

# Supreme Court of Kentucky

2020-57

## AMENDED ORDER

### IN RE: TEMPORARY RULE PERMITTING SUPERVISED PRACTICE OF LAW PENDING ADMISSION

Under Section 116 of the Kentucky Constitution and Section II of the Rules of the Supreme Court, Admissions of Persons to Practice Law, the Supreme Court hereby ORDERS that the following temporary rule permitting the supervised practice of law pending admission shall be effective from June 1, 2020, through December 31, 2020.

#### **Supervised Practice Pending Admission**

1. An eligible individual who submitted a timely application for admission by examination for the July or September 2020 Kentucky bar examination and who is now registered to take the October 2020 remote bar examination is eligible for temporary admission to the Kentucky Bar Association, provided the following conditions are met:
  - a. The applicant has been awarded a juris doctor degree from a law school accredited by the American Bar Association;
  - b. The applicant applied to take the July or September 2020 Kentucky bar examination and is now registered to take the October 2020 remote bar examination;
  - c. The dean of the student's law school has filed written approval of such applicant with the Clerk of the Supreme Court and the Kentucky Bar Association;
  - d. The Character and Fitness Committee determines the applicant possesses the requisite good moral character and fitness to practice law;
  - e. The applicant is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability investigation in any jurisdiction;
  - f. The applicant has not been denied admission to practice law in Kentucky nor denied admission on character and fitness grounds in any jurisdiction;
  - g. The applicant associates with and is supervised by an active member of the Kentucky Bar Association. The applicant shall

disclose the name, address, and membership status of the supervising attorney, which disclosure shall be filed with the Office of Bar Admissions and the Kentucky Bar Association. Additionally, the supervising attorney:

- i. shall be in good standing with the Kentucky Bar Association;
    - ii. shall have been admitted to practice for not less than four years;
    - iii. shall file a signed verification form certifying the applicant's association with and supervision by that attorney with the Office of Bar Admissions and the Kentucky Bar Association; and
    - iv. shall be identified as such in all papers submitted to a court, government agency or authority, or alternative dispute resolution tribunal, on which the applicant's name appears.
  - h. The applicant shall be subject to the disciplinary authority of the Kentucky Bar Association and Kentucky Supreme Court and shall comply with all ethics and related rules of this jurisdiction, including specifically but not limited to rules requiring truthful and non-misleading advertising or other public statements concerning his or her limited authority to practice. The applicant is not permitted to advertise independently of the supervising attorney.
  - i. The applicant shall affirmatively state in all written (including electronic) communications with the public and clients the following language: "Practice temporarily authorized pending admission to the Kentucky Bar Association." In the initial consultation, the applicant shall affirmatively inform prospective clients with whom the applicant meets (whether in person, by phone or any other means) of the applicant's temporary authorization to practice pending admission to the Kentucky Bar Association.
2. An eligible individual who has submitted a timely application for admission to practice in the highest court of another state through the administration of that state's bar examination scheduled during the remainder of 2020 may be granted temporary admission to the Kentucky Bar Association provided that all the conditions of section (1), except section (1)(b), are met and further:
- a. The applicant has applied to take the bar examination of another state;
  - b. The applicant files a statement with the Office of Bar Admissions of his or her intention to seek admission to the Kentucky Bar

- Association under SCR 2.112 immediately upon the applicant's admission to practice in the highest Court of another state; and
- c. The Commonwealth's or County Attorney, or a representative of the public defender program or legal services program, that desires to employ the applicant upon admission under SCR 2.112 files a statement with the Office of Bar Admissions of this intention.
3. Verification. Upon an applicant's satisfactory completion of the application process and provided that the applicant is certified to have the requisite good moral character and fitness to practice law and the applicant has met all of the requirements of this rule, the Board and the Committee shall certify their recommendations to the Supreme Court that the applicant is eligible for temporary admission pursuant to this rule.
  4. Oath. Any applicant authorized to perform legal services under this Rule must subscribe to the following oath and submit a signed and notarized copy with the Clerk of the Supreme Court:

OATH OF BAR APPLICANT UNDER SUPERVISED PRACTICE RULE

I, \_\_\_\_\_, do solemnly swear that I will, as an applicant for the October 2020 bar examination who has been temporarily admitted under Administrative Order 2020-51, Supervised Practice of Law Pending Admission, support and defend the Constitution of the United States and the Constitution of the State of Kentucky; that cognizant of the trust placed in me and the responsibility it carries, I will conduct myself in all matters to the extent given me as an officer of the court with the utmost fidelity towards the court and all persons whose affairs are in any way entrusted to me; that I will neither take part in deception of the court, nor allow deception to take place, and should any be practiced will inform the court; that I subscribe to and will abide by the Rules of Professional Conduct as adopted by the Supreme Court of Kentucky; and that I will so exercise these privileges given me that it may be alike useful in the service of justice and in my preparation to assume full responsibility later as a member of the bar.

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Bar Applicant

The above and foregoing Oath was sworn to and subscribed by the above-named Bar Applicant and administered to him/her by me, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires: \_\_\_\_\_.

5. Automatic Termination. The authority in this rule shall terminate immediately if the applicant:
  - a. Successfully passes the Kentucky bar exam and takes the oath of office required by Section 228 of the Kentucky Constitution;
  - b. Withdraws the application for admission by examination;
  - c. Fails to obtain a passing score on the first bar examination the applicant takes in Kentucky, or another state under section (2), following adoption of this rule. In the event the applicant applies, within ten days following receipt of his or her score, to take the next subsequent Kentucky bar exam, then temporary admission shall be extended to the date of announced exam results for said next subsequent bar exam. Temporary admission shall not be extended following two unsuccessful bar exams.
  - d. Fails to submit a timely passing score on the Multistate Professional Responsibility Examination; or
  - e. Is subject to a formal charge in a disciplinary proceeding.
  
6. The authority in this rule shall also terminate immediately if the supervising attorney ceases to be an active member in good standing of the Kentucky Bar association or withdraws the verification required by this rule.
  
7. Required Action After Termination of Authority. Upon termination of authority to practice law pursuant to this rule, the applicant must notify, in writing, the Clerk of the Supreme Court, the Kentucky Bar Association, and all clients in pending matters, and opposing counsel, co-counsel and court clerks in pending litigation, of the termination of authority, and immediately cease practicing law in Kentucky. Termination of authority is not the equivalent of disbarment or other disciplinary action.

8. This rule shall remain in effect until December 31, 2020 and will continue to apply to any applicants granted temporary admission pursuant to this rule prior to that date.
9. The Court, in its discretion, may extend the time limits set forth in this rule for good cause shown.

This Order shall be effective from June 1, 2020, through December 31, 2020, or until further Order of this Court.

Entered this 31st day of July 2020.

  
CHIEF JUSTICE

All sitting; all concur.