

PROPOSED AMENDMENTS TO THE SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until April 10, 2019, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Gina Palmer, Director of Attorney Services, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or Gina.Palmer@sc.ohio.gov not later than April 10, 2019. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1 **SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**
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4 **RULE I. ADMISSION TO THE PRACTICE OF LAW**
5

6 **[Existing language unaffected by the amendments is omitted to conserve space]**
7

8 **Section 9. Admission Without Examination.**
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10 (A) An applicant may apply for admission to the practice of law in Ohio without
11 examination if all of the following apply:

12 (1) The applicant has taken and passed a bar examination and has been admitted as an
13 attorney at law in the highest court of another state or in the District of Columbia, which
14 jurisdiction shall be considered the jurisdiction from which the applicant seeks admission;

15 (2) The applicant has engaged in the practice of law, provided, however, that the
16 practice of law:

17 (a) Was engaged in subsequent to the applicant's admission as an attorney at law in
18 another jurisdiction;

19 (b) Occurred for at least five full years out of the last ten years prior to the applicant's
20 submission of an application pursuant to division (C) of this section; and

21 (c) Was engaged in on a fulltime basis;

22 (3) The applicant has not taken and failed an Ohio bar examination within the past ten
23 years;

24 (4) The applicant has not engaged in the unauthorized practice of law;

25 (5) The applicant is a citizen or a resident alien of the United States;

26 (6) The applicant satisfies the general admission requirements of Section 1(A) to (C)
27 of this rule;

28 (7) If applicable, the applicant has registered pursuant to Gov. Bar R. VI, Section 3.

29 **[Existing language unaffected by the amendments is omitted to conserve space]**
30

31 (D) The Office of Bar Admissions shall refer the application and the report of the
32 National Conference of Bar Examiners to the regional or local bar association admissions
33 committee in accordance with Section 11 of this rule unless certain criteria is met, as established
34 by the Board of Commissioners on Character and Fitness. The applicant shall be reviewed and

46 approved as to character, fitness, and moral qualifications in accordance with the procedures
47 provided in Sections 11, if applicable and 12 of this rule.
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49 [Existing language unaffected by the amendments is omitted to conserve space]
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51 **Section 11. Character Investigation by Admissions Committees.**
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53 [Existing language unaffected by the amendments is omitted to conserve space]
54

55 (C)(1) Upon receipt of an applicant's complete Application to Register as a Candidate for
56 Admission to the Practice of Law filed under Section 2 of this rule or, if applicable, Application
57 for Admission to the Practice of Law Without Examination filed under Section 9 of this rule, the
58 Office of Bar Admissions shall forward one copy of the applicant's character questionnaire to the
59 National Conference of Bar Examiners for a character investigation and report. Upon receipt of
60 this report, the Office of Bar Admissions shall forward the report and the applicant's character
61 questionnaire to one of the following admissions committees:
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63 [Existing language unaffected by the amendments is omitted to conserve space]
64

65 **Section 17. RESERVED**
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67 **Section 18. Practice Pending Admission during Admission without Examination
Process.**
68

69 (A) An applicant who has a completed Application for Admission to the Practice of
70 Law without Examination on file with the Office of Bar Admissions pursuant to Section 9 of this
71 rule may apply to the Office of Bar Admissions to practice pending admission during the admission
72 without examination process pursuant to division (A)(4) of this section. Upon acceptance of the
73 Application to Practice Pending Admission, the applicant may provide legal services in Ohio
74 through an office or other systematic and continuous presence in Ohio for no more than three
75 hundred sixty-five days from the acceptance of the Application to Practice Pending Admission,
76 unless that time period is extended by the Office of Bar Admissions, provided that the applicant
77 meets all the following requirements:
78

79 (1) Is not disbarred or suspended from the practice of law or has not resigned from the
80 practice of law with disciplinary action pending in any jurisdiction and is not subject to a pending
81 formal disciplinary proceeding in any jurisdiction;
82

83 (2) Is admitted as an attorney at law in the highest court of another state or in the
84 District of Columbia, is on active attorney status in at least one jurisdiction, and is in good standing
85 in each jurisdiction in which the applicant is admitted to practice law;
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87 (3) Has not previously been denied admission to practice in Ohio or failed the Ohio bar
88 examination in the past ten years;
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90

91 (4) Submits within ninety days of first establishing an office or other systematic and
92 continuous presence in Ohio a complete Application for Admission without Examination in
93 accordance with Section 9 of this rule and on forms furnished by the Office of Bar Admissions.
94 An applicant who submits a completed application after the ninety days may petition the Office of
95 Bar Admissions to waive this provision for good cause;

96
97 (5) Reasonably expects to fulfill all of the requirements for admission without
98 examination pursuant to Section 9 of this rule;

99
100 (6) Associates with an active Ohio lawyer who is admitted to practice in Ohio, is in
101 good standing, and has agreed to associate with the applicant, unless the applicant files an affidavit
102 on a form furnished by the Office of Bar Admissions affirming that during the application process
103 the applicant will only practice the law of the jurisdiction in which the applicant is already
104 admitted;

105
106 (7) Submits to the Office of Bar Admissions an affidavit attesting that the applicant has
107 read and agrees to be bound by the Ohio Rules of Professional Conduct.

108
109 (B) Upon accepting an Application for Practice Pending Admission, the Office of Bar
110 Admissions shall forward the application to the Office of Attorney Services, which shall issue the
111 applicant an Ohio attorney registration number and designate the applicant as "Practice Pending
112 Admission." The Office of Attorney Services shall notify the Office of Disciplinary Counsel that
113 the applicant has been granted the status of "Practice Pending Admission."

114
115 (C) The applicant shall immediately notify the Office of Disciplinary Counsel and the
116 Office of Bar Admissions if the applicant is convicted of a felony or misdemeanor or becomes
117 subject to a disciplinary investigation or disciplinary sanction in any jurisdiction at any time during
118 the practice authorized by this rule. The Supreme Court shall consider this information when
119 determining whether to approve the applicant's Application for Admission to the Practice of Law
120 without Examination.

121
122 (D) The authority of an applicant to practice law pursuant to this section shall terminate
123 immediately upon the occurrence of any of the following:

124
125 (1) The time period authorized by division (A) of this section has expired and no
126 extension has been granted;

127
128 (2) The applicant withdraws the applicant's Application for Admission to the Practice
129 of Law without Examination;

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131 (3) The Application for Admission to the Practice of Law without Examination is
132 disapproved;

133
134 (4) If required pursuant to division (A)(6) of this section, the applicant fails to remain
135 associated with an active Ohio attorney in good standing;

136

137 (5) The applicant is disbarred, suspended, or has resigned from the practice of law with
138 disciplinary action pending in any jurisdiction in which the applicant is authorized to practice;

139
140 (6) The applicant fails to comply with the notification requirements of division (C) of
141 this section.

142
143 (E) Upon the termination of authority to practice in Ohio pursuant to division (D) of
144 this section, the applicant shall not undertake any new representation that would require the
145 applicant to practice law in Ohio and immediately shall do all of the following:

146
147 (1) Cease the practice of law in Ohio and withdraw from litigation pending in Ohio
148 courts;

149
150 (2) Cease to have an office or other systematic and continuous presence for the practice
151 of law in Ohio;

152
153 (3) Notify all clients being represented in pending matters and opposing counsel or co-
154 counsel of the termination of authority to practice pursuant to this section;

155
156 (4) Take all other necessary steps to protect the interests of clients.

157
158 (F) Upon the termination of the applicant's authority to practice under this section, the
159 Office of Bar Admissions shall immediately notify the applicant, the Office of Attorney Services,
160 and the Office of Disciplinary Counsel that the authority granted by this section has terminated.

161 [Effective: February 28, 1972; amended effective October 30, 1972; November 27, 1972; March
162 19, 1973; November 12, 1973; March 1, 1974; July 8, 1974; April 26, 1976; January 24, 1977;
163 March 9, 1977; August 1, 1977; January 1, 1982; March 9, 1983; July 1, 1983; May 7, 1984; May
164 28, 1984; December 31, 1984; April 1, 1987; May 6, 1987; January 1, 1989; July 1, 1989; January
165 1, 1991; February 1, 1991; October 1, 1991; February 1, 1992; May 1, 1992; July 1, 1992; August
166 1, 1992; January 1, 1993; September 15, 1993; January 1, 1995; May 1, 1997; August 3, 1998;
167 June 1, 2000; October 1, 2000; February 1, 2003; October 1, 2003; February 1, 2007; May 1, 2007;
168 October 1, 2007; January 1, 2008; February 1, 2009; August 1, 2010; January 1, 2013; January 1,
169 2014, July 1, 2014; January 1, 2015; January 1, 2017; July 1, 2017;_____.]