

Proposed Amended Supreme Court Rule 712

The Kansas Supreme Court is considering proposed changes to Supreme Court Rule 712 concerning the ability of an attorney who performs legal services for a single employer under Rule 712 to be able to provide specified pro bono legal services through entities approved by the Supreme Court. The proposed changes are shown using underlining for new language.

Comment may be submitted to rukenotice@kscourts.org with "Rule 712" in the subject line by 5 p.m. Thursday July 19, 2018.

Rule 712

RESTRICTED LICENSURE OF ATTORNEYS PERFORMING LEGAL SERVICES FOR SINGLE EMPLOYERS

(a) Any applicant for admission to the Bar of Kansas who was duly admitted to and continuously licensed for the practice of law upon written examination by the highest Court of another state's judicial system or that of the District of Columbia, and who has accepted or intends to accept or continue employment by a person, firm, association, corporation, or accredited law school engaged in business in Kansas other than the practice of law, and whose full time is, or will be, limited to the business of such employer, and who receives, or will receive, his or her entire compensation from such employer for the rendering of services, which include legal services, may be granted a restricted license to practice law in Kansas and the courts of this state, without examination, upon showing that the applicant:

- (1) has filed a completed application pursuant to subsection (b) of this rule within ninety (90) days of the beginning of employment;
- (2) would be fully qualified to take the written bar examination in Kansas under the Rules of the Supreme Court;
- (3) has satisfied any applicable continuing legal education requirements specified by the rules of the jurisdictions in which applicant has been admitted prior to making application in Kansas;
- (4) is now and has been a person of good moral character, is currently mentally and emotionally fit to engage in the active and continuous practice of law, and in all respects is a proper person to be granted a restricted license to practice law in this state; and
- (5) has never failed a Kansas bar examination.

(b) Subsequent to filing the completed application and pending issuance of the restricted license, an applicant may engage in the business of his or her 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 acts of the applicant during that interim period. A restricted license granted under the provisions of this rule shall remain in effect for so long as such person remains in the employ of, and devotes his or her full time to the business of, and receives compensation for legal services from no source other than such employer. Upon the termination of such employment, the right of such person to practice law in Kansas shall terminate unless he or she shall have accepted like employment with another Kansas employer. Persons granted a restricted license under this rule shall be subject to all of the rules for practice in this state, including the requirements for continuing legal education.

(c) Each applicant for a restricted license under this rule shall file in duplicate on forms approved by the Court and procured from the Clerk of the Appellate Courts:

- (1) a verified application for admission;
- (2) a written certificate from the authority charged with the administration of discipline in each jurisdiction in which the applicant holds a license to practice law, certifying that the applicant is in good standing, has not been disciplined by such jurisdiction for violations of the Code of Professional Responsibility, Kansas Rules of Professional Conduct or any other ethical standards therein applicable, and that there are no complaints of such violations then pending against the applicant;
- (3) where required by the rules of such jurisdictions, a written certificate from the authority charged with the administration of continuing legal education in the jurisdictions in which the applicant has been admitted to practice, certifying that the applicant has satisfied the continuing legal education requirements of such jurisdictions for any required years prior to making application in Kansas;
- (4) a written certificate from the employer of such applicant evidencing the applicant's employment by such employer and that his or her full-time employment will be by such employer in Kansas; and
- (5) not less than three affidavits, on forms to be supplied by the Clerk of the Appellate Courts, from responsible persons attesting that the applicant is a person of good moral character, or such other evidence of character as shall be satisfactory to the office of the Disciplinary Administrator, the Review Committee, or the Board; and
- (6) such other and further information as the office of the Disciplinary Administrator, the Review Committee, or the Board may require in the consideration of the application.

(d) The provisions of Rules 706, 707, and 721 apply to applicants under this rule.

(e) When the Board recommends denial of an application under this rule, its recommendation shall be submitted to the Supreme Court and a copy thereof shall be filed with the Clerk of the Appellate Courts, who shall thereupon mail or otherwise furnish a copy to the applicant. The applicant may, within twenty days of service thereof, file with the Clerk exceptions to the Board's recommendation. The Board shall file a response to any such exceptions within twenty days following 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).

(f) When an application under this rule is granted by the Supreme Court, the applicant shall take an oath pursuant to Rule 720. The Clerk shall thereafter issue applicant a restricted license to practice law in this State. The restricted license shall recite that it is issued under this rule and shall limit the licensee to perform only legal services for the employer's business. Such restricted license shall expire upon (i) termination of the applicant's employment by his full-time employer, or (ii) admission of the applicant to practice in Kansas under the terms of Rule 708, 709, 709A or, if the applicant shall fail the bar examination, on the date the results of the examination are announced.

(g) Time in practice under a restricted license issued pursuant to this rule may not be used to satisfy requirements of any statute or regulation of the State of Kansas.

(h) Any applicant for admission under this rule who withdraws or fails to pursue his or her application within one year of the date of filing thereof, shall thereafter be required to file a new application and pay the same fee required for the initial application. However, if the failure of an applicant to pursue said application during such period is the result of delay attendant to investigation of 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, such period shall be extended for such additional time as shall be determined by the Board.

(i) An attorney licensed under this rule is authorized to provide pro bono legal services through (1) a not-for-profit provider of civil legal services approved by the Supreme Court for this purpose or (2) an accredited law school clinic approved by the Supreme Court for this purpose.

[**History:** New Rule effective July 1, 2009; Am. effective February 3, 2014; Am. (f) effective April 2, 2015; Am. (f) effective August 26, 2015.]