

## **Rule 708**

### **ADMISSION TO THE BAR WITHOUT WRITTEN EXAMINATION**

- (a) Any applicant for admission to the bar of Kansas who was duly admitted to the practice of law upon written examination by the highest court of another state or in the District of Columbia may be admitted to practice in this state without written examination, upon showing that the applicant:
- (1) has an active license in at least one jurisdiction that permits mutuality of admission without examination for members of the Kansas bar;
  - (2) has never failed a written Kansas bar examination;
  - (3) presently meets the requirements of Rules 706 and 707 to take the Kansas bar examination;
  - (4) has never received professional discipline of suspension, disbarment, or loss of license in any other jurisdiction;
  - (5) is not currently the subject of a pending disciplinary investigation in any other jurisdiction;
  - (6) is a person of good moral character and mentally and emotionally fit to engage in the active and continuous practice of law; and
  - (7) has been lawfully engaged in the active practice of law outside the State of Kansas, or in Kansas under Rule 712 or 712A, for five of the seven years immediately preceding the date of his or her application. For purposes of this rule, the “active practice of law” shall include the following activities:
    - (i) Representation of one or more clients in the practice of law;
    - (ii) Service as a lawyer with a local, state or federal agency, including military service, with the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law or preparing, trying or presenting cases before courts, departments of government or administrative agencies;
    - (iii) Service as corporate counsel with the same primary duties as described in subsection (7)(ii) above;
    - (iv) Employment as a teacher of law at a law school approved by the American Bar Association throughout the applicant’s employment;
    - (v) Service as a judge in a federal, state or local court, provided that such employment is available only to licensed attorneys;
    - (vi) Service as a judicial law clerk; or

(vii) Any combination of the above.

(8) has not previously engaged in the unauthorized practice of law in Kansas or any other jurisdiction.

Applicants shall furnish such proof of practice as may be required by the Board of Law Examiners.

- (b) Each applicant to the bar without written examination shall pay an application fee as provided in Rule 704 and shall submit in duplicate on forms approved by the Supreme Court and procured from the Office of Judicial Administration:
- (1) a verified application for admission,
  - (2) such other and further information as the Office of the Disciplinary Administrator, the Review Committee, or the Board may require in the consideration of his or her application, and
  - (3) a designation of the Office of Judicial Administration for service of process.
- (c) The provisions of Rule 721 apply to applicants under this rule.
- (d) When the Board recommends denial of an application under this rule without hearing, its recommendation shall be submitted to the Supreme Court and a copy thereof shall be submitted to the Office of Judicial Administration, which will mail or otherwise furnish a copy to the applicant. The applicant may, within twenty days of service thereof, submit to the Office of Judicial Administration exceptions to the Board's recommendation. The Board shall submit 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).
- (e) When an application under this rule is granted by the Supreme Court, the applicant shall take an oath pursuant to Rule 720. The judicial administrator shall thereafter issue the applicant a certificate of authority to practice law in this State.

**[History:** Am. effective July 1, 2009; Am. (a) effective November 12, 2010; Am. (a) effective June 26, 2014; Am. (e) effective August 26, 2015; Am. (a) effective August 31, 2016; Am. effective January 24, 2020.]