

ATTACHMENT*

RULES OF THE SUPREME COURT

Rule 38. Special Exceptions to Standard Examination and Admission Process

(a)-(f) [No change in text.]

(g) [No change in text adopted in final rule order in R-08-0004.]

(h) Admission on Motion.

1. An applicant who meets the requirements of (A) through (H) of this paragraph (h)(1) may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

A. have been admitted by bar examination to practice law in another jurisdiction allowing for admission of licensed Arizona lawyers on a basis equivalent to this rule;

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;

C. have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the seven years immediately preceding the date upon which the application is filed;

D. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;

E. establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

F. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction; and

G. establish that the applicant possesses the character and fitness to practice law in this jurisdiction.

H. submit evidence of successful completion of the course on Arizona law described in paragraph (h)(5) of this rule.

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

2. For the purposes of this rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under (2)(E) and (F) that were performed in advance of bar admission in the jurisdiction to which application is being made be accepted toward the durational requirement:

A. representation of one or more clients in the practice of law;

B. service as a lawyer with a local, state, or federal agency, including military service;

C. teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

D. service as a judge in a federal, state, territorial, or local court of record;

E. service as a judicial law clerk; or

F. service as corporate counsel.

3. For the purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

4. An applicant who has failed a bar examination administered in this jurisdiction within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. Before being admitted on motion, the applicant must complete a course on Arizona law, the content and method of delivery of which shall be approved by the supreme court.