right to be
760 represented by counsel and to present any witnesses as the applicant may choose.

761 4. The hearing must be on the record and, at the discretion of the Board, may be held before
762 the Board or a hearing examiner appointed by the Board to conduct the hearing. The
763 Board shall set forth its findings of fact and its conclusions. If a hearing examiner is
764 appointed to conduct the hearing, the findings and conclusions of the hearing examiner,
765 to the extent that the Board adopts them, become the findings and conclusions of the
766 Board.

767 5. The applicant has the burden of showing that the applicant should be admitted, with or
768 without conditions, by a preponderance of the evidence.

769 56. The Board shall notify the applicant by certified mail of its findings of fact and its
770 conclusions.

771 C. Supreme Court Consideration

772 1. An applicant who, after formal hearing, receives notice that the Board will recommend
773 conditional admission or licensure, or has given a negative recommendation or decision
774 on admission or licensure, may request review of that recommendation or decision by the
775 Supreme Court. The review may be requested by written petition directed to the Clerk.
776 The petition must be filed within 30 days after the Board's mailing of the notice of the
777 results of the formal hearing.

2. The Clerk, upon receipt of a petition, shall notify the Board to prepare and file with the Clerk of the Supreme Court the record and files, including the transcript of the hearing, its findings of fact, and its recommendation. The cost of the transcript of the hearing, if any, shall be the responsibility of the petitioner.
3. To the extent appropriate, all proceedings before the Supreme Court must conform to the North Dakota Rules of Appellate Procedure. The Board shall participate in the briefing and oral argument before the Supreme Court.
4. The applicant has a burden of proof by a preponderance of the evidence.

Rule 11. Interim Revocation of Conditional Admission/License

- A. Upon receiving sufficient evidence demonstrating that an applicant:
 1. has not complied with any condition and
 2. poses a substantial threat of irreparable harm to the public,the Board shall transmit the evidence to the Supreme Court together with a proposed order for interim revocation of the conditional admission or license.
- B. At any stage, the Supreme Court may enter an interim order immediately revoking the conditional admission or license of an applicant pending final disposition of the proceedings predicated upon the noncompliance with conditions and conduct causing harm or may order such other action as deemed appropriate. Upon the request of the applicant who is subject to the Board's request for interim revocation, the Supreme Court may provide the applicant an opportunity to be heard before determining the Board's request. Upon request by the Board or the applicant after entry of an interim revocation order, the Supreme Court shall within ten days provide an opportunity for the applicant to demonstrate that the order should not remain in force.

Rule 12. Revocation of Conditional Admission/License

- A. Within 60 days after the mailing of the notification of intent to revoke the conditional admission or license, the Board shall set a hearing on the revocation and inform the applicant

of the time and place of the hearing and the applicant's right to be represented by counsel and to present any witnesses as the applicant may choose.

- B. The hearing on the revocation shall be limited to the issue of whether any condition of admission or licensure has been violated by the applicant.
- C. The hearing must be on the record and, at the discretion of the Board, may be held before the Board or a hearing examiner appointed by the Board. The Board shall set forth in a report its findings of fact, conclusions and recommendation to the Supreme Court. If a hearing examiner is appointed to conduct the hearing, the findings and conclusions of the hearing examiner, to the extent that the Board adopts them, become the findings and conclusions of the Board.
- D. The Board shall notify the applicant by certified mail of its findings of fact, conclusions and recommendation and shall also file the report with the Supreme Court.
- E. Within 20 days of service of the report, objections to the report may be filed with the Supreme Court. Within 50 days after service of the report, briefs limited to the filed objections may be filed. Oral argument may be requested only if objections are filed, or may be set upon the court's own motion. Briefing and oral argument will be as provided in the North Dakota Rules of Appellate Procedure.
- F. An applicant who has had a conditional admission or license revoked is not eligible to apply for admission or licensure for a period of five years from the Order of Revocation.

Rule 13. Public Records

- A. All records maintained by the Board regarding applications for admission to practice law, all examination materials, and all proceedings by the Board shall be confidential except as provided by these rules. The following records shall be maintained as public records:
 - 1. the name and last address provided of each applicant;
 - 2. pre-legal colleges attended by each applicant;
 - 3. law schools attended by each applicant;
 - 4. whether an applicant ~~has ever been~~ is currently admitted to practice under rule for Limited Practice of Law by Law Students (Senior Practice Rule);

835 5. names and addresses of persons who have passed the examination and have met all the
836 requirements for admission to practice;

837 6. whether an applicant has been admitted with conditions; and

838 7. statistical summaries as may be authorized by the Supreme Court.

839 B. Upon written request information may be exchanged with an authorized ~~lawyer~~ attorney
840 discipline agency and released to bar admission authorities in jurisdictions where an
841 application for admission is pending.

842 C. Application information may be released to agents authorized by the Board to investigate
843 moral character.

844 D. If the Board makes a negative recommendation for admission to practice based upon lack of
845 good moral character, the applicant is entitled to disclosure of records pertaining to the
846 applicant's moral character.

847 E. Upon an applicant's request for Supreme Court review of a negative recommendation for
848 admission or licensure, the records pertaining to an applicant shall be public records.

849 F. The Board is authorized to provide to the National Conference of Bar Examiners relevant bar
850 passage data that does not include personally identifying information.

851
852 **Rule 14. Withdrawal of Application**

853 An application for admission is deemed withdrawn, unless good cause is shown, if not
854 completed within 24 months of the date of the filing of the application.

855
856 **Rule 15. Disqualification of Members**

857 Upon the disqualification of a member of the Board from consideration of an application for
858 admission or relicensure, the Supreme Court may, at the request of the Board, appoint a resident
859 licensed member of the bar, including a former member of the Board, to serve temporarily in the
860 disqualified member's place.

862 **Rule 16. Immunity**

863 Communications to the Board, its committees, secretary or staff relating to an applicant's
864 admission to the bar or character and fitness to practice law, as well as testimony given in a
865 formal proceeding, are absolutely privileged, and no civil proceeding predicated thereon may be
866 instituted against any person providing information to the Board. Members of the Board, the
867 Board's committees, secretary and staff are absolutely immune in any civil proceeding for all
868 conduct in the course of their official duties.

869
870 **Rule 17. Power of Court to Revoke or Suspend Admission**

871 Nothing in these rules shall be considered as a limitation upon the power and authority of the
872 Supreme Court to revoke or suspend, after due notice and hearing, the admission of an attorney
873 to practice in this state for fraud or material misrepresentation in the procurement of admission
874 or license to practice.

875
876 **Rule 18. Title and Citation**

877 These rules are titled, "Admission to Practice Rules," and may be cited as "Admission to Practice
878 R."

879