SUPREME COURT OF GEORGIA

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW

Revised July 9, 2015

OFFICE OF BAR ADMISSIONS
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FILING DEADLINES

NOTE: Deadlines that fall on an **official State Holiday** have been extended to the next business day.

BAR EXAMINATION DATES	APPLICATION FOR CERTIFICATION OF FITNESS TO PRACTICE LAW		BAR EXAM APPLICATION FILING DEADLINE
	Regular Fitness Application Filing Deadline	Final Fitness Application Filing Deadline ***LATE FEE REQUIRED**	The Bar Exam Application is not available until Certification of Fitness has been issued.
February 23-24, 2016	July 1, 2015	*October 7, 2015	January 6, 2016
July 26-27, 2016	December 2, 2015	*March 2, 2016	June 1, 2016
February 21-22, 2017	July 6, 2016	*October 5, 2016	January 4, 2017
July 25-26, 2017	December 7, 2016	*March 1, 2017	June 7, 2017
February 27-28, 2018	July 5, 2017	*October 4, 2017	January 3, 2018
July 24-25, 2018	December 6, 2017	*March 7, 2018	June 6, 2018
February 26-27, 2019	July 5, 2018	*October 3, 2018	January 2, 2019
July 30-31, 2019	December 5, 2018	*March 6, 2019	June 5, 2019
February 25-26, 2020	July 3, 2019	*October 2, 2019	January 2, 2020
July 28-29, 2020	December 4, 2019	*March 4, 2020	June 3, 2020
February 23-24, 2021	July 1, 2020	*October 7, 2020	January 6, 2021
July 27-28, 2021	December 2, 2020	*March 3, 2021	June 2, 2021
***See** Part A, Section 4 of these Rules*		***See** Part A, Section 4(b)*	***See** Part B, Section 2*

SUPREME COURT OF GEORGIA

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW

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NOTE FROM THE OFFICE OF BAR ADMISSIONS

Admission to the practice of law in the State of Georgia is governed by the following **Rules** which have been promulgated by the Supreme Court of Georgia. When the Court from time to time amends the **Rules**, the amended rule(s) are published in the **Georgia Reports Advance Sheets**. These Rules are also posted on the Office of Bar Admissions website at www.gabaradmissions.org. Notice to individual applicants of amendments is not possible. **It is the responsibility of those who are interested in admission to the practice of law to insure that they are aware of both the Rules and of any amendments as posted on the website.** The summary which follows is an unofficial summary. In case of conflict between the summary and the **Rules**, the **Rules**, of course, govern.

Admission to the practice of law in Georgia is under the jurisdiction of two separate and distinct boards, the Board to Determine Fitness of Bar Applicants and the Board of Bar Examiners. To be admitted, an applicant must have been certified by the Board to Determine Fitness of Bar Applicants and must have taken and passed the Bar Examination administered by the Board of Bar Examiners. In order to be eligible, an applicant must have:

1. Been awarded a **bachelor's degree** by a college or university accredited by an accrediting agency recognized by the Council for Higher Education Accreditation (CHEA). Most American colleges are so accredited. Persons who have degrees from non-qualifying U.S. or foreign institutions may qualify by achieving passing scores on certain of the CLEP General Examinations **[See Part B, Section 4(a)(2),]**;

2. Been awarded a JD or LLB by a law school approved by the American Bar Association or by the Georgia Board of Bar Examiners **[See Part B, Section 4(b)(1),]**;

3. Filed an Application for Certification of Fitness to Practice Law (**Fitness Application**) with the Board to Determine Fitness of Bar Applicants in care of the Office of Bar Admissions and paid the appropriate fee. Fitness Application fees may be paid by credit card or by money order or bank cashier's check payable to the "Office of Bar Admissions." **[See Part F, Section 7]**;

4. Received Certification of Fitness to Practice Law. A person who receives **temporary certification** may take the examination, but his or her results will not be released until he or she has received regular Certification Fitness.

5. Filed, with the Board of Bar Examiners, a separate application to take the bar examination and paid the appropriate fee. The Bar Examination Application may not be filed until Certification of Fitness has been issued. Bar Examination fees may be paid by credit card or by money order or bank cashier's check payable to the "Board of Bar Examiners.

6. Taken and passed (except for those who are eligible for the Attorneys' Examination) the entire two-day bar examination which consists of three parts, the essay examination and a performance test given on the first day and the Multistate Bar Examination (MBE) given on the following day. There is no bifurcation of the examination. Georgia does not accept MBE score transfers from earlier examinations or from other jurisdictions;

7. Taken and achieved a scaled score of 75 on the (MPRE) Multistate Professional Responsibility Examination (**including those who are eligible for the Attorneys' Examination**); or

8. If applying for Admission on Motion without Examination, complies with all the requirements of Part C of these Rules.

In applying for admission to practice law one should bear in mind the following:

1. There are two separate Boards involved, and each maintains separate records. **The Office of Bar Admissions is the administrative office for both the BOARD TO DETERMINE FITNESS OF BAR APPLICANTS and the BOARD OF BAR EXAMINERS.** Applications and documentation submitted to one Board will not be placed in files or records maintained by the other Board. All correspondence subsequent to the filing of an application with either Board should be submitted via the Office of Bar Admissions online application system or delivered to the **Office of Bar Admissions, 244 Washington Street, SW, Suite 440, Atlanta, GA 30334.**

2. Deadlines specified in the **Rules** are rigidly adhered to. **[See Part F, Section 7] All hard copy filings, including money orders and bank cashier's checks, must be <u>received</u> in the Office of Bar Admissions not later than 4:30 p.m. on or before the filing deadline. The postmark is not relevant for this purpose. All online filings must be received by the Office of Bar Admissions not later than 4:30 p.m. on or before the filing deadline.**

3. Applications are not considered filed until all information called for has been supplied and all required fees have been paid.

4. **Fitness Applications** are processed on a first come, first served basis.

5. **Bar Examination Applications** will not be accepted from any person who has not first been certified by the Board to Determine Fitness of Bar Applicants.

6. A separate Bar Examination Application and fee(s) are required for each administration of the bar examination. An application filed for one examination will not carry forward to the next.

7. **All communications** with either Board must be to the Office of Bar Admissions unless an applicant is otherwise specifically directed. **Neither an applicant nor any person acting on his or her behalf may communicate about his or her application to either Board or any member thereof directly or indirectly. An attempt to communicate with either Board or a member thereof, either directly or through another, will be referred to the Board to Determine Fitness of Bar Applicants for its consideration.**

8. Transcripts and all other correspondence regarding educational eligibility to take the examination are **required directly from the schools involved.** Hand delivered, unofficial transcripts and transcripts "issued to student" are not accepted. **If the required documentation is not received by the deadlines set forth by the Board of Bar Examiners,** an applicant may not be permitted to take the examination. **It is the applicant's responsibility and the applicant's alone to insure that evidence of his or her educational qualification to take the examination is received by the Board of Bar Examiners in a timely manner.**

9. You are required to maintain the currency of your Fitness Application by online written amendment within **thirty (30)** days of any occurrence which would change your answer to <u>any</u> question on your application and until such time as you are sworn in to practice and become a member of the State Bar of Georgia. **Address and phone number changes must be made online by the applicant immediately. All amendments must be submitted in writing via the online application system.**

SUPREME COURT OF GEORGIA
RULES GOVERNING ADMISSION
TO THE PRACTICE OF LAW

In accordance with its statutory and inherent authority, the Supreme Court of Georgia hereby adopts the following Rules Governing Admission to the Practice of Law in Georgia.

PART A
BOARD TO DETERMINE FITNESS OF
BAR APPLICANTS

Section 1. Members, Terms, Oath

(a) The Board to Determine Fitness of Bar Applicants shall be composed of ten members, six attorney and three non-attorney members and the designee of the chair of the Board of Bar Examiners, who shall be a past member of the Board of Bar Examiners ex officio. The six attorney members and three non-attorney members shall be appointed by the Court for terms of five years each. The attorney members shall be learned and experienced members of the State Bar of Georgia of generally recognized ability and integrity. Appointments to fill vacancies other than by the expiration of a member's term shall be made for the unexpired term. The chair shall be selected by the members of the Board to serve for an initial term of two years, at the end of which the term may be extended for another two years by majority vote of the Board. The vice-chair shall be selected by the Board and serve for an initial term of two years, at the end of which the term may be extended for another two years by majority vote of the Board. In the absence or disqualification of the chair, the vice-chair shall exercise the authority and duties of the chair. Upon the vacancy in the office of chair, the vice-chair shall succeed to the office of chair. Each member of the Board shall take and subscribe an oath to faithfully, carefully and impartially perform all the duties imposed upon him or her, which oath shall be entered upon the minutes of the Court.

(b) Meetings of the Board shall be called by the chair at such place or places as may be convenient. Attorney members of the Board are excused from court engagements while in attendance at any meeting of the Board called by the chair provided reasonable and timely notice of such meeting is conveyed to the court and to opposing counsel.

Section 2. Duties

The Board shall inquire into the character and fitness of applicants for admission to the practice of law and shall certify as fit to practice law those applicants who have established to the Board's satisfaction that they possess the character and fitness requisite to be members of the Bar of Georgia. The Board shall pass upon applications at any special or regular meeting of the Board at which a quorum is present. A quorum shall consist of a majority of the members, and action on any matter may be taken by a majority vote of a quorum.

Section 3. Application Forms

The Board shall prepare and publish application forms, shall prescribe the information which must be furnished by applicants and shall establish requirements for periodic updating of applications. It is the obligation of the applicant to submit a complete, accurate and timely application in conformity with these **Rules. Applications for Certification of Fitness to Practice Law must be typewritten.**

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 $400, 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) Filings made prior to the award of the first professional degree in law $400

*(b) Filings made between the award of the first professional degree in law and within one year thereof ……..$600

*(c) Filings made more than one year after the award of the first professional degree in law $700

*(d) Applications for Certification of Fitness for the Attorneys' Examination or for Admission on Motion without Examination.....$900

(e) Petitions to determine eligibility for Admission on Motion without Examination $600

*(f) Applications for Readmission following disbarment by the State Bar of Georgia.....$3,500

*(g) Applications for Readmission after the expiration of five years from the effective date of voluntary resignation from the State Bar of Georgia.....$1,000

(h) Applications for Reinstatement within five years from the effective date of voluntary resignation from the State Bar of Georgia.....$800

*(i) Applications for Readmission following termination from the State Bar of Georgia due to non-payment of dues $1,000

(j) Applications for Reinstatement following suspension from the State Bar of Georgia due to non-payment of dues $800

(k) Applications for Renewal of Certification $400

(l) Failure to Register with the State Bar of Georgia $800

With the exception of the Application for Certification of Fitness filed for Admission on Motion pursuant to Part C, Section 4(a), provided a request in writing for withdrawal of his or her 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, 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 shall contact the Chief Judge of the superior courts of each judicial circuit in Georgia where an applicant has resided, attended school, or been employed during the five years next preceding the filing of his or her application and request information or recommendations concerning the applicant as the judge desires to furnish. Further, the Board may provide for the appointment of local committees on character and fitness to investigate the background of any applicant who has worked, resided or attended school in the judicial circuit. 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 three years from the date of the most recent communication from the applicant, the Fitness Board shall 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 7. Informal Conferences, Permissive Withdrawal of Applicants, Reapplication

(a) If, during the investigation of an applicant, information is obtained which raises a question as to the applicant's character or fitness to practice law, the Board may require the applicant to appear, together with his or her counsel if he or she so desires, before the Board or any designated member for an informal conference concerning such information.

(b) If, after such a conference, the Board believes that certification of fitness to practice law would be inappropriate, it may, in lieu of denying certification, permit the applicant to withdraw his or her application upon the understanding that after a period of rehabilitation, to be no less than three years, it will accept a new application from the applicant, if it is accompanied by the appropriate initial filing fee.

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 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 mail them 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 by certified mail giving its reasons for its decision.

Section 9. Reapplication After Denial

The Board shall not accept a new application from an applicant who has been denied certification of fitness to practice law until three years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed or a final decision is affirmed by the Court, whichever date is applicable.

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. The fee required for such application shall be $3500.

(c) The applicant seeking readmission shall also file with the Fitness Application a full and complete copy of the proceedings in the disciplinary matter which led to the disbarment or voluntary surrender of the license.

(d) The Fitness Board, in considering the applicant's fitness for readmission shall:

(1) provide notice to the State Bar of Georgia of the application for readmission and provide an opportunity for the State Bar to present information it deems relevant to the applicant's fitness for readmission;

(2) give notice to the membership of the local bar where the applicant formerly practiced (through notice to an official of the local bar association) and to the Chief Judge of that Circuit of the applicant's intention to seek readmission;

(3) give notice to the public in the area where the applicant formerly practiced by placing a notice in a newspaper serving that locality;

(4) confirm with the Client Security Fund that restitution has been made of the amounts paid as a result of the applicant's conduct; and

(5) follow all the other procedures for certification designated in this Part.

(e) If the Fitness Board, after review and investigation, decides that an applicant should be certified, it shall file a report and the complete record of its proceedings with the Clerk of the Supreme Court. Notice shall be given to the applicant. The Supreme Court shall make the final determination regarding certification of fitness.

(f) An applicant who is seeking reinstatement to the State Bar of Georgia pursuant to Bar Rule 1-501(b) shall file a fitness application after completing the requirements contained in that Bar Rule and shall not be required to take the bar examination. An applicant who has been terminated by the State Bar pursuant to Bar Rule 1-501(c) is required to comply with the provisions of that Bar Rule and is required to take and pass the bar examination before being readmitted.

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 which shall include the certification's expiration date, which shall be five (5) years after the date issued; however, certifications issued by the Board prior to January 1, 1984 or by judges of the superior courts prior to July 1, 1977 shall be valid for a period of five (5) years from the date issued and until a date specified by the Board in its notification to the applicant that he or she must apply

for renewal. Certifications may be renewed upon application to the Board not less than three months prior to the certificate's stated expiration date or, in case of certifications issued prior to January 1, 1984, not less than three months prior to the date specified by the Board in its renewal notification. 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 $400. 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 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.

Section 13. Authority of the Chair

Any action which may be taken by the Board may, when the Board is not in session and time is of the essence, be taken by the chair alone who shall promptly notify the members of the Board of such action which action shall be subject to confirmation at the next following regular meeting of the Board.

Section 14. Compensation and Expenses

The members of the Board, attorneys appointed as hearing officers by the Court and members of local committees on character and fitness appointed by the Board shall receive a reasonable fee as established by order of the Supreme Court and shall be reimbursed for their necessary travel, meal and lodging expenses incurred in the performance of their duties.

PART B
BOARD OF BAR EXAMINERS

Section 1. Board of Bar Examiners

(a) The Board of Bar Examiners shall be composed of six members of the State Bar of Georgia who are learned and experienced and of generally recognized ability and integrity appointed by the Court for terms of six years each. Appointments to fill vacancies occurring other than by expiration of a term shall be for the unexpired term. Each member of the Board shall take and subscribe an oath to faithfully, carefully and impartially perform all of the duties imposed upon him or her as a member of the Board of Bar Examiners, which oath shall be entered upon the minutes of the Court. The Court shall designate one of its members as Chair.

(b) Meetings of the Board shall be called by the chair at such place or places as may be convenient. Members of the Board are excused from court engagements while in attendance at any meeting of the Board duly called by its chair provided reasonable and timely notice of such meeting is conveyed to the court and to opposing counsel.

(c) Each member of the Board shall receive a fee of $6,000 per examination. Out of this sum members shall pay their necessary traveling and other expenses incurred in performing the duties of his or her office. Any reasonable and necessary expenses incurred by Examiners or Graders as a result of participating in conferences and grading workshops sponsored by the National Conference of Bar Examiners and other educational programs shall be reimbursed by the Office of Bar Admissions.

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 first Wednesday of the preceding January; 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 first Wednesday of the preceding June. However, any person who was unsuccessful on any examination shall be allowed ten business days from the date of the general announcement of examination results in which to file an application to take the next examination if such announcement falls on, after or within five business days prior to the application deadline provided above, and in those instances where the Board to Determine Fitness of Bar Applicants certifies an applicant as fit to practice law after the deadline for filing an application to take the examination as described above, the applicant shall be allowed ten business days from the date of his or her notification of certification in which to file an application to take the examination.

(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 $350 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.**

Further, evidence that the applicant meets the educational requirements set forth in these **Rules** must be submitted contemporaneously with his or her application.

(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. Further, applicants who wish to take a subsequent examination need not resubmit evidence of meeting the educational requirements set forth in these **Rules**.

(e) An applicant who fails to file in a timely manner an application to take the bar examination or fails to submit charges to the NCBE as provided above shall nevertheless be permitted to take the examination if, within 30 days of the deadline as provided above, he or she files an application to do so and pays a late fee of $200 (in addition to the regular fee prescribed by these **Rules**) and submits all applicable charges to the NCBE.

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 not less than fourteen (14) days prior to an examination shall be refunded 50% of the bar application fee paid. National Conference of Bar Examiners charges are not refundable.

Section 4. Educational Requirements

The educational requirements to take the bar examination are as follows:

(a) (1) Prior to taking the bar examination, an applicant must have been awarded an undergraduate degree (BA, BS, BBA or their equivalent) by an institution of higher learning which has been accredited by an accrediting body recognized by the Council for Higher Education Accreditation (CHEA).

(2) An applicant who has been awarded an undergraduate degree (BA, BS, BBA or their equivalent) by an institution of higher learning which has not been accredited by an accrediting body recognized by CHEA shall be considered as satisfying the undergraduate educational requirement of these **Rules** if the applicant has received the first professional degree in law (JD or LLB) from a law school approved by the American Bar Association. If, however, the applicant is a graduate of a law school certified by the Georgia Board of Bar Examiners and the applicant has been awarded an undergraduate degree from an institution not recognized by CHEA, the applicant shall be considered to have satisfied the undergraduate degree requirements of these **Rules** if, prior to the date of the examination he or she wishes to take, he or she has the College Board certify to the Board of Bar Examiners that he or she has passed the College Level Examination Program (CLEP) all multiple-choice version of the General Examination in English Composition and any two of the following CLEP examinations: General Examination in Humanities; General Examination in Mathematics; General Examination in Natural Sciences; and General Examination in Social Sciences and History. The passing score for each of the general examinations shall be that scaled score which represents the 50th percentile of achievement as reported by the College Board for its 1978 reference group or such later reference group as may be established by the College Board.

(b) (1) Prior to taking the bar examination an applicant must have been awarded the first professional degree in law (JD or LLB) by a law school approved by the American Bar Association.

(2) Graduates of law schools approved by the Georgia Board of Bar Examiners but not by the American Bar Association who have been certified as fit to practice law, who satisfy the undergraduate educational requirement of these **Rules**, and who graduate from law school prior to January 1, 1998, shall be eligible to take the bar examination in the same manner and under the same conditions as are graduates of American Bar Association approved law schools.

(c) A lawyer educated at a law school located outside the United States and its territories (a "foreign-educated lawyer") may meet the requirements of Part B, Section 4 (b) if the foreign-educated lawyer:

(1) Received his or her legal education and graduated from a foreign law school that:

a. Is government sanctioned or recognized, if educational institutions are state regulated within the country; or
b. Is recognized or approved by an evaluation body, if such agency exists within the country; or
c. Is chartered to award the first professional degree in law by the appropriate authority within the country;

(2) Is authorized to practice law in a foreign jurisdiction; and

(3) Has been awarded, by a law school fully approved by the American Bar Association, an LLM Degree for the Practice of Law in the United States in a degree program that meets the following requirements:

a. The degree program certifies to the Board of Bar Examiners, on such form prescribed by the board, that the foreign-educated lawyer received his or her legal education from a law school that meets the requirements of (c) (1) above;
b. The degree program prepares students for admission to the bar, and for effective and responsible participation in the United States legal profession; and
c. The degree program meets the requirements set forth in the Curricular Criteria for LLM Program for the Practice of Law in the United States adopted by the Board of Bar Examiners and published on the website of the Office of Bar Admissions.

(d) **An applicant shall not be permitted to take the examination unless evidence is first received directly from the schools involved showing that he or she meets the educational requirements of these Rules**. It is the responsibility of the applicant alone to ensure that the evidence is received prior to the examination. The form of evidence shall be an **official transcript** from each college and law school attended; however, in lieu of an official transcript of legal studies an applicant who has graduated within the six months prior to the date of the examination he or she wishes to take shall cause his or her law school to submit a certification to the effect that he or she has graduated within the six months prior to the date of the examination he or she seeks to take. However, a final transcript indicating the award of the applicable JD or LLM degree and the date awarded must be received prior to the release of grades.

Section 5. Approval and Disapproval of Applications

Applications to take the bar examination which show on their face that the applicant has been certified as fit to practice law and that he or she satisfies the undergraduate and legal educational requirements of these **Rules** shall be approved by the Board of Bar Examiners or, if so designated by the Board, by the Director of Bar Admissions. Applications to take the bar examination which show on their face that the

applicant has not been certified as fit to practice law and/or that he or she does not satisfy the undergraduate and/or legal educational requirements of these **Rules** shall be disapproved by the Board of Bar Examiners or, if so designated by the Board, by the Director of Bar Admissions.

Section 6. Examinations

(a) The Board of Bar Examiners shall conduct two examinations each year, each of which shall be held in Atlanta or such other location as the Board may designate at least 60 days in advance of the examination. Each shall be conducted on any two or three consecutive days and may be scheduled so as to coincide with the administration of multistate examinations prepared by the National Conference of Bar Examiners (NCBE).

(b) The exam shall consist of three parts: (1) four essay questions prepared and graded by the Board of Bar Examiners; (2) the Multistate Bar Examination (MBE) prepared and graded by the NCBE; and (3) the Multistate Performance Test (MPT) prepared by the NCBE and graded by the Board of Bar Examiners.

(c) Essay questions prepared by the Board of Bar Examiners shall be drawn from the following list of subjects: Business Organizations; Constitutional Law; Contracts; Criminal Law and Procedure; Evidence; Family Law; Federal Practice and Procedure; Georgia Practice and Procedure; Non-Monetary Remedies; Professional Ethics; Property; Torts; Trusts, Wills and Estates; and the Uniform Commercial Code (Articles 2, 3 & 9).

(d) The MBE shall consist of 200 multiple choice questions in the following seven substantive areas of law: Civil Procedure; Constitutional Law; Contracts; Criminal Law; Evidence; Real Property; and Torts.

(e) The MPT shall consist of two performance items, and the areas of law may involve any subject matter whether covered in the essay questions, MBE or otherwise.

(f) Further, the Board of Bar Examiners shall require each applicant to pass the separately administered Multistate Professional Responsibility Examination (MPRE) with a scaled score of 75 or greater prior to certifying the applicant as eligible for admission to the practice of law.

(g) Copies of the MBE and the MPT shall not be made public in any manner unless authorized by the NCBE. Copies of the essay questions prepared by the Board of Bar Examiners may be made public in such manner as deemed proper by said Board.

Section 7. Re-Examination

There shall be no limit on the number of times an applicant may take the examination.

Section 8. Grading of the Examination and Notification of Results

(a) An applicant shall have passed the Georgia Bar Examination if he or she obtains a total score of 270 on the exam. This score shall be the sum of the scaled score achieved on the Multistate Bar Examination (MBE), the scaled score achieved on the Multistate Performance Test (MPT) and the scaled score achieved on the essay questions prepared by the Board of Bar Examiners. If an applicant does not achieve a scaled score of 115 on the MBE, he or she will be deemed to have failed the exam and the essay and MPT answers will not be graded by the Board of Bar Examiners.

In determining whether an applicant has achieved 270 on the examination, the Board shall not use an MBE score from any prior examination, or an MBE score from an examination taken in any other jurisdiction. If an applicant achieves a total score of 265 or higher but not 270, his or her essay and MPT papers shall be regraded by the Board of Bar Examiners prior to the release of grades.

(b) Answers to the essay part of the examination and the Multistate Performance Test shall be graded by or under the direction of the Board, which shall pass upon the merits of papers submitted in answer to questions on those parts of the bar examination. If the Multistate Performance Test is used as part of the examination and if grading standards or a grading service for questions on the Multistate Performance Test are provided by or are made available under the auspices of the National Conference of Bar Examiners, the Board may rely upon such standards or service in passing upon the merits of the answers to those questions.

(c) The Board shall individually notify each bar applicant whether or not he or she passed the examination as promptly as feasible. The Board may disclose to applicants their grades on any or all parts of the examination, including, if calculated, their percentile ranking on any part of the examination. Applicant grades shall not be disclosed to any person other than the applicant except that upon the written request of an applicant, the Board may disclose the applicant's scaled and raw MBE scores to the bar examining authority of any United States jurisdiction.

(d) A bar applicant who receives a passing score on the Georgia Bar Examination, but who has not met all of the requirements of these Rules at the time of the notification of the passing score, shall have three years from the date of the notification to complete the requirements of these Rules in order to qualify for certification of eligibility for admission to the practice of law. The Board of Bar Examiners shall not issue a certificate of eligibility for admission to the practice of law to an applicant who has not completed all of the requirements of these Rules within three years of the notification that the applicant received a passing score on the Georgia Bar Examination. An applicant who has not completed all of the requirements of these Rules within three years of the notification that the applicant received a passing score on the Georgia Bar Examination shall be required to sit for and pass another Georgia Bar Examination in order to be eligible for admission.

(e) An applicant who achieves a passing score on the Georgia Bar Examination but who does not become admitted to the practice of law in Georgia within three (3) years of the general release of grades for the examination for which the applicant sat shall be required to sit for and pass another Georgia Bar Examination in order to be eligible for admission.

Section 9. Anonymity of Examinees

The examination of each applicant shall be done in such a manner that his or her examination answers are not identifiable by name during the period of grading to the members of the Board of Bar Examiners or the staff of the Office of Bar Admissions. The Board shall develop, and publish before each examination, a plan to insure the anonymity of each applicant's answers, which plan shall be approved by the Supreme Court.

Section 10. Monitors

The Board of Bar Examiners shall appoint a sufficient number of monitors to insure the examination is conducted in an orderly and expeditious manner and to insure no applicant gives or receives aid in taking the examination.

Section 11. Oath of Applicant

Each applicant shall, by taking the examination, be deemed to have sworn the following with respect to each question:

> "I solemnly swear or affirm that I have no previous information as to the contents of the questions upon which I have been examined and that I have not received directly or indirectly, from any source whatever, any assistance, but that I wrote the answer exclusively from my knowledge."

Section 12. Misconduct by Applicants During Examination

If, during an examination, the Board has brought to its attention conduct by an applicant which may violate any law or rule governing the examination, the Board shall cause an immediate investigation to be made. If the Board determines that an applicant has violated the law or rules governing the examination, it shall immediately disqualify the applicant from the examination and certify the violations and the disqualification to the Board to Determine Fitness of Bar Applicants for its investigation. Thereafter, the Board to Determine Fitness of Bar Applicants shall determine whether the applicant's certification of fitness to practice law shall remain valid.

Section 13. Review of Examination Answers

Neither the Board of Bar Examiners nor any member thereof shall conduct post examination interviews with applicants nor shall the Board or any member thereof regrade any applicant's answers to examination questions after the general release of grades nor shall any applicant's answers be retained beyond the commencement date of the succeeding examination. The Director of Bar Admissions may conduct post examination interviews with applicants but he or she shall not review examination questions or answers with an applicant, nor shall he or she allow inspection of answers following the giving of an examination.

Section 14. Certificates of Eligibility for Admission to the Practice of Law

Upon an applicant's passing the bar examination and provided that his or her Certification of Fitness to Practice Law is current and that he or she has met all of the educational and testing requirements of these **Rules**, the Board of Bar Examiners shall issue a certification of eligibility for admission to the practice of law to the applicant. Certification may be in such form as the Board prescribes, including a letter bearing the seal of the Board and signed by the chair of the Board of Bar Examiners, or any member of the Board designated by the chairman or by the Director of Bar Admissions. The applicant shall deliver an original certificate to the Chief Judge of the circuit in which he or she wishes to be admitted to the Bar. Such certificate shall be valid for one year from the date of issuance. A duplicate original certificate shall not be issued for ten (10) business days following the release date of bar examination results.

Section 15. Duty of Judges After Receiving Certificate of the Board

The Judge of the Superior Court, upon receiving the original Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners, shall enter an order in substantially the following form:

> "At Chambers, _____ day of _____ 20__. It appearing from the Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners, that is entitled to be licensed to practice law in this State upon taking the oath prescribed by law and paying the usual fee to the Clerk of this Court, it is ordered that upon doing so, the Clerk issue a license, authorizing such applicant to plead and practice law in all the courts of this

State, except the Supreme Court and the Court of Appeals, upon compliance with the Rules of the State Bar of Georgia. It is further ordered that the original Certificate of Eligibility for Admission to the Practice of Law in Georgia issued by the Board of Bar Examiners be filed with the Clerk, and this order and the oath as attorney be entered upon the minutes of this Court.

Judge, Superior Court"

Section 16. Attorneys' Oath Form: Entry on Minutes

The oath of an attorney is as follows:

> "I, _____, swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and in accordance with the Georgia Rules of Professional Conduct, as an attorney and counselor, and that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."

The oath may be taken in open court or in chambers or, if the applicant resides outside the state, before any officer authorized to administer oaths. The completed oath shall be entered on the minutes of the court as provided above.

Section 17. Duty of the Clerk of Superior Court

Whenever there is delivered to the Clerk of the Superior Court an order for admission and the proper papers, described in Section 15, **supra**, the Clerk shall proceed as directed. The entries upon the minutes of the Superior Court may be made in term or in vacation.

PART C
ADMISSION ON MOTION WITHOUT EXAMINATION

Section 1. General

The Board of Bar Examiners may admit on motion without examination any attorney licensed in a United States jurisdiction other than Georgia if that attorney satisfies the criteria set out in Section 2 of this Part. The attorney must also be certified for fitness, pursuant to Part A of these Rules.

Section 2. Eligibility

In order to petition the Board of Bar Examiners to be admitted without examination, an attorney licensed in a state other than Georgia must meet the following eligibility criteria. The attorney:

(a) Must meet the educational eligibility requirements established in Part B, Section 4 of these **Rules**, including holding a first professional degree in law (JD or LL.B) from a law school approved by the American Bar Association;

(b) Has been admitted by examination to membership in the bar of the highest court of another United States jurisdiction which has reciprocity for bar admissions purposes with the State of Georgia; provided, however, that if the former jurisdiction of the applicant permits the admission of Georgia judges and lawyers upon motion but that jurisdiction's rules are more stringent and exacting and contain other limitations, restrictions and conditions, the admission of the applicant from that jurisdiction shall be governed by the same rules that would apply to an applicant from Georgia seeking admission to the Bar in the applicant's former jurisdiction;

(c) Has never been denied certification of fitness to practice law in Georgia or any other state;

(d) Has never taken and failed the Georgia Bar Examination or the Georgia Attorneys' Examination;

(e) Has been primarily engaged in the active practice of law for five of the seven years immediately preceding the date upon which the application is filed;

(f) Is currently or resigned while in good professional standing in every jurisdiction in which the applicant has been licensed to practice law;

(g) Must receive Certification of Fitness to Practice Law in Georgia from the Board to Determine Fitness of Bar Applicants.

(h) Must state that he or she intends to engage in the practice of law in Georgia.

(i) Must state that he or she has not engaged in the unauthorized practice of law in Georgia.

Section 3. Definition of Practice of Law

(a) 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 in that jurisdiction; however, in no event shall any activities that were performed in advance of bar admission in some state, territory, or the District of Columbia be accepted toward the durational requirement:

(1) representation of one or more clients in the practice of law;

(2) service as a lawyer with a local, state or federal agency, including military service;

(3) teaching law at a law school approved by the American Bar Association;

(4) service as a judge in a federal, state or local court of record;

(5) service as a judicial law clerk; or

(6) service as in-house counsel provided to the lawyer's employer or its organizational affiliates.

(b) For 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.

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 non-refundable fee of $900.

(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 non-refundable fee of $600. 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.

(c) Once the Board of Bar Examiners has approved the petition, and the Board to Determine Fitness of Bar Applicants to Practice Law has certified the applicant for fitness, the applicant shall be issued a Certification of Eligibility for Admission to the Practice of Law. The applicant shall follow the procedures specified in Part B, Sections 14, 15, 16 and 17 of these Rules in order to be sworn in by a judge of the Superior Court.

PART D
ATTORNEYS' EXAMINATION

Section 1. General

The Board of Bar Examiners may offer an Attorneys' Examination in lieu of the general bar examination to those attorneys who satisfy the criteria described in Section 2, below. Attorney examinees shall be subject to and have the benefit of all of the provisions of these **Rules** which are not inconsistent with the provisions of this Part D.

Section 2. Eligibility

A person who:

(a) Has been awarded an undergraduate degree by a college or university which has been accredited by an accrediting body recognized by the Council for Higher Education Accreditation and who has been awarded the first professional degree in law (JD or LLB) by a law school approved by the American Bar Association;

and who

(b) Is not now and never has been admitted to the practice of law in Georgia but who has been admitted by examination to membership in the Bar of the highest court of another United States jurisdiction prior to the date of taking the Attorneys' Examination in Georgia and who is currently a member in good standing thereof;

and who

(c) Has received certification of fitness to practice law from the Board to Determine Fitness of Bar Applicants;

and who

(d) Has never been denied certification of fitness to practice law in Georgia, who has not been allowed to withdraw an Application for Certification of Fitness to Practice Law in lieu of denial of certification of fitness to practice law

and who

(e) Has never taken and failed the Georgia Bar Examination or the Georgia Attorneys'

may in conformity with the application deadlines established in Parts A and B of these **Rules** apply to the Board of Bar Examiners to be admitted to the Attorneys' Examination.

Section 3. Examination Content

The Attorneys' Examination shall be composed of the essay portion of the Georgia Bar Examination and the Multistate Performance Test, if it is a part of the regular examination. It shall not include the Multistate Bar Examination.

Section 4. Grading

The Attorneys' Examination shall be graded by the Board of Bar Examiners in accordance with procedures established by the Board. An examination score of 135 shall be required to pass the Attorneys' Examination.

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 non-refundable fee of $900. 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.

(b) Applications to take the Attorneys' Examination shall be made in accordance with the deadlines established in Part B, Section 2 of these **Rules** and shall be accompanied by the fees specified therein.

PART E

LICENSURE OF FOREIGN LAW CONSULTANTS

Section 1. General Regulation as to Licensing of Foreign Law Consultants

A person who meets the following qualifications may apply to the Office of Bar Admissions for licensing as a Foreign Law Consultant. The applicant must:

(a) be a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(b) for at least five of the seven years immediately preceding his or her application have been a member in good standing of such legal profession and has actually been engaged in the practice of law in the said foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the said foreign country;

(c) possess the good moral character and general fitness requisite for a member of the bar of this State;

(d) intends to practice as a legal consultant in this State.

Section 2. Proof Required

(a) An applicant under this Rule shall file with the Office of Bar Admissions:

(1) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, as to his or her good standing as such attorney or counselor at law or the equivalent, and as to whether any charge or complaint has ever been filed against the applicant with such authority, and, if so, the substance of each charge or complaint and the adjudication or resolution thereof;

(2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;

(3) a duly authenticated English translation of such certificate and such letter if in either case, it is not in English;

(4) a letter of recommendation from at least two (2) active members of the State Bar of Georgia setting forth the length of time, when, and under what circumstances they have known the applicant, and their appraisal of the applicant’s moral character; and

(5) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Section 1 of these Rules as the Office of Bar Admissions may require.

(b) The fee for filing an original application to determine the character and fitness of an applicant shall be determined from time to time by the Fitness Board, but in no event shall such fee be less than $1,000.

(c) The review of the moral character and fitness of an applicant for a license to practice law as a foreign law consultant shall be conducted in compliance with the provisions of Sections 6 through 10 of Part A of these Rules.

(d) Upon showing that strict compliance with the provisions of Sections 2(a)(1) and 2(a)(2) of this Part E of these Rules is impossible for reasons beyond the control of an applicant, the Fitness Board may, in its discretion, waive or vary the application of such provisions and permit the applicant to submit other comparable evidence of the applicant's qualifications and moral character and fitness.

(e) If the Fitness Board determines that an applicant possesses the character and fitness requisite to be a member of the State Bar of Georgia, the Fitness Board shall certify the applicant as fit to practice as a foreign law consultant. Certifications may be in the form of a letter to the applicant which shall include the certification's expiration date, which shall be one (1) year after the date issued.

(f) Certification of fitness issued to foreign law consultant applicants may be renewed upon application to the Fitness Board not less than one (1) month prior to the certificate's expiration date. Applications for renewal of certification shall be on such forms as the Fitness Board may determine and shall be accompanied by a fee of $100.00. Applications for renewal of certification by foreign law consultant applicants shall otherwise be governed by the provisions in Section 11 of Part A of the Rules Governing Admission to the Practice of Law in Georgia.

Section 3. Certification of Eligibility

(a) Upon receiving the Fitness Board's certificate of fitness to practice law, an applicant shall file an application for admission to practice as a foreign law consultant with the Board of Bar Examiners on a form furnished by the Board of Bar Examiners, or, if so designated by the Board, by the Director of Bar Admissions, accompanied by the requisite fee, the certificate of fitness to practice law and the following documents, together with duly authenticated English translations if they are not in English:

(1) the documents referred to in Section 2(a)(1) and 2(a)(2) or Section 2(d) of Part E of these Rules; and

(2) such other evidence as to the applicant's educational and professional qualifications and required practice as the Board of Bar Examiners may require.

(b) The fee for filing an original application to be licensed to practice as a foreign law consultant shall be the fee determined from time to time by the Board of Bar Examiners, but in no event shall such fee be less than $75.00.

(c) If the Board of Bar Examiners determines that an applicant possesses all of the qualifications and has satisfied all the requirements set forth in Sections 1 and 3 of this Part E of these Rules, the Board shall issue to the applicant a certification of eligibility for admission to practice as a foreign law consultant. Certification may be in such form as the Board of Bar Examiners prescribes, including a letter, bearing the seal of the Board and signed by the chair of the Board, or any member of the Board designated by the chair or by the Director of Bar Admissions. Such certificate shall be valid for one year from the date of its issuance. Upon application being made to the Office of Bar Admissions, a certificate of eligibility shall

be subject to renewal in the same manner as outlined in Section 2(f) of Part E of these Rules.

(d) Upon receiving the certificate of the Office of Bar Admissions that an applicant is eligible for admission to practice as a foreign law consultant, the applicant shall deliver the certificate to the Chief Judge of the circuit in which he or she wishes a license to practice as a foreign law consultant.

(e) Upon receiving the certificate of eligibility for admission, the superior court shall enter an order that, upon payment of the usual fee to the Clerk of the superior court, the Clerk issue a license authorizing such applicant to render legal services and give professional legal advice as a foreign law consultant.

Section 4. Limited Scope of Practice

(a) A person licensed to practice as a foreign law consultant under this Rule may render legal services in this State subject, however, to the limitations that he or she shall not:

(1) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this State;

(2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(3) prepare:

(i) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or

(ii) any instrument relating to the administration of a decedent's estate in the United States of America;

(4) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(5) render professional legal advice on the law of this State, or of any other United States jurisdiction, or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this Rule) to render professional legal advice in this State;

(6) be, or in any way hold himself or herself out as, a member of the bar of this State; or

(7) carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

(i) his or her own name;

(ii) the name of the law firm with which he or she is affiliated;

(iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country; and

(iv) the title "legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

(b) A person licensed to practice as a legal consultant under this Rule may render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted to practice, or the law of a non-United States jurisdiction.

Section 5. Disciplinary Provisions

A person licensed to practice as a legal consultant under this Rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this State and to this end:

(a) Every person licensed to practice as a legal consultant under these Rules shall be subject to control by the Supreme Court and the State Bar of Georgia and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court;

(b) An applicant for licensure to practice as a foreign law consultant shall execute and file with the Office of Bar Admissions, in such form and manner as the Office of Bar Admissions may prescribe:

(1) his or her commitment to observe the Georgia Rules of Professional Conduct and the Rules of the State Bar of Georgia to the extent applicable to the legal services authorized under Section 5 of this Rule;

(2) a duly acknowledged instrument, in writing, setting forth his or her address in this State and designating the Clerk of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this State, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this State as he or she shall have filed in the office of the Clerk of the Supreme Court by means of a duly acknowledged supplemental instrument in writing;

(3) a written undertaking to notify the Office of Bar Admissions of any change in such person's good standing as a member of the foreign legal profession referred to in Section 1(a) of this Rule and of any final action of the professional body or public authority referred to in Section 2(a)(1) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(4) a commitment to notify the Office of Bar Admissions of any lawsuit brought against the consultant which arises out of or is based upon any legal services rendered or offered to be rendered by the consultant within this State or any other jurisdiction.

(c) Service of process on the Clerk of the Supreme Court, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee of $10. Service of process shall be complete when such attorney has been so served. Such clerk shall promptly send one of such copies to the legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such legal consultant at the address specified by him or her as aforesaid.

Section 6. Revocation of License

In the event that the Office of Bar Admissions determines that a person licensed as a legal consultant under this Rule no longer meets the requirements for licensure set forth in Section 1(a) or Section 1(c) of this Rule, it shall revoke the license granted to such person hereunder.

Section 7. Admission to Bar

In the event that a person licensed as a legal consultant under this Rule is subsequently admitted as a member of the bar of this State under the provisions Part C or Part D of the Rules governing such admission, the license granted to such person hereunder shall be deemed superseded by the license granted to such person to practice law as a member of the bar of this State.

PART F
GENERAL PROVISIONS

Section 1. Office of Bar Admissions

The Office of Bar Admissions shall serve as office of the Board to Determine Fitness of Bar Applicants and of the Board of Bar Examiners; shall perform all administrative duties for the Boards, including the acceptance of applications and fees, the investigation of applicants and their educational qualifications, the payment of expenses and other such matters as may be provided for by the Boards or the Court.

Section 2. Fees

The Supreme Court, upon recommendation by the Board of Bar Examiners, shall by rule annually set the amount of the examination fee to be paid by the applicants for admission to the bar by examination and shall direct to whom and where the fee shall be paid. The Supreme Court, upon recommendation by the Board to Determine Fitness of Bar Applicants, shall by rule annually set the amount of the filing fee to be paid by applicants for Certification of Fitness to Practice Law and shall direct to whom and when the fee shall be paid. Such fees shall be reasonable and shall be determined in such manner that the total amount of the fees charged and collected by both Boards in each fiscal year shall approximate the direct and indirect costs to the Boards of administering the fitness investigation process and the bar examination. Such fees shall be used solely to fund the operations of the Office of Bar Admissions.

Section 3. Director of Bar Admissions

The Director of Bar Admissions shall be appointed by and serve at the pleasure of the Court. In addition to such other duties as may be assigned by the Court, he or she shall serve as liaison officer between the Court and the Board to Determine Fitness of Bar Applicants, between the Court and the Board of Bar Examiners and between the Boards; shall serve as chief administrative officer of the Office of Bar Admissions; shall supervise the investigations of applicants and the administration of bar examinations; and shall perform such other duties as may be authorized by these **Rules** or as may be specified by the Court or by the Boards.

Section 4. Records

(a) The Office of Bar Admissions shall maintain such records as are generated in the course of accepting and processing Applications for Certification of Fitness to Practice Law and are generated in accepting and processing applications to stand bar examinations and of results of taking the bar examination. The following records, and no others, shall be maintained as public records:

(1) With respect to Applications for Certification of Fitness to Practice Law:

(i) Name and address of each applicant;

(2) With respect to applications to stand for the bar examination:

(ii) Name and address of each applicant;

(3) With respect to each bar examination:

(i) The names and addresses of the persons who took the bar examination;

(ii) The names and addresses of persons who passed the examination; and

(iii) Such statistical summaries as may be specifically authorized by the Supreme Court.

(b) All other information provided by or obtained with respect to an applicant for Certification of

Fitness to Practice Law or to stand for a bar examination, including examination results except as specifically provided for herein, shall be considered confidential and privileged communications and shall not be released to any person or agency except in those instances where a hearing with respect to an Application for Certification of Fitness to Practice Law is to be held pursuant to Part A, Section 8 of these **Rules**, information and documents obtained by the Board pursuant to its investigation and relevant to the specifications issued by the Board may be disclosed to the applicant and his or her counsel and to a hearing officer appointed to conduct the hearing. Further, information provided by or obtained with respect to an applicant for Certification of Fitness to Practice Law may be disclosed to the bar admissions authority of any United States jurisdiction where the applicant may apply for admission to the practice of law but then only on the written request of the applicant that such information be supplied to such other authority and only on the understanding that such information will not be released to the applicant; and the name, address, date of birth and social security number of each applicant for Certification of Fitness to Practice Law may be furnished to the National Conference of Bar Examiners for dissemination to the bar admissions authority of any United States jurisdiction upon request; and the name, applicant identification number, date of birth, Law School Admissions Council (LSAC) number, law school, date J.D. degree conferred, bar passage information (passed, failed, did not sit, results restricted) and total examination attempts maybe furnished to the National conference of Bar Examiners for dissemination for accreditation purposes to the American Bar Association and to the law schools; and applications for Certification of Fitness to Practice Law and applications to take the bar examination may be released to the General Counsel of the State Bar of Georgia in disciplinary matters; and telephone numbers and e-mail addresses of applicants from their files in the Office of Bar Admissions may be disclosed to the Membership Department of the State Bar of Georgia for registration purposes; and information and records may be disclosed as provided by order of the Court.

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**. With respect to the filing of a petition for waiver of the educational requirements of Part B, Section 4(a) and (b), each petition must be accompanied by a non-refundable fee of $250.

Section 6. Communications with Board Members

All communications to or with the Board to Determine Fitness of Bar Applicants or any member thereof relating to pending Applications for Certification of Fitness to Practice Law and all communications to or with the Board of Bar Examiners or any member thereof relating to pending applications to take the bar examination or to the results thereof or to eligibility for admission to the bar examination or to certificates of eligibility for admission to the practice of law and all communications with either Board or any member thereof relating to waiver of any part of these **Rules**, whether by an applicant or by any person or agent acting for or on the behalf of an applicant shall be transmitted through the Office of Bar Admissions unless otherwise directed in writing by the Chair of the appropriate board or by the Director of Bar Admissions.

Section 7. Filings

All filings required to be made with the Board to Determine Fitness of Bar Applicants and with the Board of Bar Examiners by these **Rules** shall be made with the Office of Bar Admissions. Unless otherwise indicated, filings must be received by the Office of Bar Admissions on or before the appropriate filing deadline in order to be filed in a timely manner. Filings which are received after a deadline or which, if received by or on a deadline date, are incomplete or which do not include required fees or which include a check in payment of required fees which is not honored by the drawee bank will not be considered as filed in a timely manner.

Section 8. Appeals

(a) Upon being notified by the Board to Determine Fitness of Bar Applicants that his or her application has been denied or by the Board of Bar Examiners of any final determination by that Board (with the exception of bar exam results), an applicant may appeal the decision to the Court for review. To secure the appeal, the applicant must, within thirty days of notification that his or her application has been denied by the Board to Determine Fitness of Bar Applicants, or within thirty days of notification of the final determination by the Board of Bar Examiners, file a written notice of appeal with the Office of Bar Admissions and with the Clerk of the Supreme Court and must serve a copy of the notice of appeal on the Attorney General of Georgia. The Office of Bar Admissions shall then prepare the complete file, which shall be confidential, for delivery to the Clerk.

(b) The Clerk shall docket the appeal, which shall be a public record, and shall notify the applicant or the applicant's attorney, the Office of Bar Admissions and the Attorney General of Georgia that the appeal has been docketed. Within 20 days the applicant or his or her attorney may submit written argument (an original and seven copies) in support of his or her appeal, a copy of which must be served on the Office of Bar Admissions and on the Attorney General of Georgia. Arguments of the Board in support of its decision shall be filed within 40 days after the appeal is docketed or 20 days after the filing of the applicant's arguments, whichever is later. Although the bar admissions file shall be a confidential record during the appeal process, the docketing information shall be a public record.

(c) The Court, upon review of the arguments, shall issue an order affirming or reversing the decision of the Board or remanding the application for further consideration by the Board. Written opinions may be rendered and may be based upon facts contained in the confidential record. Oral arguments will not be had unless requested by the Court.

Section 9. Civil Immunity

(a) The Board of Bar Examiners and the Board to Determine Fitness of Bar Applicants, and their members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, the character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(b) Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity including any person, firm, or institution, without malice, to the Board of Bar Examiners or the Board to Determine Fitness of Bar Applicants, or their members, employees, or agents are privileged, and civil suits predicated thereon may not be instituted.