



# SUPREME COURT OF GEORGIA

November 1, 2022

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Rules Governing Admission to the Practice of Law, and in particular Part A, Section 4 (b) (Application Deadline), Section 5 (Application Fees), Section 6 (b) and (d) (Investigation of Applicants), Section 8 (a) and (d) (Hearings), Section 10 (b) (Readmission and Reinstatement), Section 11 (Certifications of Fitness to Practice Law), and Section 12 (Review of Certifications Prior to Admission to the Practice of Law); Part B, Section 2 (Applications for Examinations) and Section 3 (Refunds); Part C, Section 4 (a) and (b) (Fees and Filing Instructions); Part D, Section 5 (a) (Fees and Filing Deadlines); and Part F, Section 5 (Waivers), be amended so that those rules, effective November 1, 2022, will read as follows:

**PART A**  
**BOARD TO DETERMINE FITNESS OF BAR APPLICANTS**

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**Section 4. Application Deadline**

- (a) Applications for Certification of Fitness to Practice Law must be filed with the Office of Bar Admissions no later than the first Wednesday of July for consideration for the bar examination to be administered the following February and no later than the first Wednesday of December for consideration for the bar examination to be administered the following July. Unless an applicant's fitness to practice law is called into question, he or she will be permitted to apply to the Board of Bar Examiners to take the bar examination

as requested.

- (b) Applications for Certification of Fitness to Practice Law filed between the first Wednesday in July and the first Wednesday in October for consideration for the bar examination to be administered the following February and applications filed between the first Wednesday in December and the first Wednesday in March for consideration for the bar examination to be administered the following July will be accepted for the requested examination if accompanied by a non-refundable late fee of \$500, in addition to the regular fee prescribed by these Rules. Applications so filed will be placed for processing in order of receipt, but no processing will begin until processing of all applications filed pursuant to the deadline set forth in subparagraph (a) above has begun. If appropriate, the Board may issue a temporary certification, valid for the requested examination only, which will permit the applicant to apply to the Board of Bar Examiners to take the examination while the investigation of the applicant's fitness to practice law is completed. An applicant who files pursuant to this subparagraph agrees that his or her bar examination results will not be released to him or her unless and until such time as the Board of Bar Examiners is informed by the Board to Determine Fitness of Bar Applicants that the applicant has been certified as fit to practice law.

### **Section 5. Application Fees**

*\*Late fees may be applicable; refer to Part A, Section 4(b).*

- (a) Fitness Application filed prior to the award of the first professional degree in law .....\$450\*
- (b) Fitness Application filed after the award of the first professional degree in law.....\$750\*
- (c) Fitness Application for applicant who seeks to take the Attorneys' Examination.....\$1,200\*
- (d) Fitness Application for applicant who seeks Admission on Motion without Examination .....\$1,200
- (e) Petition for Admission of Foreign-Educated Applicant (including Fitness Application).... \$1,000\*
- (f) Petition to determine eligibility for Admission on Motion without Examination.....\$1,300
- (g) Application for Readmission following disbarment by the State Bar of Georgia.....\$5,000\*
- (h) Application for Readmission after the expiration of five years from the effective date of voluntary resignation from the State Bar of Georgia or following termination from the State Bar of Georgia.....\$1,000\*
- (i) Application for Reinstatement (either within five years from the effective date of voluntary resignation from the State Bar of Georgia or following suspension from the State Bar of Georgia..... \$1,000
- (j) Application for Renewal of Certification ("Recertification").....\$800

(k) Application following failure to timely register with the State Bar of Georgia.....\$800

Provided a request in writing for withdrawal of an Application for Certification of Fitness to Practice Law is filed within 15 work days of the date of receipt of the application by the Office of Bar Admissions, the Board to Determine Fitness of Bar Applicants shall refund 2/3 of the filing fee paid by the applicant; provided, however, that no part of the late filing fees described in Section 4(b), above, may be refunded.

### **Section 6. Investigation of Applicants**

- (a) Prior to certifying an applicant as having the character and fitness requisite to be a member of the Bar of Georgia, the Board shall make such investigation as it deems necessary into his or her character, reputation and background. Each applicant shall provide written authority to the Board to conduct such investigation, and each applicant shall authorize all persons with information about him or her to furnish the Board with such information and documents as it may request. The authority granted by an applicant shall expire upon the applicant's admission to the practice of law in Georgia, denial of his or her application, or upon the applicant's written withdrawal of his or her application.
- (b) The Board may provide for the appointment of local committees on character and fitness to investigate the background of any applicant. The reports of local committees shall include the facts found during their investigations but shall not include any recommendations.
- (c) A fingerprint check may be made of all applicants.
- (d) Each applicant shall affirmatively pursue Certification of Fitness. In the event of an absence of written communication from an applicant for one year from the date of the most recent communication from the applicant, the Fitness Board may determine that the file has been abandoned. The applicant's status will be marked as such, and if said applicant wishes to pursue Certification of Fitness, he or she will be required to file a new Application for Certification of Fitness along with the applicable fees in effect at the time of filing.

### **Section 8. Hearings**

- (a) Prior to finally determining that an applicant shall not be certified as fit to practice law in this state, the Board shall notify the applicant electronically or by certified mail that it has entered a tentative order of denial of his or her Application for Certification and advise the applicant of his or her right to a formal hearing with respect to the reasons for the Board's tentative denial. Within ten business days of receipt of this notice, the applicant shall file his or her written request for a formal hearing with the Office of Bar Admissions. If no request is filed within ten business days, the Board's tentative order shall become final and non-appealable. If a request is filed, the Board shall prepare specifications of the reasons for the Board's tentative order and notify them electronically or by certified mail to the applicant. Within 20 days of receipt of the specifications the applicant shall file his or her

answers thereto, and if any specification is not denied, it shall be deemed to have been admitted. In addition to answering the specifications, the applicant may assert any affirmative defenses he or she may have and/or any matters in mitigation he or she may wish to have considered. The hearing may be held before a single attorney member of the Board appointed by the chair or before the Board as a whole or before a member of the State Bar of Georgia appointed as hearing officer by the Court at the Board's request. The applicant may be represented by counsel, and the hearings shall be reported and transcribed by a certified court reporter.

- (b) Witnesses may be subpoenaed by the Board and shall be subpoenaed by the Board upon the applicant's request as in civil cases in state courts of record. In case of a refusal of a witness to attend the hearing, to produce documentary or other evidence or to testify, the Board shall certify the failure to the Court, and the witness shall be dealt with as for a contempt. Witnesses shall be entitled to receive the fees and mileage provided for by law for witnesses in civil cases.
- (c) Prior to the hearing, written interrogatories may be served upon any witness not within the state of Georgia. The answers to the written interrogatories and any exhibits submitted with them shall be admissible as evidence at the hearing. At the hearing, the hearing officer shall not be bound to strictly observe the rules of evidence but shall consider all evidence deemed relevant to the specifications and the answers, affirmative defenses and matters in mitigation raised by the Board and the applicant in an effort to discover the truth without undue embarrassment to the applicant; provided, however, the Board's investigatory file with respect to matters not placed in issue by the specifications, answers, affirmative defenses and matters in mitigation shall not be subject to discovery or introduction into evidence. The hearing officer shall make written findings of fact and recommendations to the Board, which, however, shall not be binding upon the Board.
- (d) If after review of the recommendations of the hearing officer the Board determines not to certify the applicant as fit to practice law in Georgia, it shall so notify the applicant in writing electronically or by certified mail giving its reasons for its decision.

#### **Section 10. Readmission and Reinstatement**

- (a) Any applicant who was formerly a member of the State Bar of Georgia and who was disbarred, voluntarily surrendered his or her license or was removed from membership in the State Bar of Georgia pursuant to Bar Rule 4-104 may apply for readmission five years after the date of the court order of disbarment or the court order accepting the surrender of the license.
- (b) The applicant seeking readmission shall file a Fitness Application as provided in Part A, Sections 3 and 4.

#### **Section 11. Certifications of Fitness to Practice Law**

Upon being satisfied that an applicant possesses the character and fitness requisite to be a member of the Bar of Georgia, the Board shall certify the applicant as fit to practice law.

Certifications may be in the form of a letter to the applicant that shall include the certification's expiration date, which shall be five years from the date issued. Certifications may be renewed upon application to the Board not less than three months prior to the certificate's stated expiration date. Applications for renewal of certification shall be on such forms, including an original application form, as the Board may determine and shall be accompanied by a fee of \$800. The Board shall conduct such investigation as it deems appropriate in the circumstances, and the Board may renew, decline to renew, or take such other action with respect to renewal as it might take with an original application. An applicant for renewal shall have the same rights with respect to conferences, hearings, and appeals as would an original applicant. If application for renewal of certification is not made in accordance with the deadlines specified in this section and the applicant thereafter wishes to apply to take the bar examination, he or she, to be eligible to apply to the Board of Bar Examiners to take the examination, must file a new, initial Application for Certification with the Board to Determine Fitness of Bar Applicants and must pay the appropriate fee required by these Rules.

## **Section 12. Review of Certifications Prior to Admission to the Practice of Law**

Certifications of fitness to practice law shall be tentative until an applicant is actually admitted to the practice of law and may be reviewed by the Board upon its own motion or upon receiving a request for further review from the Board of Bar Examiners. In any case where a further review is deemed necessary, the Board shall suspend the applicant's certification and shall so notify electronically or by certified mail the applicant and the Board of Bar Examiners which thereafter shall not admit the applicant to an examination, or release the result of an examination taken prior to the receipt of such notice until the Board to Determine Fitness of Bar Applicants notifies it that the applicant's certification of fitness to practice law has been reinstated.

## **PART B BOARD OF BAR EXAMINERS**

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## **Section 2. Applications for Examinations**

- (a) An application to take the February administration of the Georgia Bar Examination must be filed with the Office of Bar Admissions not later than the preceding January 1<sup>st</sup>, except that such an application may be filed as late as the preceding January 15<sup>th</sup> if the applicant pays a late fee of \$500 (in addition to the regular fee prescribed by these Rules). An application to take the July administration of the Georgia Bar Examination must be filed with the Office of Bar Admissions not later than the preceding June 1<sup>st</sup>, except that such an application may be filed as late as the preceding June 15<sup>th</sup> if the applicant pays a late fee of \$500 (in addition to the regular fee prescribed by these Rules). The deadlines contained in this section shall apply regardless of whether the deadline falls on a weekend or holiday.
- (b) Applications to take the bar examination shall be filed with the Office of Bar Admissions on a form prescribed by the Board of Bar Examiners and shall be accompanied by a fee of \$400 (for filings made prior to the first professional degree in law) or \$550 (for filings made thereafter) payable to the Board of Bar Examiners and an additional charge

prescribed by the National Conference of Bar Examiners (NCBE). Prior to filing such application, each applicant must obtain from the Board to Determine Fitness of Bar Applicants a Certification of Fitness to Practice Law. An applicant will not be allowed to file an application or take the examination who has not first received such a certification. The Office of Bar Admissions also may charge a handwriting administrative fee of \$105 to applicants who choose to handwrite their answers to the bar examination.

- (c) All fees for the Multistate Bar Examination or the Multistate Performance Test shall be paid by the applicant to the Board of Bar Examiners and will be remitted to the NCBE.
- (d) An applicant who is unsuccessful on an examination may file an application to take a subsequent bar examination without obtaining a new Certification of Fitness to Practice Law from the Board to Determine Fitness of Bar Applicants if the certification has not expired, except that an applicant who has been unsuccessful on three consecutive bar examinations shall not be eligible to file an application to sit for the next administration of the examination. Further, applicants who wish to take a subsequent examination need not resubmit evidence of meeting the educational requirements set forth in these Rules.

### **Section 3. Refunds**

Refunds of the bar examination application fee will be made in the event an applicant is found to be ineligible to take an examination. Further, an applicant who withdraws by the preceding January 1<sup>st</sup> for the February examination and the preceding June 1<sup>st</sup> for the July examination shall be refunded 50% of the bar application fee paid (excluding any late fee). National Conference of Bar Examiners' charges are not refundable.

## **PART C ADMISSION ON MOTION WITHOUT EXAMINATION**

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### **Section 4. Fees and Filing Instructions**

- (a) Applications for Certification of Fitness to Practice Law for admission pursuant to this Rule shall be made in accordance with the requirements established in Part A of these Rules and shall be accompanied by a fee of \$1,200.
- (b) Simultaneously with the Application for Certification of Fitness, the applicant must file a petition with the Board of Bar Examiners requesting admission on motion without examination. The petition from the applicant must be accompanied by a fee of \$1,300. Such petition will be approved if the applicant documents to the satisfaction of the Board compliance with Section 2 of this Part and satisfies the Board that the jurisdiction in which the applicant has been admitted and practiced will admit Georgia lawyers without examination.

**PART D  
ATTORNEYS' EXAMINATION**

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**Section 5. Fees and Filing Deadlines**

- (a) Applications for Certification of Fitness to Practice Law shall be made in accordance with the deadlines established in Part A, Section 4(a) of these Rules and shall be accompanied by a fee of \$1,200. Late filing of Applications for Certification of Fitness to Practice Law shall be accepted if made in accordance with the deadlines established in Part A, Section 4(b) of these Rules and if accompanied by the late filing fees specified therein.

**PART F  
GENERAL PROVISIONS**

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**Section 5. Waivers**

The Board to Determine Fitness, with respect to rules contained herein pertaining to it and the Board of Bar Examiners with respect to rules contained herein pertaining to it may, for good cause shown by clear and convincing evidence, waive any rule contained herein; provided, however, neither Board shall waive filing fees, including late fees, nor shall the Board of Bar Examiners waive the prohibition on regrading of essay or MPT answers after the general release of grades. The decision of either the Board to Determine Fitness of Bar Applicants or the Board of Bar Examiners not to waive any rules herein subject to waiver may be appealed to the Court in accordance with the procedures set forth in Part F, Section 8 of the Rules. Each petition for waiver must be accompanied by a non-refundable fee of \$250.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk