

Proposed Amendments to Kansas Supreme Court Rules 708, 719, and 707

The Kansas Supreme Court is accepting public comment on proposed changes to rules 708: Eligibility; 719: Admission to the Bar by Reciprocity; and 707: Application Processing Fees.

The proposed amendment to Rule 708 memorializes the waiver process that has historically been in place. Applicants can submit a written request to the Office of Admissions to request waiver of eligibility requirements, excluding character and fitness requirements. By providing instructions regarding waiver within the rules, it places candidates for admission to the bar on notice that the process is available.

The proposed amendment to Rules 719 modifies the rule to provide for admission after active practice of law for five of seven preceding years, so long as the applicant was admitted by examination in another United States jurisdiction and holds an active law license in another United States jurisdiction. The requirement that the jurisdiction have a reciprocity agreement has been removed. The remainder of the eligibility requirements under Rule 719 would remain unchanged.

The proposed change to Rule 707 is a conforming change that removes a reference to reciprocity in the rule that establishes application fees.

Proposed changes are shown using strikethrough for deletion and underlining for new language.

Comment may be made by email to publiccomments@kscourts.org until noon Wednesday, August 10, 2023. The subject line must read "Rules 708, 719, and 707."

Rule 708

ELIGIBILITY

- (a) **Requirements.** To apply for admission to the Kansas bar, an applicant must satisfy the following provisions:
- (1) meet the educational qualifications in Rule 711;
 - (2) possess the requisite good moral character and current mental and emotional fitness to engage in the active and continuous practice of law under Rule 712; and
 - (3) comply with the specific requirements and procedures set forth in any applicable rule under which the applicant seeks admission, including Rules 716 through 721.

(b) **Waiver.** An applicant may request the Supreme Court waive the requirements to satisfy subsections (a)(1) and (a)(3). The applicant must submit a written request to the Attorney Admissions office and state good cause for the requested waiver.

(c)(b) **Preclusion.** An applicant must not be precluded from admission under Rule 709 or Rule 710.

Rule 719

ADMISSION TO THE BAR WITHOUT EXAMINATION ~~BY RECIPROcity~~

- (a) **Eligibility.** An applicant for admission to the Kansas bar ~~who is admitted to the practice of law by examination by the highest court of another state, the District of Columbia, or a United States territory~~ is eligible for ~~reciprocal~~ admission without examination if the applicant meets the following requirements:
- ~~(1)~~ was admitted to the practice of law by examination by the highest court of another state, the District of Columbia, or a United States territory;
 - ~~(2)~~ has an active law license from the highest court of another state, the District of Columbia, or a United States territory in at least one jurisdiction that permits reciprocal admission without examination for members of the Kansas bar;
 - ~~(3)~~ is eligible under Rule 708;
 - ~~(4)~~ has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction; and
 - ~~(5)~~ has lawfully engaged in the active practice of law for five of the seven years immediately preceding the date of the application.
- (b) **Active Practice of Law.** For purposes of this rule, the active practice of law includes the following activities:
- (1) representing a client in the practice of law;
 - (2) serving as corporate counsel or as an attorney with a local, state, or federal government body;
 - (3) teaching at a law school approved by the American Bar Association; and
 - (4) serving as a judge or judicial law clerk in a federal, state, or local court, provided that the position required a license to practice law.
- (c) **Required Documents and Fee.** An applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;

- (2) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (3) the fee under Rule 707(a)(6).
- (d) **Application Review Process.** The following rules apply in the application review process:
- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
 - (2) Rule 724 applies following an adverse Board ruling; and
 - (3) Rule 726 applies if the Board approves an application.

Rule 707

APPLICATION PROCESSING FEES

- (a) **Fee Amounts.** The Supreme Court establishes the amount of each application processing fee; each fee is subject to change. An applicant must pay any of the following applicable fees:
- (1) legal intern permit under Rule 715: \$50;
 - (2) admission to the bar by examination under Rule 716: \$700;
 - (3) late fee for an application submitted during the grace period under Rule 716: \$200;
 - (4) admission to the bar by Uniform Bar Examination score transfer under Rule 717: \$1,250;
 - (5) temporary permit to practice law under Rule 718: \$100;
 - (6) admission to the bar ~~by reciprocity~~ without examination under Rule 719: \$1,250;
 - (7) military-spouse restricted license to practice law under Rule 720: \$1,250;
 - (8) single-employer restricted license to practice law under Rule 721: \$1,250; and
 - (9) reapplication for a person whose application to take the bar examination was previously denied for failure to establish the requisite character and fitness qualifications: \$1,250.
- (b) **No Waiver or Refund.** Except as described in subsection (c), the Attorney Admissions office cannot waive or refund an application processing fee listed in subsection (a).
- (c) **Military Service Exception.** An applicant who is unable to take the bar examination due to active military service may request a refund of the application processing fee.
- (d) **Bar Admission Fee Fund.** The Office of Judicial Administration will deposit all application processing fees in a fund known as the bar admission fee fund. Any unused balance in the fund may be applied to an appropriate use determined by the Supreme Court.