

Proposed Supreme Court Rule 712B

The Kansas Supreme Court is considering a recommendation from the Kansas Board of Law Examiners to adopt Supreme Court Rule 712B for a new classification of attorney in Kansas for a restricted license of a foreign educated attorney performing legal services for a single employer. The proposed rule is shown below.

The court is accepting comment on the proposed rule until 5 p.m. Monday, February 5, 2018. Comment may be emailed to rulenotice@kscourts.org. The subject line must read Proposed Rule 712B.

Rule 712B

RESTRICTED LICENSURE OF FOREIGN EDUCATED ATTORNEY PERFORMING LEGAL SERVICES FOR SINGLE EMPLOYER

- (a) **Eligibility.** The Supreme Court may grant, without examination, an applicant, a restricted Kansas law license to perform legal services for a single employer upon a showing that the applicant:
- (1) has filed a completed application under subsection (b) of this rule within 180 days of beginning employment with a person, firm, association, corporation, or accredited law school engaged in business in Kansas other than the practice of law;
 - (2) is, or will be, working full time for the employer on work that is, or will be, limited to the business of the employer;
 - (3) receives, or will receive, the applicant's entire compensation from the employer for providing legal services;
 - (4) is admitted to the practice of law by written examination by the highest court of a foreign jurisdiction and currently holds a license to practice law in good standing in that foreign jurisdiction;
 - (5) has never been suspended, disbarred, or otherwise lost or surrendered a license to practice law as a result of disciplinary action in any United States or foreign jurisdiction;
 - (6) has, before filing an application under this rule, satisfied any applicable continuing legal education requirements specified by the rules of the foreign jurisdiction where the applicant has been admitted; and
 - (7) is now and has been a person of good moral character, is mentally and emotionally fit to engage in the active and continuous practice of law, and is a proper person to be granted a restricted license to practice law in this state.

(b) **Application.** Each applicant must pay an application fee under Rule 704 and file an original and one copy of the following items on forms approved by the Supreme Court and supplied by the clerk of the appellate courts:

(1) a verified application for admission;

(2) a written certificate, with a duly authenticated English translation from the disciplinary authority in each foreign jurisdiction where the applicant has been admitted to practice law that certifies the following:

(A) the applicant is in good standing;

(B) the applicant has not been disciplined by the jurisdiction for violations of the Code of Professional Responsibility or any other applicable ethical standards; and

(C) there are no pending complaints of ethical violations against the applicant;

(3) the rules of the foreign jurisdiction require continuing legal education, a written certificate, with a duly authenticated English translation, from the authority that administers continuing legal education requirements in each jurisdiction where the applicant has been admitted to practice law, certifying that the applicant has satisfied the jurisdiction's requirements for any required years prior to filing an application under this rule;

(4) a written certificate from the applicant's employer showing the date of hire and certifying that the applicant is working full time for the employer in Kansas;

(5) not less than three affidavits, on forms supplied by the clerk of the appellate courts, from responsible persons attesting that the applicant is a person of good moral character, with a duly authenticated English translation if it is not in English, or such other evidence of character satisfactory to the Board of Law Examiners; and

(6) any additional information the Board, the disciplinary administrator, or the review committee may require.

(c) **Applicability of Other Rules.** Rules 714, 715, 716, 717, 718, and 721 apply to an applicant under this rule.

(d) **Providing Legal Services While an Application is Pending.** After filing the completed application and pending issuance of the restricted license, an applicant may engage in the business of the applicant's employer, including legal services, if an attorney actively engaged in the practice of law in Kansas agrees, in writing, to supervise and be

responsible for the applicant's work during that interim period. The applicant's practice of law is restricted to providing legal services for the applicant's Kansas employer.

- (e) **Recommendation for Denial.** When the Board recommends denial of an application, the Board will submit the recommendation to the Supreme Court and file a copy with the clerk of the appellate courts. The clerk will provide a copy to the applicant. The applicant may, no later than 20 days after service of the Board's recommendation, file with the clerk exceptions to the recommendation. The Board must file a response to any exceptions no later than 20 days after service of the exceptions. The Supreme Court will then make a final determination based on the record, exceptions, and response, if any, and enter its final order, subject to the provisions of Rule 722(g) and (h).
- (f) **Oath.** When the Supreme Court grants an application, the applicant will take an oath under Rule 720. The Clerk will issue the applicant a restricted license to practice law in this state. The restricted license will indicate that it is issued under this rule and will limit the licensee to providing legal services in this state for the business purposes of the licensee's Kansas employer.
- (g) **Requirements to Maintain License.** To remain eligible to provide legal services in this state, a licensee must satisfy the following requirements:
- (1) at all times identify oneself as being licensed under Rule 712B;
 - (2) maintain full-time employment in Kansas;
 - (3) maintain an active license in good standing in the foreign jurisdiction;
 - (4) comply with all Kansas Rules of Professional Conduct;
 - (5) comply with all annual Kansas attorney registration requirements; and
 - (6) comply with all annual Kansas continuing legal education requirements.
- (h) **Application Processing.** An application is invalid if an applicant withdraws the application within 1 year of the application's filing date or fails to pursue the application for 1 year after the filing date. After such time, if the applicant wishes to pursue licensure under this rule, the applicant must file a new application and pay the same fee required for the initial application. However, if the applicant's failure to pursue the initial application resulted from delay attendant to investigation of the applicant's fitness and/or character, the need for a hearing thereon, or actions of the office of the disciplinary administrator, the review committee, the Board, or the Supreme Court, then the Board may extend the application for additional time
- (i) **Termination of License.** A license will remain in effect while the licensee devotes his or her full-time work to the business of the Kansas employer and receives compensation

for legal services from no source other than the employer. A license will expire upon the employer's termination of the licensee's employment, unless the licensee has accepted like employment with another Kansas employer that meets the requirements of this rule.

- (j) **Limitation on Licensee.** A licensee cannot use time in practice under a restricted license to satisfy requirements of any Kansas statute or regulation.