**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 September 4, 2012 on the following proposed amendments to the Rules for the Government of the Bar of Ohio (Gov.Bar R. I, Sec. 9).

Comments on the proposed amendments should be submitted in writing to: Lee Ann Ward, Director, **Bar Admissions**, 5th Floor, 65 South Front Street, Columbus, Ohio  43215-3431, or LeeAnn.Ward@sc.ohio.gov not later than September 4, 2012.  If your comment refers to a specific provision of the proposed amendments, please use the line numbers that appear along the left margin.  Please include your full name and mailing address in any comments submitted by e-mail. Please submit comments via regular mail or e-email, not both.

 All proposed changes relate to the elimination of the requirement that an applicant for admission without examination show specific intent to practice law in Ohio.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.

2. Language to be deleted appears ~~thus~~.

3. Language to be added appears thus.

**SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

**RULE I. ADMISSION TO THE PRACTICE OF LAW**

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 **Section 9. Admission Without Examination.**

 (A) An applicant may apply for admission to the practice of law in Ohio without examination if all of the following apply:

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

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

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

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

 (c) Was engaged in on a fulltime basis;

 (3) The applicant has not taken and failed an Ohio bar examination;

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

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

 (6) ~~The applicant intends to engage in the practice of law in Ohio actively on a continuing basis;~~

 ~~(7)~~ The applicant satisfies the general admission requirements of Section 1(A) to (C) of this rule;

 ~~(8)~~(7) If applicable, the applicant has registered pursuant to Gov. Bar R. VI, Section 4.

 (B) For purposes of this section, “practice of law” shall mean any one or more of the following:

 (1) Private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction;

 (2) Practice as an attorney for a corporation, partnership, trust, individual, or other entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction and involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, or preparing, trying, or presenting cases before courts, tribunals, executive departments, administrative bureaus, or agencies;

 (3) Practice as an attorney for the federal government, a branch of the United States military, or a state or local government with the same primary duties as described in division (B)(2) of this section;

 (4) Employment as a judge, magistrate, referee, or similar official for the federal or a state or local government, provided that such employment is available only to attorneys;

 (5) Fulltime employment as a teacher of law at a law school approved by the American Bar Association.

 (C) An applicant for admission to the practice of law in Ohio without examination shall file with the Office of Bar Admissions an Application for Admission to the Practice of Law Without Examination. The application shall include all of the following:

 (1) An affidavit stating all of the following:

 (a) That the applicant has not engaged in the unauthorized practice of law;

 (b) That the applicant has studied the Rules for the Government of the Bar of Ohio, the Ohio Rules of Professional Conduct, and the Code of Judicial Conduct, all as adopted by the Court;

 (c) That the applicant is a citizen or a resident alien of the United States~~;~~

 ~~(d)~~ ~~That the applicant intends to engage in the practice of law in Ohio actively on a continuing basis;~~.

 (2) A certificate from the admissions authority in the jurisdiction from which the applicant seeks admission, demonstrating that the applicant has taken and passed a bar examination and has been admitted to the practice of law in that jurisdiction;

 (3) A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law, dated no earlier than sixty days prior to the submission of the application;

 (4) An affidavit that demonstrates that the applicant has complied with division (A)(2) of this section and that includes a description of the applicant’s practice of law, the dates of such practice, and, if applicable, a description of the applicant’s employment subsequent to ceasing such practice;

 (5) To confirm that the applicant has engaged in the full-time practice of law for at least five full years out of the last ten years prior to the applicant’s submission of the application, an affidavit from the applicant’s employer or employers verifying the applicant’s full-time practice of law or, if the applicant has been self-employed, an affidavit from an attorney who is a member of the bar in the jurisdiction in which the applicant practiced and who knows the applicant, verifying the applicant’s full-time practice of law. As used in division (C))(5)of this section, “full-time practice of law” means practice in which the applicant was actively and substantially engaged as a principal business or occupation;

 (6) To confirm that the applicant’s practice was performed in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction, if applicable, a rule, statute, or other authority verifying that the applicant’s practice was lawful at the time the practice occurred;

 (7) Such other evidence, as may be reasonably requested by the Court, demonstrating that the applicant has met the requirements of division (A) of this section;

(8) A certificate by an attorney admitted to the practice of law in Ohio and duly registered pursuant to Gov. Bar R. VI, who will present the applicant to the Court pursuant to division (F) of this section, stating that the applicant is of good moral character and recommending the applicant for admission to the practice of law in Ohio without examination;

 (9) Fingerprint identification taken by a sheriff, deputy sheriff, municipal police officer, or state highway patrol officer;

 (10) A questionnaire, typed and in duplicate, for use by the National Conference of Bar Examiners, the Board of Commissioners on Character and Fitness, and the regional or local bar association admissions committee in conducting a character investigation of the applicant;

 (11) A fee of one thousand two hundred fifty dollars;

 (12) A fee in the amount charged by the National Conference of Bar Examiners for its character investigation and report;

 (13) Certificates or official transcripts evidencing compliance with Section 1(B) and (C) of this rule. If the applicant’s undergraduate or legal education was not received in the United States, a one hundred fifty dollar fee shall accompany the application for evaluation of the applicant’s legal education. If the applicant’s legal education was not received in the United States, the application shall not be processed until the applicant’s legal education is approved by the Court.

 (D) The Office of Bar Admissions shall refer the application and the report of the National Conference of Bar Examiners to the regional or local bar association admissions committee in accordance with Section 11 of this rule. The applicant shall be reviewed and approved as to character, fitness, and moral qualifications in accordance with the procedures provided in Sections 11 and 12 of this rule.

 (E) The applicant is under a continuing duty to update the information contained in the application, including the character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to information in the application that occur prior to the applicant’s admission to practice.

 (F)(1) The Court shall review the application and in its sole discretion shall approve or disapprove the application. In reaching its decision, the Court shall consider both of the following:

 (a) Whether the applicant has met the requirements of division (A) of this section;

 (b) Whether the applicant’s past practice of law is of such character, description and recency as shall satisfy the Court that the applicant currently possesses the legal skills deemed adequate for admission to the practice of law in Ohio without examination.

 (2) The Office of Bar Admissions shall notify the applicant of the Court’s determination.

 (G) An applicant who has been approved for admission under this section shall be presented to the Court in regular session by an attorney at law of this State. Upon approval of the applicant for admission under this Section, the Office of Bar Admissions shall schedule the presentation and notify the applicant of the date and time of the presentation. It shall be the applicant’s responsibility to notify the presenting attorney. The presentation shall be allotted two minutes and the applicant and the presenting attorney shall appear in person. The applicant shall be administered the oath of office following the presentation. An application for admission without examination shall be considered withdrawn if the applicant does not attend a presentation and take the oath of office within twelve months after the Court’s approval of the application.

(H) An applicant under this section shall not engage in the practice of law in Ohio prior to the presentation of the applicant to the Court pursuant to division (G) of this section. This division does not apply to participation by an attorney not yet admitted to practice in Ohio in a cause being litigated in Ohio when such participation is with leave of the judge hearing such cause.

 ~~(I)~~ ~~The Court may require an attorney who was admitted to the practice of law under this section after January 1, 1989, to demonstrate that since being so admitted he or she has been actively engaged in the practice of law in Ohio on a continuing basis. If the attorney subsequently ceases to engage in the practice of law in Ohio actively on a continuing basis, the Court may revoke that attorney’s license.~~

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