

SUPREME COURT OF ARKANSAS

No.

IN RE: *Rules Governing Admission
to the Bar of Arkansas*

Opinion Delivered 11-15-07

PER CURIAM

Rule XVI of the *Rules Governing Admission to the Bar of Arkansas* (Rules) is the admission-on-motion rule adopted by this court on February 26, 2004, which was effective on October 1, 2004. Over the intervening three years, the Board has become aware of a provision of the rule that is not clear in its practical application to potential admittees.

Particularly, Section 1.(d) is the “reciprocity” aspect of this rule. It provides that the state where an applicant . . . “has or had his or her principal place of business for the practice of law, or, in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from this State a similar accommodation as set forth in this rule.” There is no minimum time period during which the applicant must have practiced or been domiciled in a reciprocal jurisdiction. Consequently, the Board has been faced with the dilemma of deciding the minimum period of time an applicant must practice in a reciprocal jurisdiction which would be sufficient to establish a “principal place of business” in that jurisdiction.

The Board recommends that this section of the rule be amended to require that applicants have been engaged in the practice of law in the reciprocal jurisdiction for the two-year period immediately preceding application here. Further, the Board recommends that reference to “domicile” be removed due to the uncertainty of the meaning of such a requirement, especially since it has no relevance to the issue of whether an applicant has been engaged in the practice of law in a given jurisdiction.

We accept the Board’s recommendations and amend Rule XVI as it appears on the attachment to this order. The earlier version of the Rule is also shown with new language in *italics* and deleted language ~~stricken through~~.

Admission on Motion Rule

Rule XVI. Admission on Motion

1. An applicant who meets the requirements of (a) through (i) of this rule may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

- (a) have been admitted to practice law in another state, territory, or the District of Columbia;
- (b) hold a first professional degree in law (J.D. or LL.B.) from a law school approved by the American Bar Association at the time the degree was conferred;
- (c) have been primarily engaged in the active practice of law in one or more states, territories or the District of Columbia for five of the seven years immediately preceding the date upon which the application is filed;
- (d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, for the two year period immediately preceding application under this rule, would allow attorneys from this State a similar accommodation as set forth in this rule; however, applicants who have been on continuous active military duty for five of the seven years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule;
- (e) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (f) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (g) establish that the applicant possesses the character and fitness to practice law as set out in Rule XIII of these rules;
- (h) designate the Clerk of this Court for service of process; and,
- (i) pay a fee as may be set by this Court.

2. For the purposes of this rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under (2)(e) and (f) that were performed within Arkansas in advance of bar admission here, be accepted toward the durational requirement:

- (a) representation of one or more clients in the practice of law;
- (b) service as a lawyer with a local, state, territorial or federal agency, including military service;
- (c) teaching law at a law school approved by the American Bar Association;
- (d) service as a judge in a federal, state, territorial or local court of record;
- (e) service as a judicial law clerk; or,
- (f) service as corporate counsel.

3. For the purposes of this rule, the active practice of law shall not include work that, as undertaken constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

4. An applicant who has failed a bar examination administered in Arkansas within five years of the date of filing an application under this rule shall not be eligible for admission on motion

5. Proceedings under this rule shall be governed by the relevant provisions of Rule XIII of these r u l e s .

Admission on Motion Rule

Rule XVI. Admission on Motion

1. An applicant who meets the requirements of (a) through (i) of this rule may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

- (a) have been admitted to practice law in another state, territory, or the District of Columbia;
- (b) hold a first professional degree in law (J.D. or LL.B.) from a law school approved by the American Bar Association at the time the degree was conferred;
- (c) have been primarily engaged in the active practice of law in one or more states, territories or the District of Columbia for five of the seven years immediately preceding the date upon which the application is filed;
- (d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, ~~or, in which he or she was or is domiciled and admitted before seeking admission here,~~ *for the two year period immediately preceding application under this rule,* would allow attorneys from this State a similar accommodation as set forth in this rule; *however, applicants who have been on continuous active military duty for five of the seven years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule;*
- (e) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (f) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (g) establish that the applicant possesses the character and fitness to practice law as set out in Rule XIII of these rules;
- (h) designate the Clerk of this Court for service of process; and,
- (i) pay a fee as may be set by this Court.

2. For the purposes of this rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under (2)(e) and (f) that were performed within Arkansas in advance of bar admission here, be accepted toward the durational requirement:

- (a) representation of one or more clients in the practice of law;
- (b) service as a lawyer with a local, state, territorial or federal agency, including military service;
- (c) teaching law at a law school approved by the ~~Council of the Section of the Legal Education and Admissions to the Bar of the~~ American Bar Association;
- (d) service as a judge in a federal, state, territorial or local court of record;
- (e) service as a judicial law clerk; or,
- (f) service as corporate counsel.

3. For the purposes of this rule, the active practice of law shall not include work that, as undertaken constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

4. An applicant who has failed a bar examination administered in Arkansas within five years of the date of filing an application under this rule shall not be eligible for admission on motion

5. Proceedings under this rule shall be governed by the relevant provisions of Rule XIII of these rules.

