

IN THE SUPREME COURT OF ALABAMA
February 21, 2020

ORDER

IT IS ORDERED that Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), Rules Governing Admission to the Alabama State Bar, be amended to read in accordance with Appendices A, B, C, D, and E, respectively, to this order;

IT IS FURTHER ORDERED that the amendments to Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3) of the Rules Governing Admission to the Alabama State Bar are effective October 1, 2020;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule II, Rule IV, Rule V, Rule VI(A), and Rule VI(B):

"Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of Alabama Reporter that contains Alabama cases from __ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 21st day of February, 2020.



Clerk, Supreme Court of Alabama

FILED
February 21, 2020
1:54 pm
Clerk
Supreme Court of Alabama

APPENDIX A

Rule II.B, Rules Governing Admission
to the Alabama State Bar

B. Application-Fee Requirements.

(1) Applicants who have neither applied nor been admitted to the bar of any other jurisdiction shall pay the amount prescribed in item (1) of the Fee Schedule (see Appendix).

(2) All other applicants, unless otherwise provided for by these Rules, shall pay the amount prescribed in item (2) of the Fee Schedule (see Appendix).

Each applicant who qualifies under this subsection shall be required to undergo a separate character and fitness investigation conducted by the National Conference of Bar Examiners (NCBE) and to pay the costs associated therewith.

(3) The cost of a transcript or other record or document reasonably required by the Board in the conduct of an investigation or inquiry into the character and fitness of an applicant or a registrant shall be paid by such applicant or registrant.

APPENDIX B

Rule IV.C, Rules Governing Admission
to the Alabama State Bar

C. Certification of Eligibility.

If the applicant is entitled to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Committee on Character and Fitness of the Alabama State Bar does hereby certify that _____, who has satisfied the applicable requirements of the Rules Governing Admission to the Alabama State Bar, is entitled to take the examination for admission to the Alabama State Bar to be administered on _____ at _____.

By: _____
Secretary , Board of Commissioners
Alabama State Bar

Such certification shall be presented and verified before such applicant enters upon the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been presented and verified. The Secretary, upon issuing or refusing to issue the said certificate, shall preserve in his or her office a record of the fact that such certificate was or was not issued and the date of such action and shall preserve in his or her office said application with the papers attached thereto and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar or for investigation and examination of the record by any person entitled thereto.

APPENDIX C

Rule V.B, Rules Governing Admission to the Alabama State Bar

B. Duties of Committee. The Committee on Character and Fitness is hereby charged with the power, duty, and responsibility of determining the age, the character and fitness, and the educational qualifications of each applicant for admission to the Bar of Alabama. To that end, the Committee may make such investigation as it sees fit, may require the production before it of any affidavits deemed by it to have any bearing upon these questions, and may require the applicant to appear in person before it and be by it examined. The vote of a majority of the members of a Committee on Character and Fitness, if in meeting assembled, shall constitute the action of the Committee.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the Committee on Character and Fitness that the applicant possesses such character and qualifications as to justify the applicant's admission to the Bar and to qualify the applicant to perform the duties of an attorney and counselor at law. The failure of the applicant to fully and accurately comply with any request to produce documents or to appear personally before the Committee or to fully and accurately provide such other information as reasonably may be requested by the Committee shall be a sufficient ground to deny approval of the application.

When, but not until, a majority of the Committee is reasonably satisfied as to the applicant's character and fitness and that the applicant is of the proper age and possesses the educational qualifications now or hereafter prescribed as provided by law, the Committee shall endorse its approval on the application, and the application and all papers accompanying it shall remain on file in the Secretary's office.

If an applicant for admission by examination has passed the Academic Bar Examination and is required to appear in person before the Committee on Character and Fitness, the Committee shall hold a hearing on the application no later than 60 days after the release of the results of the examination, unless otherwise stipulated to by the applicant

and the Committee. If the Committee declines to approve an application for admission, it shall hold a rehearing on the application, the date of which shall not be more than 180 days after the date of denial, unless otherwise stipulated to by the applicant and the Committee. A rehearing shall not be required if the applicant prevails on appeal or if an appeal is pending in accordance with these Rules. Notwithstanding any other provision of these Rules, any applicant for admission by examination must receive approval of the Committee on Character and Fitness within 25 months from the date of the passed Academic Bar Examination.

An applicant for admission by examination who has received approval of the Committee on Character and Fitness, whether or not the applicant appeared in person before the Committee, and who fails or withdraws from an Academic Bar Examination must submit an application for any subsequent examination in accordance with these Rules.

From a ruling of the Committee on Character and Fitness declining to approve the application for registration as a law student or declining to approve the application for admission to the State Bar or making any finding or ruling adverse to any applicant, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary within 30 days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de novo, within 30 days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel of the Alabama State Bar. An appeal from a ruling of the Character and Fitness Appeal Board to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the clerk of the Supreme Court of Alabama within 30 days after the decision of the Character and Fitness Appeal Board. The record on appeal shall be prepared in accordance with the provisions of Rule 12(f), Rules of Disciplinary Procedure of the Alabama State Bar.

The members of the Committee on Character and Fitness may separately and without assembling in meeting consider any application that is required by these Rules to be submitted to such Committee, together with the data submitted in support of such application, and may endorse upon such application their approval or disapproval thereof; unanimous action of all the

members of the Committee, so taken, shall constitute valid action of the Committee, but if such action is not unanimous, the Committee, or a majority thereof, shall further consider and act upon such application in a meeting assembled.

APPENDIX D

Rule VI(A). Board of Bar Examiners

A. Creation of Board. In accordance with the provisions of Act No. 436 of the Legislature of Alabama of 1949, approved August 23, 1949 (§ 34-3-2, Code of Alabama 1975), there is hereby created a Board of Examiners on admission to the Alabama State Bar, which Board shall hereafter be designated and known as the Board of Bar Examiners.

B. Composition of Board. Unless a different number is set by the Board of Commissioners of the Alabama State Bar, the Board of Bar Examiners shall consist of seven (7) members who are residents of the State of Alabama and who are licensed attorneys of the Bar of this State, provided that no attorney shall be permitted to serve concurrently as a member of the Board of Commissioners and as a member of the Board of Bar Examiners. One examiner shall be designated by the Board of Commissioners as chair of the Board of Bar Examiners. The members of the Board of Bar Examiners shall hold office at the pleasure of the Board of Commissioners of the Alabama State Bar and may be removed from office with or without cause by a majority vote of those present at any meeting of the Board of Commissioners where a quorum is present. However, no member of the Board of Bar Examiners may serve more than four consecutive years without the prior approval of the Board of Commissioners.

C. Vacancies. Any vacancy on the Board of Bar Examiners shall be filled by the Board of Commissioners of the Alabama State Bar. Interim appointments for no more than one exam may be made by the chair with the approval of the executive committee of the Board of Commissioners.

D. Reimbursement of Expenses of Members. Each member of the Board of Bar Examiners and the committees thereof shall be reimbursed for reasonable and necessary traveling and other expenses incident to the discharge of their duties. The members of the Board of Bar Examiners shall submit statements for expenses on forms provided by the Secretary.

E. Organization and Authority of the Board. The chair shall supervise and direct the activities of the Board of Bar Examiners in accordance with such rules as are promulgated for the Board of Bar Examiners. The Secretary of the Board of

Commissioners shall serve as secretary ex-officio.

A quorum for any meeting shall consist of four members. A vote of the majority of the Board of Bar Examiners present at any meeting shall constitute the action of the Board.

The Board of Bar Examiners shall direct the examination of applicants for admission to the Bar of Alabama as may be certified to the Board under these Rules, appoint and direct a Bar Examination Grading Committee, and perform such other duties as may be required of them by the Board of Commissioners of the Alabama State Bar. Each member of the Bar Examination Grading Committee shall receive such compensation as the Board of Commissioners shall from time to time establish.

The Board of Bar Examiners shall direct the Committee on Character and Fitness for the purposes set forth in Rule V and shall appoint and direct the Online Curriculum Committee for the purposes set forth in Rule VI(B).

F. Time and Place of Meeting. The Board of Bar Examiners shall direct the administration of an examination for admission to the Bar at least twice each year as provided in Rule VI(B)F. The Board of Bar Examiners shall hold other meetings as necessary to fulfill its function. The Board shall meet at the call of the chair or a majority of the Board of Bar Examiners.

APPENDIX E

Rule VI(B)A(3), Rules Governing Admission
to the Alabama State Bar

(3) Course on Alabama Law. Before being admitted to the practice of law in Alabama, all applicants shall complete a course on Alabama law, the content and delivery of which shall be determined by the Board of Bar Examiners. The Online Curriculum Committee of the Board of Bar Examiners shall be responsible for regular reviews of the course on Alabama law and shall report any substantive changes to the Board of Bar Examiners.