

2016 SC 99

FILED

IN THE SUPREME COURT OF THE STATE OF KANSAS

SEP - 2 2016

RULES RELATING TO THE ADMISSION OF ATTORNEYS

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

New Rule 712A is hereby adopted, effective September 15, 2016. See attached document.

BY ORDER OF THE COURT this 2nd day of September, 2016.

FOR THE COURT

A handwritten signature in black ink, appearing to read "Lawton R. Nuss", written over a horizontal line.

Lawton R. Nuss
Chief Justice

Rule 712A

TEMPORARY RESTRICTED ADMISSION TO THE BAR FOR ATTORNEY SPOUSES OF ACTIVE UNITED STATES MILITARY SERVICE MEMBERS

(a) An applicant for admission to the Kansas bar who is currently married to a military service member stationed in Kansas and has been duly admitted to the practice of law upon written examination by the highest court of another state or in the District of Columbia may be admitted to practice in Kansas without written examination upon showing that the applicant:

- (1) has an active license in at least one United States jurisdiction or territory;
- (2) currently meets the requirements of Rules 706 and 707 to take the Kansas bar examination;
- (3) has never been suspended, disbarred, or otherwise lost or surrendered a license to practice law as a result of disciplinary action in any other jurisdiction;
- (4) is not the subject of a pending disciplinary investigation in any other jurisdiction;
- (5) is a person of good moral character and mentally and emotionally fit to engage in the active and continuous practice of law;
- (6) is residing in Kansas as a spouse of a member of the United States Uniformed Services currently stationed in Kansas;
- (7) will be employed as an attorney in Kansas by or with an active attorney in good standing in Kansas who will have ultimate responsibility for clients; and
- (8) has not previously engaged in the unauthorized practice of law in Kansas or any other jurisdiction.

(b) An applicant to the bar by temporary restricted admission must pay an application fee under Rule 704 and must file in duplicate on forms approved by the Supreme Court and procured from the clerk of the appellate courts:

- (1) a verified application for admission;

- (2) any further information requested by the office of the disciplinary administrator, the review committee, or the Board for use in consideration of the application;
- (3) a form completed by the applicant designating the clerk of the appellate courts for service of process; and
- (4) a written certificate signed by the attorney referenced in (a)(7) evidencing that the attorney:
 - (a) is in good standing in Kansas;
 - (b) is engaged in the active practice of law;
 - (c) is the applicant's employer or is employed by or with the same employer as the applicant; and
 - (d) agrees to have ultimate responsibility for clients.

(c) The provisions of Rules 714, 715, 716, 717, 718 and 721 apply to applicants under this rule.

(d) When the Board recommends denial of an application under this rule, the recommendation will be submitted to the Supreme Court and a copy of the recommendation must be filed with the clerk of the appellate courts, who must mail or otherwise furnish a copy to the applicant. The applicant may, no later than twenty days after service of the Board's recommendation, file with the clerk of the appellate courts exceptions to the recommendation. The Board must file a response to any exceptions no later than twenty days after service of the exceptions. The Supreme Court will then make a final determination based upon the record, exceptions, and response, if any, and enter its final order, subject to the provisions of Rule 722(g) and (h).

(e) When an application under this rule is granted by the Supreme Court, the applicant must take the oath pursuant to Rule 720. The clerk of the appellate courts must thereafter issue the applicant a certificate of authority to practice in Kansas.

(f) All of the rules for practice in this state, including the requirements for continuing legal education, apply to a person granted a temporary restricted license under this rule.

(g) A temporary restricted license granted under this rule remains in effect for so long as the licensee: remains married to a member of the United States Uniformed Services; the service member remains stationed at a military installation in Kansas; the licensee resides in Kansas; and the licensee remains employed as an

attorney by or with an active Kansas attorney in good standing who has ultimate responsibility for clients. If the employment required under this rule is terminated, the right of the licensee to practice law in Kansas terminates unless the licensee has accepted employment qualified under subsection (a)(7) and provides written documentation of that acceptance of employment to the clerk of the appellate courts.