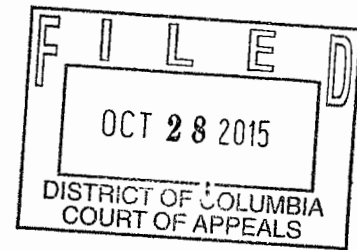


**District of Columbia  
Court of Appeals**

No. M-252-15

**NOTICE**



The District of Columbia Court of Appeals seeks public comment on proposed amendments to its Rule 46, governing admissions to the bar. Some proposed revisions are minor and involve only renumbering, re-arranging, omission of unnecessary detail, or updating provisions pertaining to application fees. However, there are several important changes. The major changes that would be made under the proposed amended rule are as follows:

- The proposed amended rule adopts the Uniform Bar Examination (UBE) and establishes the District of Columbia as a UBE jurisdiction. This would not effect any change in the examination materials to be used (our jurisdiction already use all UBE components) or in the passing score. Rather, it would establish that (1) this jurisdiction accepts the conditions of use developed by the National Conference of Bar Examiners (NCBE) for UBE jurisdictions (including, under current policy, that examinations will not be re-graded once scores are released); (2) this jurisdiction agrees to accept UBE scores (i.e., the combined scaled scores on the multiple choice and written components of the examination) earned in other jurisdictions if they meet the passing score in this jurisdiction (266); and (3) those who take the UBE in our jurisdiction can be admitted to other UBE jurisdictions whose passing scores they meet. In other words, scores are portable.
- The proposed amended rule also permits law students to take the bar examination during the last semester of law school with certification by the law school. Bar admission, however, still requires law school graduation.

- A limit is imposed on the number of times an applicant may sit for the bar examination, absent extraordinary circumstances. This limit applies as well to those seeking to transfer in UBE scores earned in other UBE jurisdictions.

New material is underlined, and language to be deleted is stricken through.

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendments under consideration. Ten copies of any comments should be addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W. Washington, D.C. 20001 by December 28, 2015. All comments submitted pursuant to this notice will be available to the public.

## Proposed Amended Rule 46

### Rule 46. Admission to the Bar.

#### (a) *Committee on Admissions.*

(1) The court shall appoint a standing committee known as the Committee on Admissions (~~hereafter the Committee~~) consisting of at least seven members of the Bar of this court, one of whom shall serve as counsel to the Committee. Each appointment shall be for a term of three years. In case of a vacancy arising before the end of a member's term caused by death, resignation or otherwise, the successor appointed shall serve the unexpired term of the predecessor member. When a member holds over after the expiration of the term for which that member was appointed, the time served after the expiration of that term shall be part of a new term. No member shall be appointed to serve longer than two consecutive regular three-year terms, unless an exception is made by the court.

(2) Subject to the approval of the court, the Committee ~~may~~ shall adopt such rules and regulations as it deems necessary to implement the provisions of this rule. The members of the Committee shall receive such compensation and necessary expenses as the court may approve.

(3) Members of the Committee and their lawfully appointed designees and staff are immune from civil suit for any conduct in the course of their official duties.

(b) *Admission to the Bar of this jurisdiction. Admission by Examination.* Admission may be based on (1) examination in this jurisdiction; (2) transfer of a Uniform Bar Examination score attained in another jurisdiction; (3) the applicant's qualifying score on the Multistate Bar Examination administered in another jurisdiction and membership in the bar of such other jurisdiction; or (4) membership in good standing in the bar of another jurisdiction for at least five years immediately prior to the application for admission.

(c) Admission based on examination in this jurisdiction.

(1) Number and Dates of Examination. Examinations for admission to the Bar shall be held on two successive days in February and July of each year in Washington, D.C., at a place ~~and on the dates~~ designated by the Committee and on dates designated by the National Conference of Bar Examiners (NCBE). The Committee may extend the days for examination for an applicant ~~upon good cause having been demonstrated to the Committee~~ pursuant to a request for testing accommodations.

(2) Time to Apply and Fees.

(i) An application to take the bar examination shall be ~~typewritten and submitted in a format on a form~~ approved by the Committee and filed with the Director of Admissions (~~hereafter~~ Director) not later than December 15 for the February examination and May 3 for the July examination unless, for exceptional cause shown, the time is extended by the Committee. The contents of the application to take the examination shall be confidential except upon order of the court.

(ii) The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals (Clerk), in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, (1) a certified check, cashier's check, or money order in the amount of \$ 100, which shall be nonrefundable, made payable to the Clerk, D.C. Court of Appeals, together with (2) the applicable certified checks, cashier's checks, or money orders made payable to the National Conference of Bar Examiners, the purposes and amounts of which shall be in an amount and form specified on the application form.

(iii) Late applications may be filed within 15 days from the closing dates specified in subparagraph (i) and must be accompanied by an additional, non-refundable ~~certified check, cashier's check, or money order in the amount of \$ 200 made payable~~ payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee.

(3) Proof of Legal Education in a Law School Approved by the American Bar Association.

(i) An applicant who has graduated from a law school that at the time of graduation was approved by the American Bar Association (ABA) shall be permitted to take the bar examination.

(ii) An applicant shall be permitted to take the bar examination prior to graduation from law school if the applicant (1) is a currently enrolled student in good standing at a law school approved by the ABA; (2) is expected to graduate from that law school with a J.D. or LL.B. degree within one hundred ninety (190) days of the first day of administration of the bar examination; and (3) provides, by the application deadline, a certification by the law school that the applicant meets the foregoing criteria.

(iii) Under no circumstances shall such an applicant described in this paragraph (3) be admitted to the Bar without first having submitted to the Director a certificate that the applicant has graduated from an ABA-approved law school with a J.D. or LL.B. degree.

(4) Law Study in a Law School Not Approved by the ABA. An applicant who graduated from a law school not approved by the ~~ABA~~American Bar Association shall be permitted to take the bar examination only after successfully completing at least 26 ~~credit~~semester hours of study in the subjects tested in the bar examination in classroom courses in a law school that at the time of such study was approved by the ~~ABA~~American Bar Association. All such 26 credit ~~semester~~ hours shall be earned in courses of study, each of which is substantially concentrated on a single ~~tested~~ subject tested on the Uniform Bar Examination.

(5) Multistate Professional Responsibility Examination. An applicant for admission by examination shall not be admitted to the Bar unless that applicant has also taken the Multistate Professional Responsibility Examination (MPRE) written and administered by NCBE ~~an examination on the Code of Professional Responsibility given under the auspices of the Multistate Bar Examination Committee of the National Conference of Bar Examiners and~~ has received thereon ~~thea~~ minimum required grade as determined by the Committee ~~on Admissions~~. Arrangements to take the MPRE~~said examination~~, including the payment of any fees therefor, shall

be made directly with NCBE, the Multistate Bar Examination Committee of the National Conference of Bar Examiners. The score received on the MPRE Multistate Professional Responsibility Examination (MPRE) shall not be used in connection with the scoring of the bar examination. ~~There shall be no limit to the number of times an applicant may take the MPRE.~~

(6) Examination of Applications. -- The Director shall examine each application to determine the applicant's eligibility and to verify the completeness of the application. If eligibility is not demonstrated, the applicant shall be permitted to furnish additional information. If the application is not complete, ~~either it shall be returned to the applicant for completion or the~~ needed information shall be provided upon the Director's request, requested by letter.

(7) Examination Identification Number. The Director shall assign an examination number to each accepted applicant. Each applicant shall be notified by the Director of the applicant's examination number and shall be furnished an admission card and a list of instructions. Further disclosure of the examination number of any applicant is prohibited.

(8) General Considerations Regarding the Examination.

~~(A)~~ Applicants shall be examined on The examination shall be the Uniform Bar Examination (UBE) developed by NCBE. The UBE consists of a written component, consisting of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), and a multiple choice component, which is the both the essay and the Multistate Bar Examination (MBE), sections at the examination site designated by the Committee.

~~(B)~~ An applicant may request the Committee to accept an prior MBE score from a prior examination administration provided that:

~~1~~ (i). The prior MBE scaled score is not less than 133; and

~~2~~ (ii). The prior administration was within 25 months of the present administration.

~~(BC)~~ An applicant may request the Committee to accept a written component ~~prior~~ essay ~~a score from a prior examination administration in the District of Columbia~~ provided that:

~~1(i)-~~ The prior written component ~~essay~~-scaled score is not less than 133; and

~~2(ii)-~~ The prior administration was within 25 months of the present administration.

~~(iiD)~~ ~~Any prior section administration accepted pursuant to this rule shall be valued as set forth in (b)(10)(ii) below. An applicant requesting acceptance of a score from a prior -administration shall submit with the application to sit for the bar examination a score transfer form, either a duly executed MBE score and release form or an essay scaled score release form. Any score earned in a prior administration may not be used to earn a UBE score that can be transferred to seek admission in another U.S. jurisdiction. To earn a transferrable UBE score, an applicant must take both the written and MBE components in a single administration of the examination.~~

~~(Eiii)~~ The bar examination may cover the following subjects: administrative law, contracts, agency, Uniform Commercial Code and, equity, business associations, conflicts of laws, evidence, torts, wills, trusts, administration of estates, family law, real and personal property, civil and criminal procedure, constitutional law, eriminal law, legal ethics and tax law. In its discretion, the Committee may change the subjects.

~~(iv)~~ Each day of the examination shall require six hours writing time unless modified by the Committee for an applicant pursuant to a request for testing accommodations. One day shall be devoted to essay questions approved by the Committee; the other day shall be devoted to the ~~MBE~~ multiple choice questions prepared by the National Conference of Bar Examiners.

~~(Ev)~~ Examination booklets shall be furnished by the Committee. Computers or typewriters furnished by the applicants may be used by prearrangement with the Director.

~~(Evi)~~ Except by permission of the Committee's representative, no applicant shall

leave the examination room during the examination. Each applicant, upon leaving the examination room, shall turn in the examination materials examination booklets to the Committee's representative.

(9) Computation of Written Component Essay Scaled Scores. The raw essay scores on the written component each examination shall be converted to scaled scores by NCBE in accordance with UBE policies. using the standard deviation method. The basis for this scaling shall be the distribution of MBE scaled scores of the applicants taking the essay portion of that examination.

(10) Determining Pass/Fail Status. —

(iA) An applicant taking the written essay and MBE sections components concurrently must attain a combined UBE scaled score of shall be successful if the sum of the applicant's essay and MBE scaled scores is 266 or greater to pass the examination. (i.e., an average scaled score of 133 or greater).

(iiB) WhereIf -an MBE component score from a prior administration is accepted by the Committee under (c)(8)(B) above, anthe applicant must attain a scaled score of 133 or higher on the written component in the current administration to pass the examination. If a written component score from a prior administration is accepted by the Committee under (c)(8)(C) above, the applicant must attain a scaled score of 133 or higher on the MBE component in the current administration to pass the examination. shall be successful only if:

(A) Both the prior essay scaled score and the concurrent MBE scaled score are not less than 133; or

(B) Both the prior MBE scaled score and the concurrent essay scaled score are not less than 133, as the case may be.

For purposes of this subsection (i) an applicant's passing status on a section will remain intact for 25 months from the date the section was administered even if the applicant fails the section on subsequent administrations.

(Cii) Before notice and publication of the examination results, the Committee shall review the essaywritten component answerexamination papers of all applicants who have attained a written componentn-essay scaled score or a



combined UBE scaled score within a specified number of five points below the passing score, as determined by the Committee.~~grade.~~

(11) Time of Notice and Publication of Results. -- Applicants shall be notified in writing of the results of their examination.

~~(A) The Director shall notify each successful applicant of his or her~~ shall be notified in writing of the written component scaled score, they attained in the MBE scaled score, and the combined UBE scaled score, as applicable.~~section of the examination.~~ An alphabetical list of the successful applicants shall be published with the request that any information tending to affect the eligibility of an applicant on moral grounds be furnished to the Committee. The first publication shall be at least 30 days before the Committee reports to the court. A copy of this list shall be posted in the office of the Clerk for three weeks.

~~(B) The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's raw score for each question in the written component, the written component scaled score, the MBE scaled score, and the combined UBE scaled score.~~

(12) Post-examination Review. ~~—~~

~~(i) The Director shall notify in writing each unsuccessful applicant of the applicant's score. The notification shall contain the applicant's score for each essay question, the scaled essay score, the MBE scaled score, and the combined score. Scores will not be rounded.~~

~~(ii) Each unsuccessful applicant may review his or her graded written component answers the essay section of the examination by executing and returning the review request form so that it is received by to the Director by the within 30th day after examination results are published. the time period specified by the Committee. The examiner's questions and comments thereto shall be made available to the unsuccessful applicant. A review of the MBE is not available. The Director shall advise the unsuccessful applicant of the date, time, and place at which the essay written component answers papers may be reviewed. The review period shall not exceed three hours.~~

~~(iii) Within 10 days after review (excluding Saturdays, Sundays and legal holidays), the applicant may submit a petition for regrading setting forth the reasons in support of such petition. The petition shall be addressed to the appropriate examiner and delivered or mailed to the Director. The only identifying mark to be placed on the petition is the number assigned to the applicant for taking the examination, which number shall serve as identification. Any references to the applicant's combined score, economic status, social standing, employment, personal hardship, or other extraneous information is strictly prohibited. An applicant shall submit a separate petition to each examiner from whom the applicant seeks regrading. The petition for regrading shall be directed to the merits of the applicant's response to the examination questions.~~

~~(iv) Upon receipt of a petition for regrading, the Director shall forward to the appropriate examiner a file composed of the examiner's questions and comments with respect to such questions, the applicant's examination booklet, and the applicant's petition for regrading.~~

~~(v) Unless otherwise extended by the Chairman, the examiner shall, within 15 days (excluding Saturdays, Sundays, and legal holidays), return to the Director the applicant's file together with the examiner's disposition of the petition. The Director shall notify the applicant of the final decision.~~

~~(13) Destruction of the Essay Written Component Answers Examination Papers. -- Destruction of the applicant answers in the written essay examination component papers may commence 30 days from the date of publication of the examination results; but destruction of the written component answers essay examination papers of an unsuccessful applicant who takes advantage of the post-examination review procedure shall be delayed for not less than until at least 15 days after the review, 30 days after notification of the final decision on the applicant's petition for review.~~

~~(14) Previous Failures. — Previous failures in a bar examination shall not disqualify an applicant from taking the examination. An applicant who has taken the bar examination or a component of the bar examination four times in the District of Columbia and failed to earn a passing score will not be permitted to take a further examination, except upon a showing of extraordinary circumstances. An applicant who has previously taken the bar examination in the District of Columbia four or~~

more times before the effective date of this rule will be permitted to take the bar examination one additional time without a showing of extraordinary circumstances.

(15) Communication ~~W~~with Committee Members and Graders. -- No applicant shall communicate with Committee members or graders concerning any applicant's performance in the examination.

(d) Admission by transfer of a Uniform Bar Examination score attained in another jurisdiction. ~~Without Examination of Members of the Bar of Other Jurisdictions.~~

(1) Application. Applicants seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction shall submit to the Director an application in a format approved by the Committee. The content of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

~~(1) Application.~~ — ~~An application of an applicant seeking admission to this Bar from another state or territory shall be typewritten and submitted on a form approved by the Committee and filed with the Director. The contents of the application shall be confidential except upon order of the court.~~

~~(2) Fees.~~ — ~~The applicant shall be accompanied by (1) certified check, cashier's check, or money order in the amount of \$ 400 made payable to the Clerk, D.C. Court of Appeals, together with (2) a certified check, cashier's check, or money order made payable to the National Conference of Bar Examiners, the amount of which shall be specified on the application form.~~

(3) Admission Requirements. -- An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction provided that:

(A) The combined UBE scaled score, as certified by NCBE, is not less than 266 (the passing combined UBE scaled score);

(B) The passing combined UBE scaled score was attained by taking the UBE not more than five years before the filing of the application;

(C) The passing combined UBE scaled score was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia.

(D) The applicant ~~(4)~~ has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in classroom courses in a law school that at the time of such study was approved by the ABA, with all such 26 credit –hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE; and

(E) The applicant has also taken the MPRE written and administered by NCBE and received the minimum required grade as determined by the Committee.

(e) Admission Without Examination of Members of the Bar of Other Jurisdictions.

(1) Application. An application of an applicant seeking admission to this Bar from another state or territory shall be submitted ~~on a form~~ in a format approved by the Committee and filed with the Director. The contents of the application shall be confidential except upon order of the court.

(2) Fees. The application shall be accompanied by (1) a payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director, and (2) payment to NCBE, or proof of payment to NCBE, in an amount and form specified on the application form.

(3) Admissions Requirements. An applicant may, upon proof of good moral character as it relates to the practice of law, be admitted to the Bar of this court without examination in this jurisdiction, provided that the applicant:

(iA) Has been a member in good standing of a Bar of a court of general jurisdiction in any state or territory of the United States for a period of at least five years immediately preceding the filing of the application; or

(iiB) (Ai) Has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; ~~merican Bar~~

Association; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in classroom courses in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE;

(~~B~~ii) Has been admitted to the practice of law in any state or territory of the United States upon the successful completion of a written bar examination and has received a scaled score of 133 or more on the ~~MBE~~ultistate Bar Examination which the state or territory deems to have been taken as a part of such examination; and

(~~C~~iii) Has taken and passed, in accordance with paragraph (~~c~~b)(5), the ~~Multistate Professional Responsibility Examination (MPRE)~~.

(f) *Special Legal Consultants.*

(1) Licensing Requirements. In its discretion, the court may license to practice as a Special Legal Consultant, without examination, an applicant who:

(A) Has been admitted to practice (or has obtained the equivalent of admission) in a foreign country, and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country;

(B) Possesses the good moral character and general fitness requisite for a member of the Bar of this court;

(C) Intends to practice as a Special Legal Consultant in the District of Columbia and to maintain an office for such practice in the District of Columbia which, if the applicant is a teacher of law at a law school approved by the American Bar Association, may be the office of the teacher at the law school; and

(D) Is at least twenty-six years of age.

(2) Filings Required.

~~(A1)~~ An applicant for a license to practice as a Special Legal Consultant shall file with the Committee:

(A) ~~An~~ an typewritten application in the form prescribed by the Committee addressed to the court in executive session, which without further order of the court shall be referred to the Committee;

(B) Payment to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified by the Director; a certified check, cashier's check, or money order in the amount of \$ 450.00 made payable to the Clerk, D.C. Court of Appeals;

(C) ~~A~~ a certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English; and

(D) ~~A~~ a summary of the law and customs of the foreign country that relate to the opportunity afforded to members of the Bar of this court to establish offices for the giving of legal advice to clients in such foreign country.

(3) Upon a showing that strict compliance with the provisions of subparagraph (2) of this paragraph (f) is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a Special Legal Consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(4) The Committee may investigate the qualifications, moral character, and general fitness of any applicant for a license to practice as a Special Legal Consultant and may in any case require the applicant to submit any additional proof or information as the Committee may deem appropriate. The Committee may also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

(5) Opportunity to Establish Law Office in Applicant's Country of Admission. -- In considering whether to license an applicant to practice as a Special Legal Consultant, the court may in its discretion take into account whether a member of the Bar of this court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission. ~~(as referred to in subparagraph (A)(1) of this paragraph (4)).~~ Any member of the Bar who is seeking or has sought to establish an office in that country may request the Court to consider the matter, or the Court may do so sua sponte.

(6) Scope of Practice. A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia, notwithstanding the prohibitions of Rule 49(b), subject, however, to the limitations that any person so licensed shall not:

(A) ~~A~~ appear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49(b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer;

(B) ~~P~~ prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

(C) ~~P~~ prepare:

(i) ~~A~~ any will or trust instrument effecting the disposition on death of any property located in the United States and owned, in whole or in part, by a resident thereof, or

(ii) ~~A~~ any instrument relating to the administration of a decedent's estate in the United States;

(D) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States or the custody or care of one or more children of any such resident;

(E) Render professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (f)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter at hand and has been identified to the client by name;

(F) In any way hold himself or herself out as a member of the Bar of this court; or

(G) Use any title other than one or more of the following, in each case only in conjunction with the name of the person's country of admission:

(i) "Special Legal Consultant";

(ii) Such Special Legal Consultant's authorized title in foreign country of his or her admission to practice;

(iii) The name of such Special Legal Consultant's firm in that country.

(7) Disciplinary Provisions.

(A) Every person licensed to practice as a Special Legal Consultant under this paragraph (f):

(A) Shall be subject to the Rules of Code of Professional Conduct of this jurisdiction ~~Responsibility of the American Bar Association, as amended by the court,~~ to the extent applicable to the legal services authorized under this paragraph (f), and shall be subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court; and



(B) ~~S~~shall execute and file with the Clerk, in such form and manner as the court may prescribe:

(i) ~~A~~a written commitment to observe the Rules of Professional Conduct Code of Professional Responsibility as referred to in subparagraph ~~(7)(A)(E)(1)(a)~~ of this paragraph ~~(-)~~;

(ii) ~~A~~an undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the Special Legal Consultant's proper professional conduct and responsibility;

(iii) ~~A~~a duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the court D.C. Court of Appeals as his or her agent upon whom process may be served, with like effect as if served personally upon the Special Legal Consultant, in any action or proceeding thereafter brought against the Special Legal Consultant and arising out of or based upon any legal services rendered or offered to be rendered by the Special Legal Consultant within or to residents of the District of Columbia, whenever after due diligence service cannot be made upon the Special Legal Consultant at such address or at such new address in the District of Columbia as he or she shall have filed in the office of the Clerk by means of a duly acknowledged supplemental instrument in writing; and

(iv) ~~A~~a written commitment to notify the Clerk of the Special Legal Consultant's resignation from practice in the foreign country of his or her admission or of any censure in respect of such admission, or of any suspension or revocation of his or her right to practice in such country.

(C) Service of process on the Clerk pursuant to the designation filed as aforesaid shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by the Clerk to receive service, at the Clerk's office, duplicate copies of such process together with a fee of \$10.00. Service of process shall be complete when the Clerk has been so served. The Clerk shall promptly send one of the copies to the Special Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the Special Legal Consultant at the address given to the court by the Special Legal Consultant as aforesaid.

(D) In imposing any sanction authorized by subparagraph (7)(A), the court may act sua sponte, on recommendation of the Board on Professional Responsibility, or on complaint of any person. To the extent feasible, the court shall proceed in a manner consistent with its Rules Governing the Bar of the District of Columbia.

(8) Affiliation With the District of Columbia Bar.

(A) A Special Legal Consultant licensed under this paragraph (f4) shall not be a member of the District of Columbia Bar, provided, however, that a Special Legal Consultant shall be considered an affiliate of the Bar subject to the same conditions and requirements as are applicable to an active or inactive member of the Bar under the court's Rules Governing the Bar of the District of Columbia, insofar as such conditions and requirements may be consistent with the provisions of this paragraph (f).

(B) A Special Legal Consultant licensed under this paragraph (4) shall, upon being so licensed, take the following oath before this court, unless granted permission to take the oath in absentia:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that as a Special Legal Consultant with respect to the laws of \_\_\_\_\_—, licensed by this court, I will demean myself uprightly and according to law.”

(g) *Moral Character and General Fitness to Practice Law.* No applicant shall be certified for admission by the Committee until the applicant demonstrates good moral character and general fitness to practice law. The Committee may, in its discretion, give notice of the application by publication in a newspaper or by posting a public notice. For applicants who apply to take the UBE in this jurisdiction, the Committee shall endeavor to complete its character and fitness inquiry so as to be in a position to recommend for or against a successful bar examinee's admission to the practice of law no later than the time the results of the UBE are available. This time limitation is aspirational only, and may be extended when circumstances so require.

(h) *Quantum and Burden of Proof.* The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the applicant possesses good moral character and general fitness to practice law in the District of Columbia.

(i) Hearing by the Committee.

(1) In determining the moral character and general fitness of an applicant for admission to the Bar, the Committee may act without requiring the applicant to appear before it to be sworn and interrogated or may require the applicant to appear for an informal hearing. If the Committee is unwilling to certify an applicant after an informal hearing, it shall notify the applicant of (A) the adverse matters on which the Committee relied in denying certification, and (B) the choice of withdrawing the application or requesting a formal hearing. Notice shall be given by certified mail at the address appearing on the application. Within 30 days from receipt ~~the date of~~ the notice, the applicant may file with the Committee a written request for a formal hearing. If the applicant fails to file a timely request for a formal hearing, the applicant's application shall be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall be granted and the formal hearing shall be conducted by the Committee under the following rules of procedure:

(2) The Director shall give the applicant no less than 10 days' notice of:

(A) The date, time, and place of the formal hearing;

(B) The adverse matters upon which the Committee relied in denying admission;

(C) The applicant's right to review in the office of the Director those matters in the Committee file pertaining to the applicant's character and fitness upon which the Committee may rely at the hearing; and

(D) The applicant's right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.

(3) The hearing before the Committee shall be private unless the applicant requests that it be public. The hearing shall be conducted in a formal manner; however, the

Committee shall not be bound by the formal rules of evidence. It may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form shall be taken in person at the hearing or by deposition. The proceedings shall be recorded and the applicant may order a transcript at the applicant's expense.

(4) If after the hearing the Committee is of the opinion that an adverse report should be made, it shall serve on the applicant a copy of the report of its findings and conclusions and permit the applicant to withdraw an application within 15 days after the date of the notice. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee shall deliver a report of its findings and conclusions to the court with service on the applicant.

(j) *Review by the Court.*

(1) The Committee shall deliver a report of its findings and conclusions to the court for its approval in the case of any applicant for admission after a formal hearing.

(2) After receipt of a Committee report, if the court proposes to deny admission, the court shall issue an order to the applicant to show cause why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee on Admissions.

(3) Except for the review by the court provided in this section ~~paragraph (i)~~, no other review by the court of actions by or proceedings before the Committee shall be had except upon a showing (A1) of extraordinary circumstances for instituting such review and (B2) that an application for relief has previously been made in the first instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.

(k) *Admission Order.* (1) The Committee shall file with the court a motion to admit the successful applicants by examination, or a certification of attorneys for admission by transferred UBE score or of attorneys for admission without examination, after successful completion of a character and fitness study. Each candidate shall be notified of the time and place for the taking of the oath.

(2) An applicant whose name is on an order of admission entered by the court or who is certified for admission by the Committee without a formal hearing shall

complete admission within 90 days from the date of the order or the certification by taking the oath prescribed and by signing the roll of attorneys in the office of the Clerk.

(3) An applicant who fails to take the oath and sign the roll of attorneys within 90 days from the date of the admission order or the certification may file, within one year from the date of the order or certification, an affidavit with the Director explaining the cause of the delay. Upon consideration of the affidavit, the Committee may reapprove the applicant and file a supplemental motion with the court or may deny the applicant's admission and direct the applicant to file a new application for admission.

(1) *Oath.* An applicant admitted to the Bar of this court shall take the following oath before the court or the Clerk of the court or his or her designee, unless granted permission to be admitted in absentia.

“I \_\_\_\_\_ do solemnly swear (or affirm) that as a member of the Bar of this court, I will demean myself uprightly and according to law; and that I will support the Constitution of the United States of America.”