Rules Governing Admission to the Bar in Missouri

Print in italics at the end of a rule indicates regulations of the Board of Law Examiners, approved by the Supreme Court pursuant to Rule 8.02(a)(4).

RULE 8
ADMISSION TO THE BAR

8.01 THE BOARD OF LAW EXAMINERS

(a) The Board of Law Examiners shall be composed of at least six members of The Missouri Bar learned in the law. This Court shall appoint each member for a term of nine years exclusive of any unexpired term. The term of at least one member will expire each year on October 15. Any members appointed after March 1, 2001, should not be called on to serve more than one term. The members of the Board shall take and subscribe an oath or affirmation prior to the assumption of their official duties to discharge faithfully and impartially the duties of their office. The Board shall designate one of its members to serve as president and one as vice president. The Court may appoint an executive director of the Board who shall serve at the pleasure of the Court. This Court may remove any member of the Board and may also fill any vacancies on the Board due to death, resignation or inability to serve. The members of the Board shall receive such compensation as may be allowed by this Court out of funds arising from application fees.

(b) All appropriate expenses for operations, equipment and expenses shall be paid from funds arising from application fees. After the payment of expenses following the July bar examination, funds remaining in the Board of Law Examiners account that exceed anticipated expenses may be disbursed, with the approval of the Court, to the Advisory Committee fund, to the board of trustees of The Missouri Bar, and to The Missouri Bar in such amounts as the Court shall determine to meet the needs of such entities.

8.02 DUTIES OF THE BOARD

(a) The Board is charged with the duty and vested with the power and authority:
  (1) To determine eligibility for admission to the Bar;
  (2) To provide for and conduct the bar examinations;

(3) To determine the character and fitness of applicants for admission to the Bar;

(4) To promulgate, amend and revise regulations relevant to the above duties to implement this Rule 8. The regulations of the Board shall be consistent with the provisions of this Rule 8 and shall not be effective until approved by this Court, but when approved, the regulations shall have the same force and effect as any other portion of Rule 8; and

(5) To establish a fee schedule. If fees are required by this Rule 8, Rule 9.09, or Rule 13.06, or any regulation issued pursuant to said rules, the amount of the prescribed fee shall be that amount listed in the then-effective fee schedule published by the Board as approved by this Court.

(b) In the performance of their duties, the Board members may employ necessary means of assistance. Fifty percent of the members of the Board constitutes a quorum.

8.03 REQUIREMENTS FOR ADMISSION TO THE BAR

(a) Every applicant for admission to the Bar of this state shall meet the following requirements:

(1) Comply with all provisions set out in this Rule 8;

(2) File all application forms prescribed by the Board and pay all prescribed fees;

(3) Either:

(A) Pass the Missouri bar examination and the Multistate Professional Responsibility Exam as set out in Rule 8.08; or

(B) Satisfy the requirements for admission as set out in Rule 8.10 or Rule 8.105;

(4) Be a citizen or national of the United States, an immigrant alien lawfully admitted for permanent residence in the United States, or an alien otherwise authorized to work lawfully in the United States;

(5) Satisfy the legal education requirements set out in Rule 8.07, Rule 8.10 or Rule 8.105; and

(6) Receive the approval of the Board as to eligibility for admission and character and fitness.

(b) An applicant seeking readmission to the bar because of disbarment by this Court is not required to meet the requirement set out in Rule 8.03(a)(6).

(c) If an applicant has not satisfied all requirements for admission to the Bar of this state within one year after the date of written notification to the applicant of successful completion of the Missouri bar examination, the applicant's examination scores shall be void; provided, however, that the Board may extend the time period specified in this Rule 8.03(c) for good cause shown.

Regulations of the Board of Law Examiners

1. *Payment of any fee shall be by good funds, cashier's check, or certified check. Any insufficiency of payment or rejection of funds or credit shall be considered to be a prima facie basis to reject an application.*
2. *Application forms may be obtained on the Internet at* www.mble.org *or by request to the Board of Law Examiners, P. O. Box 104236, Jefferson City, Missouri 65110-4236.*
3. *If an application is not substantially complete, as determined by the Board, the application may be rejected for filing.*
4. *All applications shall be fully and completely answered without reservation or exception. Complete candor and fully articulated responses to all inquiries are a condition precedent to Board approval and recommendation.*
5. *Applicants for admission by examination who are successful in the examination but who have not satisfied all other requirements for admission on the date that examination results are released will be notified in writing that they have passed the examination. The examination scores of such applicants will not be released to them and their name will not be posted on the Internet or otherwise released to the public until all requirements for admission have been satisfied.*

8.04 INELIGIBILITY

(a) Any person, whether sentence is imposed or not, who has pleaded guilty or nolo contendere to or been found guilty of any felony of the United States, this state, any other state or any United States territory is not eligible to apply for admission to the bar of this state until five years after the date of successful completion of any sentence or period of probation as a result of the conviction, plea, or finding of guilt.

(b) Any application for admission to the bar from a person who has pleaded guilty or nolo contendere to or been found guilty as specified in Rule 8.04(a) shall show affirmatively, in addition to the other requirements of the application, that:

(1) Any sentence or period of probation was completed at least five years ago;

(2) The cause has abated;

(3) Any person injured as a result of the conduct of the applicant has received restitution, the claims have been discharged by operation of law, or that the person has been notified at least ten days, but not more than ninety days, in advance of the filing of the application;

(4) All special conditions, if any, imposed have been accomplished; and

(5) The best interest of the public will be served if the applicant receives a license.

(c) A person whose application has been denied, except as provided by Rule 8.04(a), is not eligible to apply for admission to the bar for a period of five years from the date the Board recommends denial of the application, unless the Board or this Court on appeal specifies a shorter period.

(d) A person having a complaint pending before the licensing authority of any other state or territory or who has been suspended or disbarred from the practice of law by the licensing authority of any state or territory is not eligible to apply for admission to the bar of this state during the time the complaint is pending or the period of such suspension or disbarment. In no instance shall any such person be eligible for admission until the person has been fully reinstated by such authority or otherwise exonerated. Favorable resolution or termination of a complaint or reinstatement shall not bar or in any way prohibit the Board from making an adverse determination as to character and fitness.

Regulations of the Board of Law Examiners

1. *A felony conviction as described in Rule 8.04(a) is a per se disqualification to file an application for admission under Rule 8.07, Rule 8.10 or Rule 8.105 until after the period of ineligibility imposed by Rule 8.04(a) has expired. Once the Rule 8.04(a) period of ineligibility has expired, the Board will consider the felony in reaching a determination as to the applicant's character and fitness.*
2. *As part of its character and fitness determination, the Board considers any criminal conduct not within Rule 8.04(a).*

8.05 APPLICATION FOR CHARACTER AND FITNESS REPORT

(a) Every applicant for admission under Rule 8.07, Rule 8.10 or Rule 8.105 shall file with the clerk of this Court a written application for character and fitness report in the form prescribed by the Board. Applicants shall pay to the clerk of this Court the prescribed non-refundable fee.

(b) Except as provided in Rule 8.05(c), the application for character and fitness report shall be filed concurrently with the application for bar examination, application for admission without examination, or application for limited admission as in-house counsel.

(c) Law students intending to apply to take the Missouri bar examination upon graduation from law school may file an application for character and fitness report upon commencing the study of law in a Juris Doctorate program at a law school accredited by the American Bar Association but prior to the student's last year of law school. Law students in their last year of law school must submit an

application for character and fitness report, if not previously submitted, concurrently with an application for bar examination in accord with the filing deadlines set out in Rule 8.07.

(d) An applicant shall be required to file a new and complete application for character and fitness report, and pay the prescribed fee, if more than 36 months have expired since the date the application initially was filed and the applicant has not been continuously enrolled in law school.

Regulations of Board of Law Examiners

1. *Law students are encouraged to file an application for character and fitness report upon beginning law school and may be allowed a reduced application fee as set out in the prescribed fee schedule.*
2. *The fingerprints of the applicant shall accompany the application for character and fitness report. The fingerprints shall be taken on the form provided by the Board and by a qualified law enforcement agency.*
3. *The application for character and fitness report is a continuing application and applicants are required to file a written update within 30 days of any change to any information provided or sought in the application.*

8.06 TEMPORARY PRACTICE BY LAWYERS APPLYING FOR ADMISSION TO THE MISSOURI BAR

(a) Any lawyer meeting the following qualifications may apply to practice law temporarily in Missouri as provided in this Rule 8.06. The lawyer shall not have previously failed the Missouri bar examination and shall be:

(1) An applicant for admission to The Missouri Bar under Rule 8.07, Rule 8.10, or Rule 8.105;

(2) An active member in good standing of the highest court of a state or territory of the United States;

(3) Not under suspension or disbarment by any court of record or the subject of any pending disciplinary complaints; and

(4) Supervised as provided in Rule 4-5.1 by a lawyer who is actively licensed to practice law in Missouri.

(b) The applicant shall file an application with the Board, which shall be attested to or sworn and state:

(1) The applicant has applied for admission to The Missouri Bar under Rule 8.07, Rule 8.10, or Rule 8.105;

(2) The name and bar number of a supervising lawyer, who need not be in the same firm as the applicant;

(3) The supervising lawyer is actively licensed to practice law in Missouri; and

(4) The applicant will be supervised as provided in Rule 4-5.1.

(c) Attached to the application shall be a statement from the supervising lawyer agreeing to the specified supervision.

(d) Upon approval by this Court, the applicant shall be issued a certificate to practice law in this state temporarily. The certificate shall be valid for 12 months from the date it is issued. No person shall be permitted to practice temporarily pursuant to this Rule 8.06 for more than twelve months.

(e) The certificate shall be revoked immediately without further action by the Court if the applicant:

(1) Fails the bar examination;

(2) Fails to take the bar examination when eligible to do so;

(3) Is denied permission to take the bar examination or is denied approval by the Board on character and fitness grounds;

(4) Is denied admission without examination or limited admission as in-house counsel and is not permitted to take the bar examination in lieu thereof; or

(5) No longer meets the meets the qualifications prescribed in Rule 8.06(a).

(f) The Board shall notify the chief disciplinary counsel of any person whose certificate is revoked under Rule 8.06(e).

(g) A temporary permit issued pursuant to this Rule 8.06 to an applicant for limited admission as in-house counsel shall authorize the applicant to practice only to the extent allowed under Rule 8.105(c).

8.07 APPLICATION FOR BAR EXAMINATION

(a) Every applicant for admission to the bar by examination shall file with the clerk of this Court an application for bar examination in the form prescribed by the Board. In order to be timely filed, an application shall be properly postmarked or received on or before March 1 for the July examination and on or before the prior October 1 for the February examination. For applicants who failed the most recent examination and are applying for the next scheduled examination, the application shall be properly postmarked or received on or before May 1 for the July examination and on or before the prior October 1 for the February examination in order to be timely filed. The prescribed fee, which is nonrefundable, shall accompany the application.

(b) Subject to payment of an increased fee as set out in the prescribed fee schedule, an application submitted after the timely filing date prescribed in Rule 8.07(a) will be accepted if it is postmarked or received no later than May 31 for the July examination or December 31 for the February examination. An application not postmarked or received by May 31 for the July examination or by December 31 for the February examination will not be accepted.

(c) Except as provided in Rule 8.07(d), no person shall be eligible to take the bar examination until such person shall have met all the requirements for graduation with a juris doctorate degree from a law school approved by the American Bar

Association. No applicant for admission by examination shall be certified for admission until the juris doctorate degree has been conferred. Proof that the requirements of this Rule 8.07(c) have been met shall be provided in such form and at such time as the Board requires.

(d) A person who fails to meet the requirement set out in Rule 8.07(c) because that person graduated either from an unaccredited law school in the United States or from a law school outside the United States beyond the geographical area encompassed by the accreditation activities of the American Bar Association may request permission from the Board to take the bar examination upon furnishing satisfactory evidence that the person:

(1) Has been admitted by examination to the bar and holds an active law license in another state or territory of the United States or in the District of Columbia and has engaged full-time in the practice of law in such state, territory, or the District of Columbia for at least three of the five years immediately preceding the date upon which the person initially submits an application to take the Missouri bar examination; or

(2) Has been admitted by examination to the bar and holds an active law license in another state or territory of the United States or in the District of Columbia and has completed successfully at least 24 semester credit hours in residence at a law school approved by the American Bar Association within the three years preceding the date upon which the person initially submits an application to take the Missouri bar examination.

(e) A person who fails to meet the requirement set out in Rule 8.07(c) because that person graduated from a law school outside the United States beyond the geographical area encompassed by the accreditation activities of the American Bar Association may request permission from the Board to take the bar examination by furnishing satisfactory evidence that the person:

(1) Has been admitted to practice law in the foreign country where his or her law degree was conferred and has been in good standing throughout the period of such admission and has engaged in the full-time practice of law outside the United States for a period of at least three of the five years preceding the date upon which the person initially submits an application to take the Missouri bar examination; or

(2) Has been admitted to practice law in the foreign country where his or her law degree was conferred and has been in good standing throughout the period of such admission and has completed successfully at least 24 semester credit hours in residence at a law school approved by the American Bar Association within the three years preceding the date upon which the person initially submits and application to take the Missouri bar examination.

Regulations of Board of Law Examiners

1. *Applications shall be properly addressed for delivery and all postage fully prepaid. An application that is returned for postage or because it is improperly addressed will not be considered properly postmarked. If the filing deadline falls on a Saturday, Sunday, or legal holiday, then the deadline shall be the next day that is not a Saturday, Sunday, or legal holiday.*
2. *If the application is not substantially complete, as determined by the Board, and is rejected for filing, the applicable increased late fee will be imposed if a complete application is not properly postmarked or received by the filing deadline.*
3. *Upon written notice to the Board postmarked or received no later than 5:00 p.m. on the day before the examination applied for, an applicant may postpone taking the examination applied for and carry forward the application one time to the next scheduled examination. The applicant shall pay a postponement fee as set out in the prescribed fee schedule, which shall be submitted with the written notice of postponement. Except for extraordinary circumstances and good cause shown, an applicant who does not submit timely written notice of postponement shall be required to pay the prescribed application fee in full in order to sit for any future examination. By allowing an applicant to postpone taking the examination, the Board does not waive, alter, or extend any provisions of Regulation 7 under Rule 8.08 or any other provision of Rule 8.*
4. *A request pursuant to Rule 8.07(d) or Rule 8.07(e) for permission to take the bar examination shall be in such form as the Board prescribes and shall be accompanied by a completed application and the prescribed fee.*

8.08 THE BAR EXAMINATION

(a) The Board shall conduct examinations of applicants for admission to the bar twice each year at Jefferson City and at such other times and places as this Court may direct. The examination shall cover such subjects as the Board may prescribe with the approval of this Court.

(b) Applicants are expected to have knowledge of legal ethics and familiarity with the Missouri rules of professional conduct. Prior to being issued a license to practice law, each applicant for admission by examination shall attain a scaled score of not less than 80 on the Multistate Professional Responsibility Examination. The applicant's certified Multistate Professional Responsibility Examination score must be received by the Board no later than one year after the date of written notification of the applicant's successful completion of the bar examination.

(c) The Board shall certify to this Court those applicants who pass the bar examination and are otherwise qualified for admission under this Rule 8. The applicants so

certified shall be granted a license to practice law upon taking and subscribing the oath or affirmation prescribed by Rule 8.15.

Regulations of Board of Law Examiners

1. *The bar examination is given for two days on both the last Tuesday and Wednesday of February and July.*
2. *The first day of the examination shall be devoted to the essay examination. This day may include essay questions prepared by the National Conference of Bar Examiners for the Multistate Essay Examination (MEE) and essay questions prepared by the Board. The essay questions may cover all or some of the following subject matters: agency and partnership, corporations and limited liability companies (LLCs), conflicts of law, estates, family law, federal civil procedure, trusts and future interests, sales, commercial paper, secured transactions, constitutional law, contracts, criminal law and procedure, evidence, real property, torts, administrative law, remedies, and Missouri civil procedure. The essay portion of the examination will also include the Multistate Performance Test (MPT) prepared by the National Conference of Bar Examiners. The MPT does not require specialized subject matter knowledge and contains all of the resource material necessary to complete the MPT. All essay questions on the first day of the examination shall be answered according to Missouri law as it exists on the date of the examination.*
3. *The second day of the examination shall be devoted to the Multistate Bar Examination (MBE) prepared by the National Conference of Bar Examiners, which shall cover such subjects as determined by the National Conference of Bar Examiners.*
4. *The scaled score on the essay portion of the examination (Day 1) shall be weighted 60% and the scaled score on the MBE portion (Day 2) shall be weighted 40%. A total weighted scaled score for the first and second days of the examination combined of at least 1300 on a weighted scale of 2000 is required for passing the Missouri bar examination. In computing the total weighted scaled score, the applicant's scaled score on the essay examination shall be multiplied by 6 and the applicant's scaled score on the MBE shall be multiplied by 4 and the two weighted scaled scores will be added together. For example, a scaled essay score of 130 would be multiplied by 6 for a weighted scaled essay score of 780, a scaled MBE score of 130 would be multiplied by 4 for a weighted scaled MBE score of 520, and the two weighted scaled scores would be added together for a total weighted scaled score of 1300.*
5. *The results of the bar examination will be published and mailed at such dates and times as this Court shall set.*

6. *No regrading or rescoring of any part of the essay portion of the examination will be provided. No appeal or review of exam scores or results is allowed.*

7. *In determining whether to certify an applicant as passing the Missouri bar examination, the Board shall only accept the applicant's scaled score on the MBE taken in another jurisdiction and transferred to Missouri if:*
   (a) The applicant has not previously failed the Missouri bar examination;
   (b) The score was attained in an examination administered within the 19 months immediately preceding the date of the Missouri examination; and
   (c) The applicant passed the entire bar examination in one administration in the transferring jurisdiction.

   It is the applicant's responsibility to ensure that the transferring jurisdiction has certified the applicant's MBE score to the clerk of this Court by July 1 for a July examination and by February 1 for a February examination. If the transferred MBE score is not timely certified, the applicant may be required to sit for both days of the Missouri examination. An applicant is allowed to utilize a transferred MBE score and sit for only the essay portion of the Missouri bar examination one time. If such applicant does not achieve a passing score in the applicant's first attempt, the applicant must sit for both days of the examination in any subsequent attempts. In determining whether an applicant has achieved a passing score, the applicant's transferred scaled MBE score and the applicant's scaled essay score shall be weighted and combined as described in Regulation 4 under this Rule 8.08.

8. *Grades of an applicant on the bar examination will not be disclosed to the public, except that the Board is authorized to:*
   (a) Make public statistical results of the examination;
   (b) Disclose to the law school from which an applicant graduated the applicant's grades, provided the applicant has signed a release form authorizing the Board to do so;
   (c) Disclose to the law school from which an applicant graduated the applicant's pass/fail status; and
   (d) Certify, upon an applicant's request, an applicant's MBE score to other jurisdictions in which the applicant seeks admission.

9. *The Multistate Professional Responsibility Examination (MPRE) required by Rule 8.08(b) is administered nationally by the National Conference of Bar Examiners. It is the applicant's responsibility to ensure that the applicant's MPRE score is timely certified to the clerk of this Court.*

10. *Enrollment ceremonies for successful applicants will be held in Jefferson City at such locations, dates and times as this Court shall set.*

11. Testing accommodations will be provided for applicants demonstrating a disability to the extent such accommodations are reasonable, consistent with the nature and purpose of the examination, and necessitated by the applicant's disability. Applicants needing accommodations shall file a petition for testing accommodations in such form as prescribed by the Board. A fully completed petition for testing accommodations, including all required supporting documentation, shall be submitted with the application for bar examination in accordance with the filing deadlines set out in Rule 8.07 and subject to the corresponding prescribed fee.

8.09 RESERVED

8.10 ADMISSION WITHOUT EXAMINATION

(a) A person proving each of the following may be admitted to the practice of law in this state, without examination:

(1) A first professional degree in law (J.D. or LL.B) was received from a law school that was approved by the American Bar Association at the time the person graduated;

(2) Admission to practice of law in another state or territory of the United States or the District of Columbia and an active license to practice law in at least one jurisdiction that permits mutuality of admission without examination to Missouri lawyers;

(3) The application and related forms required by the Board have been filed and the prescribed, non-refundable fee has been paid;

(4) For five of the ten years immediately preceding the date upon which the application under this Rule 8.10 is filed, the person has:

(A) Been engaged in the full-time practice of law primarily at or from an office physically located in a state, other than Missouri, or in a territory of the United States or the District of Columbia, while the individual had an active license to practice law in such state, territory or the District of Columbia; or

(B) Served full-time as a lawyer with the United States government or its armed forces; or

(C) Taught full-time in a law school approved by the American Bar Association; or

(D) Been engaged in the full-time practice of law as in-house counsel primarily at or from an office physically located in a state, other than Missouri, or in a territory of the United States or the District of Columbia; or

(E) Any combination of the foregoing;

(5) The approval of the Board required by Rule 8.11 and the other applicable requirements of Rule 8;

(6) Compliance with Rule 15.05(d) within 90 days after the date of written notification that the person's character and fitness has been approved.

(b) A person is not eligible to be admitted under this Rule 8.10 if he or she fails the Missouri Bar examination within the ten years immediately preceding the date upon which the application under this Rule 8.10 is filed or at any time thereafter.

(c) A person admitted pursuant to this Rule 8.10 is required to meet the continuing legal education requirements specified in Rules 15.

Regulations of Board of Law Examiners

1. *The" practice of law" is a term of art. Though no broad rule can be drawn to define the "practice of law," it connotes more than merely working with legally related matters. The applicant bears the burden to prove he or she has been engaged in the full-time practice of law such that the applicant's professional experience and responsibilities are sufficient to satisfy the Board that the applicant should be admitted under this Rule 8.10.*
2. *An applicant's practice of law, including, but not limited to, practice under Rule 8.105 or Rule 8.06, within, or from an office located within, the State of Missouri will not, under any circumstances, be considered by the Board in determining compliance with Rule 8.10(a)(4)(A).*
3. *An applicant must be able to demonstrate that he or she satisfies the requirements of this Rule 8.10 as of the date the application is submitted; practice after the date of application will not be considered.*
4. *An Applicant's candor in representing his or her eligibility under this Rule 8.10 will be considered by the Board as a part of its evaluation of the applicant's character and fitness.*
5. *The term "in-house counsel" in Rule 8.10(a)(4)(D) means a person who is employed as a lawyer exclusively by a corporation or its subsidiaries or affiliates, an association, a business, or a governmental entity and the employer's business consists of activities other than the practice of law or the provision of legal services.*

8.105 LIMITED ADMISSION FOR IN-HOUSE COUNSEL

(a) A lawyer admitted to the practice of law in another state or territory of the United States or the District of Columbia may receive a limited license to practice law in this state if the lawyer:

1) Is employed in Missouri as a lawyer exclusively for: a corporation, its

subsidiaries or affiliates; an association; a business; or a governmental entity and the employer's lawful business consists of activities other than the practice of law or the provision of legal services;

(2) Was conferred a first professional degree (J.D. or LL.B) by a law school that at the time of the lawyer's graduation was approved by the American Bar Association;

(3) Has filed such application forms as prescribed by the Board and paid the prescribed fee, which is non-refundable; and

(4) Receives the approval of the Board.

(b) Licensure pursuant to this Rule 8.105 is not a matter of right and shall be granted only in those cases where the public interest, considering the character, background and employment of the applicant, is furthered by issuing a license.

(c) The license issued pursuant to this Rule 8.105 only authorizes the lawyer to practice exclusively for an employer meeting the requirement of 8.105(a)(1) and to engage in pro bono work with an organization approved for this purpose by The Missouri Bar. In all other respects, the lawyer receiving a license pursuant to this Rule 8.105 shall be deemed a lawyer licensed to practice law in this state.

(d) A limited license issued pursuant to this Rule 8.105 shall be automatically nullified if the lawyer's employment in this state by the employer qualifying under Rule 8.105(a)(1) is terminated or if the lawyer is no longer licensed to practice law in another state or territory of the United States as required by Rule 8.105(a). The limited license shall be reinstated if a lawyer's employment is terminated and:

(1) Another employer qualifying under Rule 8.105(a)(1) immediately therafter employs the lawyer, and

(2) The lawyer notifies the clerk of this Court of the new employer.

A lawyer admitted pursuant to this Rule 8.105 is required to immediately notify the clerk of this Court of any change in the lawyer's employment or in the lawyer's licensure status in other states or territories. In conjunction with the annual enrollment statement required by Rule 6.01, a lawyer admitted pursuant to this Rule 8.105 shall certify that the lawyer is still employed by the employer qualifying under Rule 8.105(a)(1) or that the lawyer is no longer qualified for the license provided by this Rule 8.105.

(e) The period of time a lawyer practices law with a license issued pursuant to this Rule 8.105 shall not be used by the lawyer to fulfill the requirements of Rule 8.10.

(f) A lawyer admitted pursuant to this Rule 8.105 is required to meet the continuing legal education requirements specified in Rule 15.

8.11 APPROVAL OF APPLICATIONS

(a) Prior to recommending that an applicant be admitted to the bar, the Board, in each instance, shall investigate the character and fitness of the applicant.

(b) In investigating the character and fitness of an applicant, the Board may refer applications to any of the following: the National Conference of Bar Examiners, the chief disciplinary counsel, the advisory committee, any regional disciplinary committee, any investigatory personnel engaged by the Board, or personnel of this Court's clerk's office. Such entities shall report to the Board, which may make such further investigation as it deems necessary to inform itself concerning the character and fitness of the applicant. The Board may have medical records or other documents reviewed by physicians or other professionals to obtain such professional's expert opinion in cases involving a physical or mental impairment bearing upon an applicant's character and fitness or in cases involving bar examination testing accommodations. The expense of such review shall be borne by the Board. If necessary, in cases involving a physical or mental impairment bearing upon an applicant's character and fitness or bearing upon bar examination testing accommodations, the Board may request the applicant to undergo an independent evaluation or examination by a professional approved by the Board. The applicant shall bear the expense of any independent evaluation or examination deemed necessary by the Board to determine the applicant's character and fitness or to determine the necessity of testing accommodations for the bar examination.

(c) If the investigation as to character and fitness of a Rule 8.07 applicant is completed prior to the bar examination and the Board determines that the applicant should not be approved for admission, the Board may deny the applicant permission to take the examination.

(d) If the investigation as to character and fitness of a Rule 8.07 applicant is not complete at the time of the bar examination, the Board may permit the applicant to take the examination. Such permission, either express or implied, does not constitute approval, nor evidence of approval, and does not estop or inhibit the Board nor shall such permission be used as evidence in support of any application.

(e) Approving an applicant for admission shall not preclude the Board from subsequently determining that the applicant should not be approved for admission to the bar at any time before the applicant subscribes the oath or affirmation prescribed by Rule 8.15. The Board retains jurisdiction over each applicant until actually licensed and may investigate, hold hearings on, and revoke its approval at any time before the applicant takes the oath of admission.

(f) In every investigation, the Board may obtain such information as bears upon the character, fitness and general qualifications of the applicant and take and hear testimony, administer oaths and affirmations and compel, by subpoena issued by this Court, the attendance of witnesses and the production of books, papers and

documents. Any member of the Board may administer such oaths and affirmations.

(g) The Board may impose such conditions as it deems necessary upon its approval of an application for character and fitness report filed by a law student as provided in Rule 8.05(b). Approval of a law student's application may be conditioned upon successful completion of such programs or treatments required by the Board for alcohol abuse, substance abuse, sexual misconduct, or management of emotional or mental problems or money management. The Board may delegate to the Missouri Lawyers' Assistance Program, or other programs recognized by the Court, the management of such conditions. All such conditional approvals of law student applications and all such programs shall be limited to conditions involving areas that adversely affect the student's ability to responsibly further the public interest.

(h) Violation of any condition imposed under Rule 8.11(g) shall be self-reported to the Board by the student. Any material violation shall be prima facie basis for immediate revocation of conditional approval and for denial of permission to take the bar examination.

(i) In addition to disclosure allowed by Rule 8.11(b), the Board may, as reasonably necessary, disclose information relating to a specific applicant to:

(1) sources contacted during the Board's character and fitness investigation; and

(2) lawyer disciplinary or admissions authorities in other jurisdictions when the information relates to possible unethical conduct by a lawyer licensed or a person applying for licensure to practice in that jurisdiction.

Regulations of Board of Law Examiners

1. The Board will give written notice to the applicant as to whether or not the application has been approved. The timing of such notices shall be in the sole discretion of the Board.

8.12 HEARINGS BEFORE BOARD AND REVIEW BY COURT

(a) If the Board refuses to grant approval of any application, the applicant may have a hearing by the Board by serving a written request upon the executive director of the Board within fifteen days after notice of refusal has been mailed to the applicant by the Board, first-class postage prepaid, addressed as provided in the application. The written request for a hearing shall advise the Board of the precise matters desired to be covered at the hearing. The applicant shall have the right to

be represented by counsel and present evidence at the time and place fixed by the Board for the hearing.

(b) In any investigation or determination, the Board may order a hearing on its own motion either before or after action on any application.

(c) The Board's decision upon any such hearing shall be made in writing setting forth the reasons therefore, and a copy thereof shall be mailed to the applicant.

(d) After the hearing provided for in this Rule 8.12(a), an aggrieved party may appeal to this Court from an adverse decision of the Board by filing a notice of appeal that shall set forth in writing the facts and reasons on which it is based. Eight copies shall be filed with the executive director of the Board within fifteen days after the Board's order or ruling has been mailed to the applicant. The Board, within thirty days after receipt of the notice of appeal, shall file with the Clerk of this Court the original notice of appeal together with a statement of the Board's action and position in the matter and, when evidence has been taken, shall order a transcript of such portions of the evidence as considered necessary by the Board. A copy of the statement of the Board and such transcript shall at the same time be served upon the applicant. The applicant may, at applicant's own expense, file a transcript of any other portion of the evidence heard by the Board as applicant considers necessary and serve a copy upon the executive director of the Board. This Court shall not hear or receive additional evidence.

(e) This Court, on application of the Board, may make such orders as it shall consider appropriate with regard to payment of or security for the costs and other expenses of hearings and appeals provided for herein.

Regulations of Board of Law Examiners

1. *In any notification to an applicant that the Board:*
   - *(a) Refuses to grant approval;*
   - *(b) Recommends the imposition of conditions; or*
   - *(c) Will hold a hearing on its own motion,*

   the Board will notify the applicant of the general areas or subject matter of its concern. The Board shall not be required to itemize each basis for its determination.

2. *The Board, upon written request of any applicant, shall request that the clerk of this Court issue a subpoena to a third person (other than employees of the office of the clerk, members of the Board, or employees or agents of the Board) to compel testimony or to produce documents. The written request must be received at least seven days before any scheduled hearing and must demonstrate that such testimony, evidence, and documents, as the case may be, are reasonably calculated to aid the inquiry.*

3. *The hearing process is not an adversary proceeding but is a fact-finding process for the ultimate benefit of the public interest. No discovery is permitted and contentious or overbearing or hostile tactics and presentations are discouraged.*
4. *In any hearing the Board may take testimony by telephone.*
5. *Any request for a continuance of a hearing must comply with the following requirements:*

   (a) The request must be made in writing and signed by the applicant or the applicant's attorney;

   (b) The request must set forth with particularity the reasons for the delay sought and whether previous hearings have been continued at the request of the applicant;

   (c) The request must be submitted to the Board as soon as practicable but, except in extraordinary circumstances, not later than seven days before the day upon which the hearing is scheduled.

   Requests for continuance may be submitted by facsimile to the Board's office in Jefferson City.

8.13 BURDEN OF PROOF ON APPLICANTS

The practice of law in this state is a privilege. The burden of demonstrating that the requirements of this Rule 8 have been met shall be upon the applicant.

8.14 IMMUNITY AND PRIVILEGE

Any person who communicates information concerning a person applying for admission to the bar to any member of the Board or any attorney, employee or agent of the Board or the office or any employee of the clerk of this Court or any investigator acting on behalf of the Board is immune from all civil liability that, except for this Rule 8.14, might result from any such communication.

8.15 OATH OR AFFIRMATION

(a) Within ninety days after the date of the letter of licensure, an applicant shall take the oath of admission. Failure to take the oath in the prescribed period may result in revocation of the letter of licensure. In the event of revocation, the applicant will then be required to show cause for withdrawal of the revocation of the letter of licensure.

(b) Every person, before being admitted to practice law in this state, shall take and subscribe the following oath or affirmation (substituting, in instances of affirmation, the word "affirm" for the word "swear" in the first line of such text,

and further substituting the words "Under the pains and penalties of perjury" in lieu of the words "So help me God" in the last line thereof):

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Missouri;

That I will maintain the respect due courts of justice, judicial officers and members of my profession and will at all times conduct myself with dignity becoming of an officer of the court in which I appear;

That I will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

That I will at all times conduct myself in accordance with the Rules of Professional Conduct; and,

That I will practice law to the best of my knowledge and ability and with consideration for the defenseless and oppressed.

So help me God.