

20130024

Joint Committee on Attorney Standards

North Dakota Supreme Court
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Phone: (701) 328-3619
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Hon. Michael G. Sturdevant, Chair
314 W. 3rd ST., Suite 12
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FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

JAN 21 2013

STATE OF NORTH DAKOTA

Honorable Gerald W. Vandewalle
Chief Justice
North Dakota Supreme Court
600 E. Boulevard Ave
Bismarck, ND 58505-0530

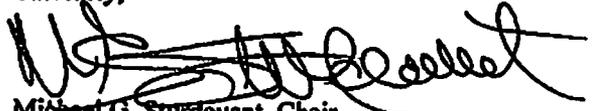
Re: Admission to Practice Rules - Proposed Amendments

Dear Chief Justice Vandewalle:

The Joint Committee on Attorney Standards has reviewed proposed amendments to the Admission to Practice Rules prepared by the Board of Law Examiners and subsequently referred to the Joint Committee by the Supreme Court. The Joint Committee was assisted by a thorough review of the amendments by Penny Miller, Secretary-Treasurer of the Board of Law Examiners. The proposed amendments are regarded as generally unexceptional and directed at enhancing rule provisions concerning the admission to practice process. The more substantive of the amendments are summarized in the overview preceding the proposed amendments. Following discussion and consideration of the proposed amendments, the Joint Committee approved the amendments for submission to the Supreme Court pending review and comment by the Board of Governors.

The Board of Governors reviewed the proposed amendments at its December meeting and voted to support adoption of the amendments. I am pleased, therefore, to submit the proposed amendments to the Admission to Practice Rules to the Supreme Court for its consideration..

Sincerely,



Michael G. Sturdevant, Chair
Joint Committee on Attorney Standards

MGS/

cc: Penny Miller, Clerk of the Supreme Court
Jim Ganje

Summary of Amendments to North Dakota Admission to Practice Rules

The State Board of Law Examiners proposed a number of amendments to the Supreme Court. The Court then referred the proposal to the Joint Committee on Attorney Standards. The following is a summary of the amendments, as they were approved following discussion by the Joint Committee at its September 2012 meeting.

Summaries of the substantive amendments are below.

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

Page 9 - line 184 - Requires contact information for the nonresident lawyer which will enable the Board staff to correspond directly with the nonresident lawyer, if necessary. (The proposed amendment appearing at line 185 has previously been referred to the Joint Committee on Attorney Standards.)

Page 12 - lines 230-232 - A lawyer who registers as "in-house counsel" is required to be otherwise eligible to be admitted in the state. One of our requirements is a Juris Doctor degree from an ABA accredited, or provisionally approved for accreditation, law school. Some states do not have this requirement, therefore, requiring that information in the affidavit will enable the Board to readily determine if the lawyer is otherwise eligible to be admitted in North Dakota.

Rule 3.1 - Authorization to Practice Law for Attorneys Volunteering with Approved Legal Services Organization

Page 18 - line 376 - The citation to Section B(2)(d) is in error. Jim Ganje, Staff Attorney for the Joint Committee on Attorney Standards, was contacted and agreed that it should have been removed in the Rule that was proposed to the Court.

Rule 6 - Admission by Bar Examination

Pages 32-33 - lines 710-716 - Limits the number of times a person may sit for the North Dakota bar examination to 6 without further permission from the Board.

Page 33 - lines 717-724 - Moves identical language from Page 42-43, lines 939 - 947, for clarity.

Rule 6.1 - Temporary License of Attorneys Applying for Admission

Page 32 - lines 730-731 - Permits a lawyer previously admitted in North Dakota, who has not been licensed for more than a year in this state, is a member in good standing of another jurisdiction, and who has an application for relicensure pending, as someone who is eligible to be temporarily licensed.

Page 33 - lines 734-735 - Prohibits someone who has failed the North Dakota bar examination in the past 3 years, regardless of whether that person is a member in good standing in another jurisdiction, from being temporarily licensed. The person has already shown, to some extent, their ineligibility for licensure.

Page 33 - line 739 - Consistent with proposed amendment on Pages 32-33.

Page 34 - line 762 - Consistent with proposed amendments on Pages 32 and 33.

Page 34 - line 763 - Consistent with proposed amendments on Pages 32-33, and line 764.

Page 35 - lines 764-765 - Limits the necessity of the Board to notify the Disciplinary Board when a temporary license has been revoked to those where there is evidence of professional misconduct. Failing the bar examination or failing to take the bar examination only in rare instance may violate the Rules of Professional Conduct.

Page 35 - lines 780 and 782 - The elimination of the term “full-time” is consistent with the remainder of the Rule. The Rule permits the Board to go behind all law-related employment to conclude whether someone can demonstrate competency in the practice of law.

Page 35 - line 787 - This will enable the Board to obtain more complete information from the admitting authority.

Page 36 - line 796 - 797 - This will enable the Board to obtain a complete disciplinary history not just disbarment or suspension proceedings. Additionally, the current rule forecloses any lawyer who has been previously suspended or disbarred in another jurisdiction from applying to North Dakota regardless of rehabilitation.

Page 36 - line 805 & Page 38, lines 841, 847, and 851- 852- Increases the amount of time in which to verify CLE hours to allow for others jurisdictions' CLE reporting deadlines, and allows more precise counting.

Page 37 - lines 823 and 826 - Removes the requirement of admission in the UBE jurisdiction where the exam was written before applying based on test score in North Dakota. Allows for more portability of the UBE score.

Page 38 - lines 853-858 - Provides what the Board currently requires of a previously admitted attorney who is not licensed because of CLE requirements. This replaces the language stricken on Page 40 at lines 880-884.

Page 39 - line 864 - Provides for proof of reimbursement of client protection funds paid due to the lawyer's conduct. A corresponding similar amendment should be made in the Rule 4.5 of the North Dakota Rules for Lawyer Discipline.

Page 40 - line 891 - Correction of an obvious error.

Page 43 - lines 949-951 - Any type of regrading of failing answers is not conducive to maintaining consistency with the standards applied during the original grading, and is not likely to produce psychometrically sound scores.

Page 43 - lines 952-954, 955-958 - These proposed amendments are consistent with limiting the review to issues not having to do with regrading the exam.

Page 44 - line 976 and 981-985 - These proposed amendments bring more structure to the review procedure before the Court, and are not inconsistent with current practice.

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Throughout the Rules the word "attorney" was changed to "lawyer" to conform with the N.D.R. Prof. Conduct, N.D.R. Lawyer Discipl. and N.D. Stds. Imposing Lawyer Sanctions. The exception is where the phrase "attorney and counselor at law" appears. This is a phrase used in statute N.D.C.C. § 27-11-01. Note: Rule 3.2 was adopted, effective March 1, 2012, and uses the term "lawyer".

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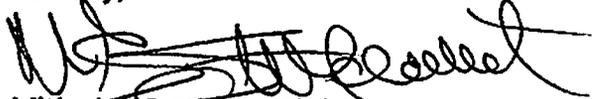
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ADMISSION TO PRACTICE RULES

1 Rule 1. General Requirements for Admission

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

- 4 1. is at least eighteen (18) years of age;
- 5 2. is of good moral character and fit to practice law;
- 6 3. has designated the Clerk of the Supreme Court as the applicant's agent for service of
7 process for all purposes;
- 8 4. has received a juris doctor or equivalent degree from a law school approved or
9 provisionally approved for accreditation by the American Bar Association;
- 10 5. has complied with either Rule 6 or Rule 7;
- 11 6. has taken the oath and pledge required by Section 27-11-20, North Dakota Century Code;
12 and
- 13 7. has paid all required fees.

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

- 16 1. provide complete information, documents and signed authorizations for release of
17 information;
- 18 2. obtain reports or other information necessary for the Board to properly evaluate the
19 applicant's character and fitness to practice law; and

20 3. appear for interview to determine eligibility for admission or facilitate the background
21 investigation.

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

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

26 **C. Continuing Obligation.**

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

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

36 **Rule 2. Standards for Admission**

37 **A. Essential Eligibility Requirements.** Applicants must meet the following essential
38 eligibility requirements for the practice of law:

39 1. The ability to be honest and candid with clients, ~~attorneys~~ lawyers, courts, the Board, and
40 others;

- 41 2. The ability to reason, recall complex factual information, and integrate that information
42 with complex legal theories;
- 43 3. The ability to communicate with clients, ~~attorneys~~ lawyers, courts, and others with a high
44 degree of organization and clarity;
- 45 4. The ability to use good judgment on behalf of clients and in conducting one's
46 professional business;
- 47 5. The ability to conduct oneself with respect for and in accordance with the law;
- 48 6. The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- 49 7. The ability to comply with the requirements of the North Dakota Rules of Professional
50 Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable
51 order of a Court or tribunal;
- 52 8. The ability to act diligently and reliably in fulfilling one's obligations to clients, ~~attorneys~~
53 lawyers, courts, and others;
- 54 9. The ability to use honesty and good judgment in financial dealings on behalf of oneself,
55 clients, and others; and
- 56 10. The ability to comply with deadlines and time constraints.

57 **B. Character and Fitness Standards and Investigation**

- 58 1. The applicant shall have the burden of proving that the applicant possesses good moral
59 character and fitness to practice law.

- 60 a. The Board shall determine whether an applicant's moral character is such as permits a
61 positive recommendation when the applicant's record of conduct indicates that the
62 applicant is presently honest, trustworthy, diligent, and reliable.
- 63 b. The Board shall determine whether an applicant possesses the present fitness to carry
64 out professional duties to clients, courts and the profession. Fitness involves the
65 assessment of mental and emotional health as it affects the competence of a
66 prospective ~~attorney~~ lawyer. An applicant may be of good moral character, but may
67 be incapacitated from proper discharge of the duties as an ~~attorney~~ lawyer by a
68 mental or emotional illness or condition.
- 69 c. When an applicant's record of conduct includes inappropriate behavior - such as, for
70 example, an instance of any of the items listed below - the Board will make further
71 inquiry before deciding whether the applicant possesses the good moral character and
72 fitness to practice law required for a positive recommendation:
- 73 (1) unlawful conduct;
 - 74 (2) academic misconduct;
 - 75 (3) making false statements;
 - 76 (4) misconduct in employment;
 - 77 (5) acts involving dishonesty, fraud, deceit or misrepresentation;
 - 78 (6) abuse of legal process;
 - 79 (7) neglect of financial responsibilities;
 - 80 (8) neglect of professional obligations;
 - 81 (9) violation of an order of a court;

- 82 (10) evidence of mental or emotional instability;
- 83 (11) evidence of drug or alcohol dependency;
- 84 (12) denial of admission to the bar in another jurisdiction;
- 85 (13) disciplinary action by a ~~attorney~~ lawyer disciplinary agency or other professional
- 86 agency of any jurisdiction.

87 d. In determining whether the present moral character and fitness of an applicant
88 qualifies the applicant for a positive recommendation, the Board will assess the
89 weight and significance of any inappropriate conduct by considering the following
90 factors:

- 91 (1) the applicant's age at the time of the conduct;
- 92 (2) the recentness of the conduct;
- 93 (3) the reliability of the information concerning the conduct;
- 94 (4) the seriousness of the conduct;
- 95 (5) the factors underlying the conduct;
- 96 (6) the cumulative effect of conduct or information;
- 97 (7) the evidence of rehabilitation;
- 98 (8) the applicant's positive social contributions since the conduct;
- 99 (9) the applicant's candor in the admissions process;
- 100 (10) the materiality of any omissions or misrepresentations.

101 2. The Board may employ such assistance in conducting the character and fitness
102 investigation as it deems necessary, including a character report by the National

103 Conference of Bar Examiners or further investigation by the Character and Fitness
104 Committee.

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

107 **C. Independent Evaluation.** The Board may require further evidence of an applicant's mental
108 stability and fitness to practice law reasonably related to the standards for admission, which
109 may require the applicant to undergo an independent evaluation by a licensed professional
110 selected by the Board. The applicant shall be required to complete any necessary releases to
111 facilitate the evaluation. The Board shall request a written report from the professional,
112 including results of all tests made, diagnoses and conclusions. A copy of the report shall be
113 provided to the applicant when the Board receives the report. The cost of any independent
114 evaluation required under this Rule shall be the responsibility of the Board.

115 **D. Character and Fitness Committee.** To assist the Board in conducting such character and
116 fitness investigation as it deems necessary, the Board may appoint a Character and Fitness
117 Committee.

118 1. The Committee shall consist of five persons no more than three of whom may be
119 ~~attorneys~~ lawyers currently licensed to practice law in North Dakota. Committee
120 members shall be appointed to five-year terms. Upon the initial appointment of the
121 Committee, its members shall determine by lot the term length of each member. From its
122 members, on an annual basis, the Board shall select a Chairperson. Committee members
123 shall serve without compensation except that they shall be reimbursed their actual
124 expenses incurred in attending Committee meetings.

125 2. The Character and Fitness Committee shall investigate issues concerning the moral
126 character and fitness qualifications of a registrant or an applicant for admission as
127 referred by the Board. Upon receipt of such referral, accompanied by all information
128 regarding the registrant or applicant as obtained by the Board, the Character and Fitness
129 Committee shall review the information and conduct such additional investigation as it
130 deems necessary in order to make its report to the Board. The Committee shall conduct a
131 personal interview with the registrant or applicant regarding the issues referred by the
132 Board.

133 3. The Character and Fitness Committee shall consider the issues referred by the Board in
134 accordance with:

135 a. The provisions of this Rule; and

136 b. The applicable decisions of the Supreme Court of North Dakota and the Supreme
137 Court of the United States.

138 4. Upon completion of the investigation the Committee shall submit to the Board its written
139 report concerning the issues referred by the Board. After review by the Board, a copy of
140 the report shall be forwarded to the applicant only if the Board recommends a conditional
141 admission or makes a negative recommendation.

142 **E. Reapplication and Rehabilitation.** Any applicant who receives a negative recommendation
143 for admission based on the lack of moral character and/or fitness that has been accepted by
144 the Supreme Court, may reapply for admission by filing a new application two years after the
145 date of the Board's negative recommendation or such other period as may be set by the Board

146 or the Court. The applicant shall produce clear and convincing evidence of the applicant's
147 rehabilitation and present moral character and fitness to practice law.

148 **Rule 3. Pro Hac Vice Admission and Registration of Nonresident ~~Attorneys~~ Lawyers**

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

154 1. Filing Requirements.

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

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

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

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

166 (4) remits to the State Board of Law Examiners the fee required for an ~~attorney~~
167 lawyer who has been licensed in this state for five years or more or certifies the

168 attorney lawyer has paid the fee to the State Board of Law Examiners during that
169 calendar year; and

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

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

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

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

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

179 (4) whether the attorney lawyer is now or has ever been suspended or disbarred from
180 a court in any jurisdiction; ~~and~~

181 (5) the number of North Dakota actions in which the nonresident attorney lawyer has
182 appeared during the prior three years, and whether the attorney lawyer has ever
183 registered under this rule;

184 (6) the address, telephone number and e-mail address for the lawyer; and

185 (7) that the required fee has been paid to the State Board of Law Examiners.

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

- 188 3. Names and Appearances. The name and address of the associate attorney lawyer must be
189 shown on all papers served and filed. The associate attorney lawyer shall appear
190 personally and, unless excused by the court, hearing officer, or presiding officer, remain
191 in attendance with the nonresident attorney lawyer in all appearances before the court,
192 administrative agency, or tribunal.
- 193 4. Frequency of Motions. Separate permission is required for each action in which a
194 nonresident attorney lawyer appears in a North Dakota state court proceeding, before an
195 administrative agency, or before another tribunal in the state.
- 196 5. Appeal.
- 197 a. If an attorney lawyer desires to appear in a proceeding before a North Dakota
198 appellate court, and the attorney lawyer obtained permission to appear in a
199 proceeding involving the same action in a North Dakota state trial court,
200 administrative agency, or tribunal, the attorney lawyer only needs to file an updated
201 affidavit with the Clerk of the Supreme Court. An additional filing fee is not required
202 to be remitted to the State Board of Law Examiners, unless it is a new calendar year.
- 203 b. If an attorney lawyer desires to appear in a proceeding before a North Dakota
204 appellate court, and the attorney lawyer did not obtain permission to appear in a
205 proceeding involving the same action in a North Dakota state trial court,
206 administrative agency, or tribunal, the attorney lawyer shall file a motion and
207 affidavit with the Clerk of the Supreme Court requesting permission to appear. The
208 motion, affidavit, and fee must be submitted as otherwise provided in Section A(1).

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

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

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

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

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

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

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

230 (5) whether the lawyer received a juris doctor or equivalent degree from a law school
231 approved or provisionally approved for accreditation by the American Bar
232 Association; and

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

236 b. With respect to an attorney lawyer registering as in-house counsel, an affidavit from
237 an officer, director or general counsel of the attorney's lawyer's employer in this state
238 attesting that the registrant is employed as an attorney lawyer exclusively for the
239 employer, that the registrant is an individual of good moral character, and that the
240 nature of the employment qualifies the attorney lawyer for registration under this
241 rule. With respect to an attorney lawyer registering to represent a client in an
242 alternative dispute resolution process, a letter from the disciplinary authority in each
243 jurisdiction in which the attorney lawyer is admitted indicating the attorney lawyer is
244 in good standing in the jurisdiction.

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

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

250 3. Continuing Legal Education Requirements. Each nonresident attorney lawyer who is
251 registered as in-house counsel under this section must complete not fewer than 45 hours

252 of approved coursework in Continuing Legal Education during each three-year period the
253 attorney lawyer is registered and must file a report as provided in the North Dakota Rules
254 for Continuing Legal Education.

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

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

264 6. Pro Hac Vice Admission Separate. If a nonresident attorney lawyer registered as in-
265 house counsel under this section desires to appear, either in person, by signing pleadings,
266 or by being designated as counsel in actions filed in courts, administrative agencies, or
267 other tribunals in this state, a separate motion for pro hac vice admission is required
268 under this rule. However, a separate fee is not required, provided in-house counsel has
269 registered under this rule.

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

273 **D. Use of Fees.** Fees collected by the State Board of Law Examiners under this rule must be
274 distributed in the manner provided for the distribution of license fees under N.D.C.C. Section
275 27-12-04 .

276 **EXPLANATORY NOTE**

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

281
282 This rule is not limited to an appearance in a North Dakota state court action.

283
284 Under this rule, an appearance is not limited to actual physical presence in a court action. An
285 attorney lawyer also makes an appearance by signing or otherwise being designated as counsel
286 on a pleading, motion, or other paper served or filed in an action venued in a North Dakota state
287 court, administrative agency, or other tribunal.

288
289 Section A(2) of this rule requires a motion for permission to appear to be filed within 45 days of
290 service of a pleading, motion, or other paper. If an action is commenced by service, an attorney
291 lawyer should be aware that the action must be filed before the attorney lawyer moves for
292 permission to appear. If the action settles before it is filed, a motion requesting permission to
293 appear does not need to be filed.

294
295 An attorney lawyer seeking to take a deposition within the state of North Dakota for an action
296 pending in another jurisdiction must comply with N.D.R. Prof. Conduct 5.5.

297
298 SOURCES: Joint Procedure Committee Minutes of May 6-7, 1999, pages 2-7; January 28-29,
299 1999, pages 13-16; November 7-8, 1991, page 6; October 25-26, 1990, page 19; June 21, 1984,
300 pages 1-2; Joint Committee on Attorney Standards Minutes of June 24, 2003, pgs. 5-8;
301 September 25, 2003, pgs. 2-8; November 14, 2003, pgs. 2-6; February 27, 2004, pgs. 3-5; and
302 April 16, 2004, pgs. 1-6.

303
304 CROSS REFERENCE: N.D.R. Prof. Conduct 5.5.

305
306 SUPERSEDED: N.D.R. Ct. 11.1.

307
308 **Rule 3.1: Authorization to Practice Law for Attorneys Lawyers Volunteering with**
309 **Approved Legal Services Organizations.**

310

311 **A. Purpose.** Individuals admitted to the practice of law in North Dakota have a responsibility
312 to provide competent legal services for all persons, including those unable to pay for such
313 services. As one means of meeting these legal needs, an ~~an~~ attorney lawyer who is or was
314 admitted to practice for at least five years in the courts of any state, district, or territory of the
315 United States, including North Dakota, who volunteers to provide civil legal assistance to
316 individuals who are unable to pay for such services is allowed to do so under the limited
317 circumstances of this rule. An ~~An~~ attorney lawyer may be authorized to practice law for the
318 limited purpose of providing such assistance as an unpaid volunteer under the supervision of
319 an approved legal services organization so long as that organization employs at least one
320 North Dakota ~~attorney~~ lawyer not admitted pursuant to any provision of this rule.

321 **B. Definitions.**

- 322 1. The “active practice of law” means that an ~~an~~ attorney lawyer has been engaged in the
323 practice of law, which includes private practice, house counsel, public employment, or
324 academic employment.
- 325 2. A “Rule 3.1 ~~attorney~~ lawyer” is any person who is or was admitted to practice in the
326 courts of any state, district, or territory of the United States, including North Dakota, and
327 who has satisfied the authorization requirements under Section C.
- 328 3. An “approved legal services organization” for the purposes of this Rule is a non-profit
329 legal services organization that has as one of its primary purposes the provision of legal
330 assistance to indigents, free of charge, in civil matters. A legal services organization must

- 331 be approved as such by the Supreme Court. The organization must file a petition with the
332 Clerk of the Supreme Court explaining:
- 333 a. the structure of the organization and whether it accepts funds from its clients;
 - 334 b. the major sources of funds used by the organization;
 - 335 c. the criteria used to determine potential clients' eligibility for services performed by
336 the organization;
 - 337 d. the types of services performed by the organization;
 - 338 e. the names of all members of the State Bar of North Dakota who are employed by the
339 organization or who regularly perform legal work for the organization; and
 - 340 f. the existence and extent of malpractice insurance that will cover a Rule 3.1 ~~attorney~~
341 lawyer.

342 There is no fee for filing a petition under this section.

343 **C. Authorization.** An ~~attorney~~ lawyer who seeks authorization to practice law under this rule
344 shall file an application with the State Board of Law Examiners that includes:

- 345 1. a certificate from the highest court or agency in the state, territory, or district
346 documenting that the applicant is presently licensed to practice law or has been licensed
347 to practice law for at least five of the ten years immediately preceding the date of the
348 application;
- 349 2. a certificate from the ~~attorney~~ lawyer disciplinary authority in each jurisdiction where the
350 applicant has been admitted to the bar that the ~~attorney~~ lawyer is not disbarred or
351 suspended or currently undergoing proceedings of disbarment or suspension of the
352 applicant's license to practice law against the applicant in that jurisdiction;

- 353 3. a statement signed by an authorized representative of the approved legal services
354 organization that the applicant is or will be an unpaid volunteer under the direct
355 supervision of the organization; and
- 356 4. a sworn statement signed by the applicant that he or she:
- 357 a. has read and is familiar with the Rules of Professional Conduct, Rules of the Supreme
358 Court, and the applicable statutes of the State relative to the conduct of lawyers, and
359 will abide by those provisions;
- 360 b. submits to the jurisdiction of the Supreme Court for disciplinary purposes, as defined
361 by the Rules of the Supreme Court;
- 362 c. if not presently licensed to practice law, has been engaged in the active practice of
363 law for at least five of the ten years immediately preceding the date of application;
364 and
- 365 d. is not under any restriction or probation in the practice of law in any jurisdiction in
366 which the applicant is licensed.

367 The statement must also indicate whether the applicant has ever been suspended or disbarred
368 from a court in any jurisdiction.

369 There is no fee for filing an application under this section.

370 **D. Continuing Legal Education.** Except for an ~~attorney~~ lawyer presently licensed in this state,
371 a Rule 3.1 ~~attorney~~ lawyer is exempt from the requirements of the North Dakota Rules for
372 Continuing Legal Education. An otherwise exempt ~~attorney~~ lawyer providing legal services
373 under this rule shall, however, fulfill continuing legal education requirements as may be

374 directed by the approved legal services organization under the supervision of which the
375 attorney lawyer provides legal services.

376 **E. Pro Bono Requirement.** ~~As provided in Section B(2)(d),~~ An attorney lawyer who practices
377 law under the authority of this rule may not receive compensation from the approved legal
378 services organization with which the attorney lawyer is associated, from the attorney's
379 lawyer's client, or through a contingent fee agreement. In addition, an approved legal
380 services organization or a client may reimburse any attorney lawyer for actual expenses
381 incurred while rendering services under this Rule.

382 **F. Expiration of Authorization.** Authorization to practice law under this Rule expires if the
383 applicant ceases to be supervised as an unpaid volunteer by the organization. If the applicant
384 ceases to be supervised as an unpaid volunteer by the organization, an authorized
385 representative of the organization shall, within ten days of the date that supervision ceased,
386 file a notification of the cessation with the Clerk of the Supreme Court and the State Board
387 of Law Examiners specifying the date supervision ceased. Upon receipt of the notification,
388 the Board of Law Examiners shall notify the attorney lawyer that the authorization to
389 practice law under this Rule has been rescinded.

390 **G. Discipline.** In addition to any appropriate proceedings and discipline which may be imposed
391 by the Court under these rules, a Rule 3.1 attorney lawyer is subject to the following
392 disciplinary measures:

- 393 1. civil contempt imposed by the presiding judge or hearing officer for failure to abide by a
394 tribunal's orders in any matter in which the attorney lawyer has participated; and

395 2. withdrawal of the certification under this Rule, with or without cause, by either the
396 Supreme Court or the approved legal services organization.

397 **Rule 3.2. Provision of Legal Services Following Determination of Major Disaster**

398 **A. Determination of existence of major disaster.** For purposes of this Rule, the Supreme
399 Court shall determine when an emergency affecting the justice system, as a result of a natural
400 or other major disaster, has occurred in:

- 401 1. this jurisdiction and whether the emergency caused by the major disaster affects the
402 entirety or only a part of this jurisdiction, or
- 403 2. another jurisdiction but only after such a determination and its geographical scope have
404 been made by the highest court of that jurisdiction. The authority to engage in the
405 temporary practice of law in this jurisdiction under Section C extends only to lawyers
406 who principally practice in the area of the other jurisdiction determined to have suffered
407 a major disaster causing an emergency affecting the justice system and the provision of
408 legal services.

409 **B. Temporary practice in this jurisdiction following major disaster.** Following the
410 determination under Section A of an emergency affecting the justice system in this
411 jurisdiction, or a determination that persons displaced by a major disaster in another
412 jurisdiction and residing in this jurisdiction are in need of pro bono services and the
413 assistance of lawyers from outside of this jurisdiction is required to help provide such
414 assistance, a lawyer authorized to practice law in another United States jurisdiction, and not
415 disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction,

416 may provide legal services in this jurisdiction on a temporary basis. The legal services must
417 be provided on a pro bono basis without compensation, expectation of compensation or other
418 direct or indirect pecuniary gain to the lawyer. The legal services must be assigned and
419 supervised through the State Bar Association of North Dakota, a pro bono program or legal
420 services program, or through another organization specifically designated by the Supreme
421 Court.

422 **C. Temporary practice in this jurisdiction following major disaster in another jurisdiction.**

423 Following the determination of a major disaster in another United States jurisdiction, a
424 lawyer who is authorized to practice law and who principally practices in that affected
425 jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from
426 practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary
427 basis. Those legal services must arise out of and be reasonably related to that lawyer's
428 practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster
429 occurred.

430 **D. Duration of authority for temporary practice.** The authority to practice law in this

431 jurisdiction granted under Section B ends when the Supreme Court determines the conditions
432 caused by the major disaster in this jurisdiction have ended except that a lawyer then
433 representing clients in this jurisdiction is authorized to continue the provision of legal
434 services for such time as is reasonably necessary to complete the representation, but the
435 lawyer shall not thereafter accept new clients. The authority to practice law in this
436 jurisdiction granted under Section C ends 60 days after the Supreme Court declares that the
437 conditions caused by the major disaster in the affected jurisdiction have ended.

438 **E. Court appearances.** The authority granted by this Rule does not include appearances in
439 court except:

- 440 1. under Admission to Practice R.3, Section A, and, if such authority is granted, the fee
441 imposed under Admission to Practice R. 3, Section A(1)(a)(4) is waived; or
- 442 2. if the Supreme Court, in any determination made under Section A, grants blanket
443 permission to appear in all or designated courts of this jurisdiction to lawyers providing
444 legal services under Section B. If such an authorization is included, the fee imposed
445 under Admission to Practice R. 3, Section A(1)(a)(4) is waived.

446 **F. Disciplinary authority and registration requirement.** Lawyers providing legal services in
447 this jurisdiction under Section B or C are subject to the Supreme Court's disciplinary
448 authority as provided in N.D.R. Prof. Conduct 8.5. Lawyers providing legal services in this
449 jurisdiction under Section B or C shall, within 30 days from the commencement of the
450 provision of legal services, file a registration statement with the State Board of Law
451 Examiners in a form prescribed by the Board. Any lawyer who provides legal services under
452 this Rule is not engaged in the unlawful practice of law in this jurisdiction.

453 **G. Notification to clients.** Lawyers authorized to practice law in another United States
454 jurisdiction who provide legal services under this Rule shall inform clients in this jurisdiction
455 of the jurisdiction in which they are authorized to practice law, any limits of that
456 authorization, and that they are not authorized to practice law in this jurisdiction except as
457 permitted by this Rule. They shall not state or imply to any person that they are otherwise
458 authorized to practice law in this jurisdiction.

COMMENT

460 [1] A major disaster in this or another jurisdiction may cause an emergency affecting the
461 justice system with respect to the provision of legal services for a sustained period of time
462 interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to
463 continue to represent clients until the disaster has ended. When this happens, lawyers from the
464 affected jurisdiction may need to provide legal services to their clients, on a temporary basis,
465 from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction
466 may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a
467 result of the disaster or, though independent of the disaster, whose legal needs temporarily are
468 unmet because of disruption to the practices of local lawyers. Lawyers from unaffected
469 jurisdictions may offer to provide these legal services either by traveling to the affected
470 jurisdiction or from their own offices or both, provided the legal services are provided on a pro
471 bono basis through an authorized not-for-profit entity or another organization specifically
472 designated by the Supreme Court. A major disaster includes, for example, a hurricane,
473 earthquake, flood, wildfire, tornado, public health emergency or an event caused by terrorists or
474 acts of war.

475 [2] Under Section A(1), the Supreme Court determines whether a major disaster causing an
476 emergency affecting the justice system has occurred in this jurisdiction, or in a part of this
477 jurisdiction, for purposes of triggering Section B of this Rule. The Supreme Court may, for
478 example, determine that the entirety of this jurisdiction has suffered a disruption in the provision
479 of legal services or that only certain areas have suffered such an event. The authority granted
480 under Section B extends only to lawyers authorized to practice law and not disbarred, suspended
481 from practice or otherwise restricted from practice in any other manner in any other jurisdiction.

482 [3] Section B permits lawyers authorized to practice law in an unaffected jurisdiction, and
483 not disbarred, suspended from practice or otherwise restricted from practicing law in any other
484 manner in any other jurisdiction, to provide pro bono legal services to residents of the affected
485 jurisdiction following determination of an emergency caused by a major disaster,
486 notwithstanding that they are not otherwise authorized to practice law in the affected
487 jurisdiction. Other restrictions on a lawyer's license to practice law that would prohibit that
488 lawyer from providing legal services under this Rule include probation, inactive status, disability
489 inactive status or a non-disciplinary administrative suspension for failure to complete continuing
490 legal education or other requirements. Lawyers on probation may be subject to monitoring and
491 specific limitations on their practices. Lawyers on inactive status, despite being characterized in
492 many jurisdictions as being "in good standing," and lawyers on disability inactive status are not
493 permitted to practice law. Public protection warrants exclusion of these lawyers from the
494 authority to provide legal services as defined in this Rule. Lawyers permitted to provide legal
495 services under this Rule must do so without fee or other compensation, or expectation thereof.
496 Their service must be provided through an established not-for-profit organization that is
497 authorized to provide legal services either in its own name or that provides representation of
498 clients through employed or cooperating lawyers. Alternatively, this court may instead designate
499 another specific organization through which these legal services may be rendered. Under Section
500 B, an emeritus lawyer from another United State jurisdiction may provide pro bono legal

501 services on a temporary basis in this jurisdiction provided that the emeritus lawyer is authorized
502 to provide pro bono legal services in that jurisdiction under that jurisdiction's emeritus or pro
503 bono practice rule. Lawyers may also be authorized to provide legal services in this jurisdiction
504 on a temporary basis under N.D.R. Prof. 5.5(b).

505 [4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the
506 area of the other jurisdiction determined by the Supreme Court to have suffered a major disaster,
507 and whose practices are disrupted by a major disaster there, and who are not disbarred,
508 suspended from practice or otherwise restricted from practicing law in any other manner in any
509 other jurisdiction, are authorized under Section C to provide legal services on a temporary basis
510 in this jurisdiction. Those legal services must arise out of and be reasonably related to the
511 lawyer's practice of law in the affected jurisdiction. For purposes of this Rule, the determination
512 of a major disaster in another jurisdiction should first be made by the highest court of appellate
513 jurisdiction in that jurisdiction.

514 [5] Emergency conditions created by major disasters end, and when they do, the authority
515 provided under Sections B and C also ends with appropriate notice to enable lawyers to plan and
516 to complete pending legal matters. Under Section D, the Supreme Court determines when those
517 conditions end for purposes of this Rule. The authority granted under Section B ends upon such
518 determination except that lawyers assisting residents of this jurisdiction under Section B may
519 continue to do so for such longer period as is reasonably necessary to complete the
520 representation. The authority provided under Section C ends 60 days after the Supreme Court
521 makes the determination with regard to an affected jurisdiction.

522 [6] Sections B and C do not authorize lawyers to appear in the courts of this jurisdiction.
523 Court appearances are subject to pro hac vice admission requirements under Admission to
524 Practice R. 3, Section A. The Supreme Court may, in a determination made under Section E(2),
525 include authorization for lawyers who provide legal services in this jurisdiction under Section B
526 to appear in all or designated courts of this jurisdiction without need for pro hac vice admission.
527 If such an authorization is included, the admission fee imposed under Admission to Practice
528 R. 3, Section (1)(a)(4) is waived. A lawyer who has appeared in the courts of this jurisdiction
529 under Section E may continue to appear in any such matter notwithstanding a declaration under
530 Section D that the conditions created by major disaster have ended. Withdrawal from a court
531 appearance is subject to N.D.R. Prof. Conduct 1.16.

532 [7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United
533 States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict
534 that person's ability to provide legal services under this Rule.

535 [8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether
536 any lawyer seeking to practice in this jurisdiction under Section B or C of this Rule is disbarred,
537 suspended from practice or otherwise subject to a public disciplinary sanction that would restrict
538 the lawyer's ability to practice law in any other jurisdiction.

539 *Reference:* Minutes of the Joint Committee on Attorney Standards on 09/16/11 and 12/09/11.
540

541 **Rule 4. Licensing and Practice of Foreign Legal Consultants**

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

544 1. is, and for at least five years has been, a member in good standing of a recognized legal
545 profession in a foreign country, the members of which are admitted to practice as
546 attorneys or counselors at law or the equivalent and are subject to effective regulation
547 and discipline by a duly constituted professional body or a public authority;

548 2. for at least five of the seven years immediately preceding application has been a member
549 in good standing of such legal profession and has been lawfully engaged in the practice
550 of law in the foreign country or elsewhere substantially involving or relating to the
551 rendering of advice or the provision of legal services concerning the law of the foreign
552 country;

553 3. possesses the good moral character and general fitness requisite for a member of the bar
554 of this State; and

555 4. intends to practice as a foreign legal consultant in this State and to maintain an office in
556 this State for that purpose.

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

559 1. a certificate from the professional body or public authority having final jurisdiction over
560 professional discipline in the foreign county in which the applicant is admitted, certifying
561 the applicant's admission to practice, date of admission, and good standing as an attorney
562 or counselor at law or the equivalent;

- 563 2. a letter of recommendation from one of the members of the executive body of the
564 professional body or public authority or from one of the judges of the highest law court
565 or court of original jurisdiction of the foreign country in which the applicant is admitted;
- 566 3. duly authenticated English translations of the certificate required by Section B(1) of this
567 Rule and the letter required by Section B(2) of this Rule if they are not in English;
- 568 4. other evidence as the Supreme Court may require regarding the applicant's educational
569 and professional qualifications, good moral character and general fitness, and compliance
570 with the requirements of Section A of this Rule; and
- 571 5. an application fee equivalent to that paid by motion applicants under Rule 7.

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

- 576 1. appear as an ~~attorney~~ lawyer on behalf of another person in any court, or before any
577 magistrate or other judicial officer, in this State (except when admitted *pro hac vice*
578 pursuant to Rule 3A of the Admission to Practice Rules);
- 579 2. prepare any instrument effecting the transfer or registration of title to real estate located
580 in the United States of America;
- 581 3. prepare:
- 582 a. any will or trust instrument effecting the disposition on death of any property located
583 in and owned by a resident of the United States of America, or

- 584 b. any instrument relating to the administration of a decedent's estate in the United
585 States of America;
- 586 4. prepare any instrument in respect of the marital or parental relations, rights or duties of a
587 resident of the United States of America, or the custody or care of the children of the
588 resident;
- 589 5. render professional legal advice on the law of this State or of the United States of
590 America (whether rendered incident to the preparation of legal instruments or otherwise)
591 except on the basis of advice from a person duly qualified and entitled (other than by
592 virtue of having been licensed under this Rule) to render professional legal advice in this
593 State; or
- 594 6. carry on a practice under, or utilize in connection with such practice, any name, title, or
595 designation other than one or more of the following:
- 596 a. the foreign legal consultant's own name;
- 597 b. the name of the law firm with which the foreign legal consultant is affiliated;
- 598 c. the foreign legal consultant's authorized title in the foreign country where admitted to
599 practice, which may be used in conjunction with the name of the country; and
- 600 d. the title "foreign legal consultant," which may be used in conjunction with the words
601 "admitted to the practice of law in [name of the foreign country where admitted to
602 practice]".

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

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

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

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

- 625 a. is subject to the jurisdiction of the Supreme Court and to censure, suspension,
626 removal or revocation of the person's license to practice by the Supreme Court and is
627 otherwise governed by the North Dakota Rules of Professional Conduct; and
- 628 b. shall execute and file with the Supreme Court, in the form and manner as the court
629 may prescribe:
- 630 (1) a commitment to observe the North Dakota Rules of Professional Conduct to the
631 extent applicable to the legal services authorized under Section C of this Rule;
- 632 (2) a written undertaking to notify the court of any change in the foreign legal
633 consultant's good standing as a member of the foreign legal profession referred to
634 in Section A(1) of this Rule and of any final action of the professional body or
635 public authority referred to in Section B(1) of this Rule imposing any disciplinary
636 censure, suspension, or other sanction upon the foreign legal consultant; and
- 637 (3) a duly acknowledged instrument, in writing, providing the foreign legal
638 consultant's address in this State and designating the Clerk of the Supreme Court
639 as the consultant's agent for service of process. The foreign legal consultant shall
640 keep the clerk advised in writing of any changes of address in this State. In any
641 action or proceeding brought against the foreign legal consultant and arising out
642 of or based upon any legal services rendered or offered to be rendered by the
643 consultant within or to residents of this State, service shall first be attempted
644 upon the consultant at the most recent address filed with the clerk. Whenever
645 after due diligence service cannot be made upon the foreign legal consultant at
646 that address service may be made upon the clerk. Service made upon the clerk in

647 accordance with this provision is effective as if service had been made personally
648 upon the foreign legal consultant.

649 2. Service of process on the clerk, pursuant to the designation filed under Section
650 E(1)(b)(3), must be made by personally delivering to the clerk's office, and leaving with
651 the clerk or with a deputy or assistant authorized by the clerk to receive service, duplicate
652 copies of the process together with a fee of \$10. The clerk shall promptly send one copy
653 to the foreign legal consultant to whom the process is directed, by certified mail, return
654 receipt requested, addressed to the foreign legal consultant at the most recent address
655 provided in accordance with Section E(1)(b)(3).

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

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

665 **H. Admission to Bar.** If a person licensed as a foreign legal consultant under this Rule is
666 subsequently admitted as a member of the bar of this State under the Rules governing

667 admission, that person's foreign legal consultant license is deemed superseded by the license
668 to practice law as a member of the bar of this State.

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

674 **Rule 5. Law Student Registration Requirements**

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

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

681 **C.** The filing of a Law Student Registration Application does not constitute the filing of a bar
682 examination application.

683 **D.** Upon payment of a late registration fee as required by the Board, a person who does not
684 comply with section A. shall be permitted to file a late application not later than the last
685 established filing date of application for the bar examination.

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

687 **A.** All applicants for admission by bar examination:

688 1. must meet the requirements of Rules 1, 2 and 5;

- 689 2. shall apply to take the examination on forms provided by the Board;
- 690 3. must receive a scaled score of 260 or above on the North Dakota bar examination; and
- 691 4. must receive a scaled score of 85 or above on the Multistate Professional Responsibility
- 692 Examination (MPRE) within five years of filing an application.
- 693 **B.** The North Dakota bar examination shall be the Uniform Bar Examination (UBE), consisting
- 694 of the Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the
- 695 Multistate Performance Test (MPT), prepared by and given according to the standards
- 696 established by the National Conference of Bar Examiners.
- 697 **C.** Upon acceptance and approval of the application by the Board and the payment of the
- 698 required fees, the applicant may take the bar examination. This general permission to take
- 699 the examination does not imply that an applicant has met all the requirements for
- 700 admission to the bar of North Dakota.
- 701 **D.** The Board shall set the place of each examination, and announce the date and time of the
- 702 examination.
- 703 **E.** An applicant whose disability requires testing accommodations shall submit with the
- 704 application a written request on such forms as required under the Board's testing
- 705 accommodations policy. The Board shall notify the applicant of its decision and provide an
- 706 opportunity for reconsideration.
- 707 **F.** Taking into consideration the results of the bar examination, along with the applicant's moral
- 708 character, the Board shall make a recommendation to the Supreme Court regarding the
- 709 admission of each applicant to the bar.

710 **G.** An applicant who fails to achieve a passing score after taking six North Dakota bar
711 examinations may take additional examinations in North Dakota only with the permission of
712 the Board. A petition demonstrating good cause to grant such a request, together with
713 information on how the applicant is likely to achieve a passing score, must be filed with the
714 Board's secretary by the earliest application deadline for the examination for which the
715 applicant wishes to sit. Late applications will not be accepted. The Board's decision on
716 whether to permit an applicant to sit for another examination is final.

717 **H.** If a negative recommendation or decision is based on the grounds that the applicant has
718 failed to pass the bar examination or the lawyer's examination, upon written request, and
719 payment of a reasonable copying fee, the applicant shall be provided copies of the
720 appropriate point sheet or model analyses, prepared by or under the supervision of the
721 National Conference of Bar Examiners, for that part of the applicant's examination. Any
722 inspection and copying of the examination prepared and scored by or under the supervision
723 of the National Conference of Bar Examiners will be as permitted by the guidelines and
724 limitations prescribed by the National Conference of Bar Examiners or its designee.

725 **Rule 6.1 Temporary License for Attorneys Lawyers Applying for Admission**

726 **A.** Any attorney lawyer meeting the following qualifications may apply for the privilege to
727 practice law temporarily in North Dakota as provided in this rule.

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

730 (a) be an applicant for admission to the North Dakota Bar under Rule 6 or Rule 7, or
731 relicensure under Rule 8, and meet all eligibility requirements of those rules; and

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

734 2. A lawyer who has failed the North Dakota bar examination within the past three years is
735 not eligible to apply for a temporary license.

736 **B.** The ~~attorney~~ lawyer shall file an application with the Board, which must be attested to or
737 sworn and state:

738 1. that the ~~attorney~~ lawyer has applied for admission to the practice of law in North Dakota
739 under Rule 6 or Rule 7, or relicensure on Rule 8; and

740 2. the name and address of an associate ~~attorney~~ lawyer admitted and licensed to practice
741 law in this state.

742 **C.** Attached to the application must be a statement from the associate ~~attorney~~ lawyer that the
743 ~~attorney~~ lawyer has agreed to serve as an associate ~~attorney~~ lawyer under this rule, is
744 admitted and licensed to practice of law in this state, and agrees to fulfill the responsibilities
745 of an associate ~~attorney~~ lawyer described under Rule 3A.

746 **D.** The application must be accompanied by a fee of \$100. All fees collected under this rule
747 must be divided equally between the State Bar Association and the Board of Law Examiners.

748 **E.** Upon approval by the Board, the applicant shall be issued a temporary license to practice law
749 in this state. The temporary license is valid for no more than six months from the date of
750 issuance or, if the applicant has applied under Rule 6 for a February bar exam, and that exam
751 is not given, only until the results are available from the next bar exam offered in North
752 Dakota.

- 753 **F.** The Board shall summarily revoke the temporary license if the applicant:
- 754 1. files an untruthful affidavit with the Board;
- 755 2. fails the bar examination;
- 756 3. fails to take the bar examination when eligible to do so;
- 757 4. receives a negative recommendation for admission or relicensure ~~on character and fitness~~
- 758 ~~grounds~~;
- 759 5. has formal disciplinary proceedings instituted against the applicant;
- 760 6. withdraws the application for admission to practice law under Rule 6 or 7; ~~or~~
- 761 7. is admitted to the practice of law in North Dakota under Rule 6 or 7;
- 762 8. withdraws the application for relicensure under Rule 8; or
- 763 9. is relicensed to practice law in North Dakota under Rule 8.

764 If the Board revokes a temporary license based on evidence of professional misconduct in

765 this or another jurisdiction, the Board shall notify the Disciplinary Board of the Supreme Court

766 ~~of any person whose temporary license is revoked under 1 through 6.~~

767 **Rule 7. Admission by Motion**

768 **A. Eligibility by Practice.**

- 769 1. Any person who is a member of the bar of another state or the District of Columbia may
- 770 apply for admission by motion if that person:
- 771 a. meets the requirements of Rules 1 and 2;
- 772 b. has been a member of the bar of another state or the District of Columbia for at least
- 773 five (5) years;

- 774 c. has for at least four (4) of the last five (5) years immediately preceding the
775 application for admission on motion been actively engaged, to an extent deemed by
776 the Board to demonstrate competency in the practice of law, in one or more of the
777 following:
- 778 (1) the private practice of law;
 - 779 (2) service as a judge of a court of record.
 - 780 (3) the teaching of law as an ~~full-time~~ instructor in a law school or schools accredited
781 by the American Bar Association; or
 - 782 (4) the performance of ~~full-time~~ legal work in a legal capacity.
- 783 2. The application for admission by motion shall be filed with the Board. The application
784 must be accompanied by:
- 785 a. an affidavit identifying all other jurisdictions in which the applicant has applied for
786 admission and the final decision of the admitting authority in each jurisdiction;
 - 787 b. certification of admission to practice and good standing by the admitting authority in
788 each jurisdiction that the applicant has identified in a. as having admitted the
789 applicant to the bar;
 - 790 c. an affidavit disclosing the place or places in the other state or states or the District of
791 Columbia where the applicant has practiced law;
 - 792 d. the name and post office address, whenever possible, of at least one judge of a court
793 of general jurisdiction who, during the specified period, has presided in a court before
794 which the applicant has practiced law;

- 795 e. certification by the ~~attorney~~ lawyer disciplinary authority in each jurisdiction where
796 the applicant has been admitted to the bar ~~that there are no~~ disclosing all prior or
797 pending disciplinary proceedings ~~of disbarment or suspension of the applicant's~~
798 ~~license to practice law~~ against the applicant in that jurisdiction;
- 799 f. the affidavits of at least two ~~attorneys~~ lawyers from another jurisdiction where the
800 applicant has been admitted to the bar which attest to the applicant's good moral
801 character and fitness to practice law. The affidavits must be from ~~attorneys~~ lawyers
802 who practiced law contemporaneously with the applicant; and
- 803 g. verification of 45 hours of approved or approvable course work in Continuing Legal
804 Education, three hours of which shall be in the area of ethics or course work
805 commonly considered professional responsibility, during the ~~three years~~ 42-month
806 period immediately preceding the application for admission to the bar of this state.
- 807 3. If the Board determines that the applicant's legal experience does not demonstrate
808 sufficient competency in the practice of law, it shall require the applicant to take an
809 ~~attorney's~~ lawyer's examination. The Board shall set the date, time, place and content of
810 each examination.

811 **B. Eligibility by Test Score.**

- 812 1. An applicant may be eligible for admission by motion provided the applicant:
- 813 a. meets the requirements of Rules 1 and 2;
- 814 b. has received a scaled score of 85 or above on the Multistate Professional
815 Responsibility Examination (MPRE) within five years prior to ~~of~~ filing an
816 application;

- 817 c. has received a scaled score of 260 or above on the Uniform Bar Examination (UBE)
818 given in another jurisdiction; or
- 819 d. has received a scaled score of 150 or above on the Multistate Bar Examination
820 (MBE) taken as a part of and at the same time as the essay or other written bar
821 examination given by another jurisdiction that ~~does not use the UBE, or that~~ did not
822 use the UBE on the date of the applicant's examination; and has been admitted to the
823 bar of the jurisdiction in which the ~~UBE or~~ MBE examination was written.
- 824 2. Proof of the UBE or MBE score and a completed application must be received at the
825 offices of the Board within two years of the date of the examination in the jurisdiction of
826 admission where the examination was written.
- 827 C. The application for admission by motion must be referred to the Board which shall
828 investigate the same and its sufficiency, including the moral character of the applicant.
- 829 D. Taking into consideration each applicant's moral character, and the results of the ~~attorney's~~
830 lawyer's examination, if required, the Board shall make a recommendation to the Supreme
831 Court regarding the admission of each applicant to the bar.

832 **Rule 8. Licensure of Inactive Attorneys Lawyers**

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

- 838 a. if the applicant has not been licensed for a period of less than two years, that the
839 applicant has received 15 hours of approved or approvable course work in Continuing
840 Legal Education, one hour of which shall be in the area of ethics or course work
841 commonly considered professional responsibility, in the ~~year~~ 18-month period
842 immediately preceding the application;
- 843 b. if the applicant has not been licensed for a period of more than two years but less than
844 three years, that the applicant has received 30 hours of approved or approvable course
845 work in Continuing Legal Education, two hours of which shall be in the area of ethics
846 or course work commonly considered professional responsibility, during the ~~two~~
847 ~~years~~ 30-month period immediately preceding the application; ~~or~~
- 848 c. if the applicant has not been licensed for a period of three or more years, that the
849 applicant has received 45 hours of approved or approvable course work in Continuing
850 Legal Education, three hours of which shall be in the area of ethics or course work
851 commonly considered professional responsibility, during the ~~three years~~ 42-month
852 period immediately preceding the application; or
- 853 d. if the applicant is not licensed, voluntarily or involuntarily, due to noncompliance
854 with the continuing legal education requirement of the North Dakota Rules for
855 Continuing Legal Education, that the applicant has received 45 hours of approved or
856 approvable course work in Continuing Legal Education, three hours of which shall be
857 in the area of ethics or course work commonly considered professional responsibility,
858 during the 42-month period immediately preceding the application.

- 859 2. certification of admission to practice by the admitting authority in each jurisdiction
860 where the applicant has been admitted to the bar;
- 861 3. certification by the ~~attorney~~ lawyer disciplinary authority in each jurisdiction where the
862 applicant has been admitted to the bar that there are not prior or pending proceedings of
863 disbarment or suspension of the applicant's license to practice law against the applicant in
864 that jurisdiction, and that any client protection funds disbursed on the lawyer's behalf
865 have been reimbursed by the lawyer.
- 866 4. an affidavit containing the following information:
- 867 a. the specific dates of nonlicensure in North Dakota;
- 868 b. the applicant's reasons for not seeking a license to practice law in North Dakota
869 during the period identified in a.; and
- 870 c. the applicant's employment and legal activities during the period identified in a.; and
- 871 5. payment of a licensure investigation fee set by the Board.
- 872 **B.** The Board shall investigate the applicant's application and its sufficiency, including the
873 moral character of the applicant. In its investigation of the applicant's application the Board
874 shall give consideration to the following factors:
- 875 1. the applicant's work experience during the period of nonlicensure in North Dakota;
- 876 2. the length of time during which the applicant did not secure a license to practice law in
877 North Dakota;
- 878 3. the applicant's continued licensure in another jurisdiction during the period of
879 nonlicensure in North Dakota;

880 ~~4. the number of hours of approved or approvable course work in Continuing Legal~~
881 ~~Education received during the period of nonlicensure in North Dakota; and, if the~~
882 ~~applicant has been previously licensed in North Dakota, the number of hours of approved~~
883 ~~or approvable course work in CLE received during the three year period preceding the~~
884 ~~period of nonlicensure.~~

885 C. If the Board determines that the applicant's legal experience during the nonlicensure does not
886 demonstrate sufficient competency in the practice of law, it shall require the applicant to take
887 an ~~attorney's~~ lawyer's examination. The Board shall set the date, time, place, and content of
888 each examination.

889 D. Based upon the results of the investigation of the applicant's application and the ~~attorney's~~
890 lawyer's examination, if required, the Board may issue a license to practice law to the
891 applicant upon the applicant's payment of the license fee established by Section 27-11-~~H~~22,
892 N.D.C.C., to the Secretary-Treasurer of the State Board of Law Examiners.

893 E. The Board may issue a conditional license under the provisions of Rule 9.

894 **Rule 9. Conditional Admission/License**

895 A. The Board may, in light of an applicant's physical or mental disability, present or past use or
896 abuse of drugs or alcohol, neglect of financial responsibilities, or other circumstances in
897 which the Board determines the protection of the public requires it, recommend admission or
898 licensure to the bar conditional upon the applicant's compliance with relevant conditions
899 prescribed by the Board.

900 B. The Board may recommend specific conditions of admission or licensure, including, but not
901 limited to, requiring alcohol or drug treatment, medical care, psychological or psychiatric

902 care, professional office practice or management counseling, practice supervision,
903 participation in the lawyer assistance program, and/or professional audits or reports. The
904 Board may recommend persons to supervise the applicant and may recommend that
905 cooperation with such supervisors be a condition. All costs related to any condition are the
906 responsibility of the applicant. The Board shall recommend a specific duration for the
907 conditions.

908 **C.** If the applicant is granted conditional admission or licensure by the Court, the terms and
909 conditions of the applicant's admission or licensure shall be administered and monitored by
910 the Board. During the period of conditional admission or licensure, the Board shall be
911 notified of any disciplinary proceedings and shall have access to all information relating to
912 any disciplinary complaint filed against the applicant.

913 **D.** At the end of the specified period, the Board shall file a report with the Court and
914 recommend entry of an order lifting the conditional admission or licensure and allowing the
915 applicant to practice law without restrictions, continuing the conditions, or amending the
916 conditions.

917 **E.** If the applicant violates any conditions of admission or licensure, the Board is authorized to
918 institute proceedings for revocation of the conditional admission or license under Rule 11 or
919 12 and shall notify the applicant and the disciplinary authority of its intent. The applicant's
920 notice shall be by certified mail directed to the applicant at the last known address of the
921 applicant.

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

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

929 **Rule 10. Review Procedures**

930 **A.** Informal Interview

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

933 **B.** Formal Hearing

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

939 ~~If a negative recommendation or decision is based on the grounds that the applicant has~~
940 ~~failed to pass the examination or the attorney's examination, upon written request, and~~
941 ~~payment of a reasonable copying fee, the applicant shall be provided copies of the~~
942 ~~appropriate point sheet or model analyses, prepared by or under the supervision of the~~
943 ~~National Conference of Bar Examiners, for that part of the applicant's examination. Any~~

944 ~~inspection and copying of the examination prepared and scored by or under the~~
945 ~~supervision of the National Conference of Bar Examiners will be as permitted by the~~
946 ~~guidelines and limitations prescribed by the National Conference of Bar Examiners or its~~
947 ~~designee.~~

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

952 2. Within 30 days after the mailing of ~~the~~ notification of a negative recommendation or a
953 decision on licensure based on character and fitness grounds, or a recommendation for
954 conditional admission or licensure, the applicant may demand a formal hearing by
955 written petition directed to the Board. The applicant must identify the grounds upon
956 which the petition is based. A negative recommendation based on the grading of the bar
957 examination does not constitute grounds for a formal hearing, and any petition seeking a
958 review on such basis shall be summarily dismissed by the Board.

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

962 4. The hearing must be on the record and, at the discretion of the Board, may be held before
963 the Board or a hearing examiner appointed by the Board to conduct the hearing. The
964 Board shall set forth its findings of fact and its conclusions. If a hearing examiner is

965 appointed to conduct the hearing, the findings and conclusions of the hearing examiner,
966 to the extent that the Board adopts them, become the findings and conclusions of the
967 Board.

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

970 6. The Board shall notify the applicant by certified mail of its findings of fact and its
971 conclusions.

972 **C. Supreme Court Consideration**

973 1. An applicant who, after formal hearing, receives notice that the Board will recommend
974 conditional admission or licensure, or has given a negative recommendation or decision
975 on admission or licensure, may request review of that recommendation or decision by the
976 Supreme Court. The request for review may shall be requested initiated by written
977 petition directed to the Clerk. The petition must be filed within 30 days after the Board's
978 mailing of the notice of the results of the formal hearing.

979 2. The Clerk, upon receipt of a petition, shall notify the Board to prepare and file with the
980 Clerk of the Supreme Court the record and files, ~~including the transcript of the hearing,~~
981 its findings of fact, and its recommendation. The petitioner must order the transcript of
982 the hearing and pay the costs of the transcript of the hearing, if any, shall be the
983 responsibility of the petitioner, and failure to timely do so under Rule 10 of the North
984 Dakota Rules of Appellate Procedure shall result in dismissal of petitioner's request for
985 review by the Supreme Court.

- 986 3. To the extent appropriate, all proceedings before the Supreme Court must conform to the
987 North Dakota Rules of Appellate Procedure. The Board shall participate in the briefing
988 and oral argument before the Supreme Court.
- 989 4. The applicant has a burden of proof by a preponderance of the evidence.

990 **Rule 11. Interim Revocation of Conditional Admission/License**

991 **A.** Upon receiving sufficient evidence demonstrating that an applicant:

- 992 1. has not complied with any condition and
993 2. poses a substantial threat of irreparable harm to the public,
994 the Board shall transmit the evidence to the Supreme Court together with a proposed order
995 for interim revocation of the conditional admission or license.

996 **B.** At any stage, the Supreme Court may enter an interim order immediately revoking the
997 conditional admission or license of an applicant pending final disposition of the proceedings
998 predicated upon the noncompliance with conditions and conduct causing harm or may order
999 such other action as deemed appropriate. Upon the request of the applicant who is subject to
1000 the Board's request for interim revocation, the Supreme Court may provide the applicant an
1001 opportunity to be heard before determining the Board's request. Upon request by the Board
1002 or the applicant after entry of an interim revocation order, the Supreme Court shall within ten
1003 days provide an opportunity for the applicant to demonstrate that the order should not remain
1004 in force.

1005 **Rule 12. Revocation of Conditional Admission/License**

- 1006 **A.** Within 60 days after the mailing of the notification of intent to revoke the conditional
1007 admission or license, the Board shall set a hearing on the revocation and inform the applicant
1008 of the time and place of the hearing and the applicant's right to be represented by counsel and
1009 to present any witnesses as the applicant may choose.
- 1010 **B.** The hearing on the revocation shall be limited to the issue of whether any condition of
1011 admission or licensure has been violated by the applicant.
- 1012 **C.** The hearing must be on the record and, at the discretion of the Board, may be held before the
1013 Board or a hearing examiner appointed by the Board. The Board shall set forth in a report its
1014 findings of fact, conclusions and recommendation to the Supreme Court. If a hearing
1015 examiner is appointed to conduct the hearing, the findings and conclusions of the hearing
1016 examiner, to the extent that the Board adopts them, become the findings and conclusions of
1017 the Board.
- 1018 **D.** The Board shall notify the applicant by certified mail of its findings of fact, conclusions and
1019 recommendation and shall also file the report with the Supreme Court.
- 1020 **E.** Within 20 days of service of the report, objections to the report may be filed with the
1021 Supreme Court. Within 50 days after service of the report, briefs limited to the filed
1022 objections may be filed. Oral argument may be requested only if objections are filed, or may
1023 be set upon the court's own motion. Briefing and oral argument will be as provided in the
1024 North Dakota Rules of Appellate Procedure.
- 1025 **F.** An applicant who has had a conditional admission or license revoked is not eligible to apply
1026 for admission or licensure for a period of five years from the Order of Revocation.

1027 **Rule 13. Public Records**

- 1028 **A.** All records maintained by the Board regarding applications for admission to practice law, all
1029 examination materials, and all proceedings by the Board shall be confidential except as
1030 provided by these rules. The following records shall be maintained as public records:
- 1031 1. the name and last address provided of each applicant;
 - 1032 2. pre-legal colleges attended by each applicant;
 - 1033 3. law schools attended by each applicant;
 - 1034 4. whether an applicant is currently admitted to practice under rule for Limited Practice of
1035 Law by Law Students (Senior Practice Rule);
 - 1036 5. names and addresses of persons who have passed the examination and have met all the
1037 requirements for admission to practice;
 - 1038 6. whether an applicant has been admitted with conditions; and
 - 1039 7. statistical summaries as may be authorized by the Supreme Court.
- 1040 **B.** Upon written request information may be exchanged with an authorized ~~attorney~~ lawyer
1041 discipline agency and released to bar admission authorities in jurisdictions where an
1042 application for admission is pending.
- 1043 **C.** Application information may be released to agents authorized by the Board to investigate
1044 moral character.
- 1045 **D.** If the Board makes a negative recommendation for admission to practice based upon lack of
1046 good moral character, the applicant is entitled to disclosure of records pertaining to the
1047 applicant's moral character.

1048 E. Upon an applicant's request for Supreme Court review of a negative recommendation for
1049 admission or licensure, the records pertaining to an applicant shall be public records.

1050 F. The Board is authorized to provide to the National Conference of Bar Examiners relevant ~~bar~~
1051 ~~passage data that does not include personally identifying information for the reporting of~~
1052 UBE and MBE scores between jurisdictions and participation in the cross reference program.

1053 G. The Board may release the same score information provided to a failing applicant, and the
1054 MBE and UBE scores for all other applicants, to the law school from which the applicant
1055 received a juris doctor degree. The report to a law school may use the name of the applicant.

1056 **Rule 14. Withdrawal of Application**

1057 An application for admission is deemed withdrawn, unless good cause is shown, if not
1058 completed within 24 months of the date of the filing of the application.

1059 **Rule 15. Disqualification of Members**

1060 Upon the disqualification of a member of the Board from consideration of an application for
1061 admission or relicensure, the Supreme Court may, at the request of the Board, appoint a resident
1062 licensed member of the bar, including a former member of the Board, to serve temporarily in the
1063 disqualified member's place.

1064 **Rule 16. Immunity**

1065 Communications to the Board, its committees, secretary or staff relating to an applicant's
1066 admission to the bar or character and fitness to practice law, as well as testimony given in a
1067 formal proceeding, are absolutely privileged, and no civil proceeding predicated thereon may be
1068 instituted against any person providing information to the Board. Members of the Board, the

1069 Board's committees, secretary and staff are absolutely immune in any civil proceeding for all
1070 conduct in the course of their official duties.

1071 **Rule 17. Power of Court to Revoke or Suspend Admission**

1072 Nothing in these rules shall be considered as a limitation upon the power and authority of the
1073 Supreme Court to revoke or suspend, after due notice and hearing, the admission of an ~~attorney~~
1074 lawyer to practice in this state for fraud or material misrepresentation in the procurement of
1075 admission or license to practice.

1076 **Rule 18. Title and Citation**

1077 These rules are titled, "Admission to Practice Rules," and may be cited as "Admission to Practice
1078 R."