

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1401-MS-57

PUBLISHED ORDER AMENDING INDIANA RULES FOR THE ADMISSION
TO THE BAR AND THE DISCIPLINE OF ATTORNEYS

Under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the admission and discipline of attorneys in this state, Indiana Admission and Discipline Rules 2(b); 2.1 §§ 1(a)(1), 1(a)(4), 1(b)(1), 1(b)(2), 2(b) and 3(b); 3 § 2(f)(2); 6 §§ 3 and 4(e); 12 §§ 4 and 11; 14 § 1; 15; and 27 § 6 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Admission and Discipline Rules

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Rule 2. Registration and Fees

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(b) Annual Registration Fee--Active Attorneys. Except as provided in sections (c) or (d), each attorney who is a member of the bar of this Court on August 1 of each year shall, so long as the attorney is a member of the Bar of this Court, pay a registration fee of one hundred ~~forty-five-eighty~~ dollars (~~\$145180.00~~) on or before October 1 of such year. A delinquent fee in the amount of ninety-fiveone hundred thirty dollars (\$95130.00) shall be added to the registration fee for fees paid after October 1 and on or before October 15 of each year; a delinquent fee in the amount of one hundred ~~forty-five-eighty~~ dollars (~~\$145180.00~~) shall be added to the registration fee for fees paid after October 15 and on or before December 31 of each year; and a delinquent fee in the amount of two hundred ninety-five-three hundred thirty dollars (\$295330.00) shall be added to the registration fee for fees paid after December 31 of each year. An attorney who has paid the registration fee under this subsection and any applicable delinquent fees and who is otherwise eligible to practice law in this state shall be considered to be in active good standing.

Any attorney admitted to practice law in this State on a date subsequent to August 1 of each year shall, within ten (10) days of the date of his or her admission to the Bar of the

Court, or by October 1 of said year, whichever date is later, pay a registration fee of one hundred ~~forty five eighty~~ dollars (\$~~145~~180.00).

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Rule 2.1. Legal Interns

Section 1. Requirements.

(a) A law student may serve as a legal intern when the following requirements are met:

1. The law student is enrolled in a school accredited pursuant to Admission and Discipline Rule 13~~(A)~~;
2. The law student has satisfactorily completed one-half of the academic requisite for a first professional degree in law;
3. The law student has received permission of the Dean of the law school to participate in a legal intern program determined to be beneficial to the law student's training pursuant to the guidelines jointly developed by the law schools of this State; and
4. The law student has completed or is enrolled in a legal ethics or professional responsibility course as set forth in ~~Ind.~~ Admission and Discipline Rule 13~~(A)~~~~(C)~~.

(b) A law school graduate may serve as a legal intern when the following requirements are met:

1. The law graduate has received a first professional degree in law from a school accredited pursuant to Admission and Discipline Rule 13~~(A)~~;
2. The law graduate is eligible to take the Bar examination under Admission and Discipline Rule 13~~(A)~~; and
3. The law graduate has received permission from an attorney who is a member of the Bar of this State to serve as a legal intern under that attorney's direct supervision.

Section 2. Length of Intern Status.

(a) A law student may serve as a legal intern until graduation from law school or for a lesser period if so designated by the Dean of the law school.

(b) A law school graduate may serve as a legal intern from the date of graduation until the graduate has taken and has been notified of the results of the first examination for which the graduate is eligible under Admission and Discipline Rule 13~~(A)~~, or if successful on that examination, until the first opportunity thereafter for formal admission to the Bar of Indiana.

Section 3. Certification.

- (a) The Dean of a law school sponsoring a legal intern program shall advise the Indiana Supreme Court Board of Law Examiners of those students who qualify to be legal interns and the length of that internship.
- (b) An Attorney, who is a member of the Bar of this State and who wishes to sponsor and supervise a graduate as a legal intern, shall so advise the Indiana Supreme Court Board of Law Examiners; and also, the Dean of the law school from which the graduate received the first professional degree in law shall advise the Indiana Supreme Court Board of Law Examiners of the date of graduation and the date at which such graduate will be first eligible for examination under Admission and Discipline Rule 13~~V~~.

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Rule 3. Admission of Attorneys

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Section 2. Temporary Admission on Petition.

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(f) Scope and Effect of Automatic Exclusion from Practice Within the State.

- (1) When an attorney is automatically excluded from practice within the state under Section 2(b) or (c), any further action taken by that attorney in any case or proceeding in the state shall constitute the unauthorized practice of law.
- (2) An attorney may seek relief from the automatic exclusion from practice within the state by filing a "Petition for Relief from Automatic Exclusion" with the Supreme Court. The petition shall be captioned: "In re Temporary Admission of [Attorney's name]." The petition shall describe the circumstances causing the exclusion, shall list all pending cases or proceedings, including court or administrative agency and case number, in which the attorney had been granted temporary admission prior to the automatic exclusion, and shall be accompanied by a "Notice of Temporary Admission" if the exclusion is under Section 2(b) or a renewal admission fee, together with a delinquent fee in the amount of one hundred eighty dollars (~~\$145~~180.00), if the exclusion is under Section 2(c).

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Rule 6. Admission on Foreign License

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Section 3. Fees

The applicant shall submit his application accompanied by a fee of eight hundred seventy-five dollars (\$875.00) in accordance with procedures established by the Board. The Executive Director of the Board may refer said application to the National Conference of Bar Examiners

for investigation and report. The Board is authorized to pay all expenses incident to the investigation of the qualifications of the applicant. However, in the event said application is considered and denied by the Board prior to referral to the National Conference, the Board is authorized to refund to the applicant one half (1/2) of the application fee. No part of the application fee shall otherwise be refunded.

Section 4. Renewal of Provisional License and Business License

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- (e) **Annual Renewal Notice.** On or before September 1 of each year, the Executive Director of the State Board of Law Examiners shall mail a notice to or notify via electronic mail each attorney admitted to practice pursuant to this Rule that (i) a renewal fee must be paid on or before November 1; and (ii) the attorney must (a) affirm compliance with eligibility requirements to maintain the license or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before November 1. Notice sent pursuant to this section shall be sent to the name and address maintained by the Clerk of the Supreme Court pursuant to Admission and Discipline Rule 2.

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Rule 12. Committee on Character and Fitness

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Section 4. There shall be appointed by this Court a Committee on Character and Fitness in each Supreme Court judicial district, consisting of at least one attorney-at-law from each county in such district. The members of such committee shall continue in office until their successors are appointed. The State Board of Law Examiners shall ~~send~~ provide a copy of each application for admission to the bar of this state to the local member of the Committee on Character and Fitness in the Indiana county which the applicant selects. A member of the committee, or some member designated by the State Board of Law Examiners, shall require the personal attendance of each applicant before the member, and inquire into the question as to whether or not the applicant is possessed of those requisites of good moral character and fitness, has adequate knowledge of the standards and ideals of the profession, and is familiar with and agrees to be bound by the Indiana Supreme Court Rules of Professional Conduct, all as necessary to qualify him to serve as an attorney. The member of the committee shall make such further inquiry into the matter as the member sees fit. At least thirty (30) days before the examination, the member of the committee conducting the inquiry, or promptly, if upon application for admission upon foreign license, the Board member conducting the inquiry shall make a finding: (1) That the applicant is familiar with and agrees to be bound by the Indiana Supreme Court Rules of Professional Conduct and that such Applicant is a person of good moral character and is fit to practice law in Indiana; or (2) That the member is unable to certify that the Applicant is a person of good moral character and is fit to practice law in Indiana, setting forth the reasons for this conclusion; or (3) That there is some question as to the Applicant's good moral character and/or fitness to practice law in

Indiana and therefore recommends that the State Board of Law Examiners conduct a personal inquiry with the Applicant, stating the reasons for the member's conclusion. The committee member shall forward such findings and recommendations and all papers filed in connection therewith to the State Board of Law Examiners, which Board shall at its next meeting review said findings, make such further inquiry as it sees fit, and take such action as the matter requires.

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Section 11. Any person who has been accepted for admission to a law school accredited as required in Rule 13~~V~~ may file an application with the State Board of Law Examiners, on such forms as the Board shall provide, for determination of his character and fitness to practice law in the State of Indiana in advance of the completion of his legal education. His application shall be processed and the final determination made through the same procedures set out above for the handling of submissions by applicants who have completed or are about to complete their formal legal education. Each application shall be accompanied by a fee of fifty dollars (\$50.00). Thereafter, upon filing an application for admission to the Bar of this State, said person shall again be screened by a member of the Committee on Character and Fitness in the proper county as required by this Rule 12, to determine the applicant's continued qualification for admission to the Bar of Indiana as far as his character and fitness is concerned.

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Rule 14. Review

Review of final action by the State Board of Law Examiners shall be as follows:

Section 1. The State Board of Law Examiners shall adopt such procedure for review of an applicant, aggrieved by failure of said board to award said applicant a satisfactory grade upon the bar examination, as shall be approved by the Supreme Court of Indiana. All applicants who have achieved a combined scaled score of 255 to 263 shall be eligible to appeal. The eligible examinees must make a written request to appeal on forms provided by the Board within fourteen (14) days of the ~~date of mailing issuance~~ by the Board of the eligible examinee's results. No response other than the written request to appeal is permitted. The President of the Board shall designate certain of the Board's members as "Appeals Reviewers." The Appeals Reviewers shall consider and decide all appeals of bar examination results. In the appeals process, all of an eligible examinee's responses shall be subject to review by the Appeals Reviewers. Multistate Bar Examination scores will also be available to the Appeals Reviewers. Eligible examinees that are deemed to have passed after review shall be treated as having passed that administration of the Indiana Bar Examination. No change in score shall be effectuated. The determination by the Appeals Reviewers whether to treat an appealing applicant as having passed the bar examination shall be final, subject to general principles of procedural due process.

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Rule 15. Applications, Filing Dates and Fees for Examination and Re-Examination

Applications for admission on first examination ~~must be made on forms shall be filed through the electronic application procedures~~ prescribed by the State Board of Law Examiners and filed with the Executive Director of the Board. The application shall be in such form and shall request such information as may be required by the Board of Law Examiners. ~~Form applications shall be prepared by the State Board of Law Examiners and furnished to applicants upon request.~~ The Board of Law Examiners may require additional information as is deemed by it to be necessary.

An affidavit of the dean of the applicant's law school, or the dean's designee, to the effect that there is nothing in the school records or personal knowledge of the dean or faculty of such school to indicate that the applicant is not of good moral character or that the applicant is not fit for admission to the practice of law must be filed with the State Board of Law Examiners. The Board shall provide forms for such certification.

A certified transcript of the law school record of the applicant showing the date of graduation and the degree conferred must be filed with the Board of Law Examiners before the applicant can be admitted to the bar.

~~Filing of applications may be made by personal delivery to the office of the Board of Law Examiners or by regular, certified or registered United States mail. If filing is made by personal delivery, the date of filing is determined by the date of the Received stamp of the Board office. If filing is made by mail, the application shall be deposited in the United States mail with postage prepaid. The United States mail postmark will determine the filing date. Facsimile filing is not permitted. For an application to be properly filed, an applicant must submit the electronic application and prescribed filing fee by the stated filing deadline.~~ No requests for filing past the stated deadlines or for waiver of filing deadlines will be accepted by the Board of Law Examiners or by the Supreme Court.

Applications for admission on first examination for the July examination must be filed by April 1, and accompanied by a filing fee of two hundred fifty dollars (\$250). A late filing period is permitted until April 15. The filing fee for late filing is five hundred dollars (\$500).

The deadline filing date for the February examination is November 15 of the previous year. The filing fee is two hundred fifty dollars (\$250). The late filing period is from that date to November 30 of the previous year. The late filing fee is five hundred dollars (\$500).

If an applicant fails to pass the first examination and is permitted to take further examinations, the application for re-examination must be made on forms prescribed by the Board and filed with the Executive Director by the following dates. Applications for re-examination for the July examination must be filed by May 30 and accompanied by a filing fee of two hundred fifty dollars (\$250). The late filing deadline is June 15 and the late filing fee is five hundred dollars (\$500). Applications for re-examination for the February examination must be filed by December 15 of the previous year. The regular filing fee is two hundred fifty dollars (\$250). The

late filing deadline is December 30 of the previous year. The late filing fee is five hundred dollars (\$500).

There are no other provisions for or consideration of requests for late filing by the Board or by the Indiana Supreme Court.

Applicants who have a petition before the Board or an appeal before the Supreme Court of the grading of their examination will be required to meet all filing deadlines for re-examination. If an applicant is successful on petition or on appeal, the applicant will receive a full refund of any re-examination fee.

If an applicant whose application has been approved and processed fails to take the examination first following its approval, such applicant shall have the privilege of having that application held in abeyance and of taking the next regularly scheduled examination given by the Board without payment of any additional fee. Any applicant whose application has been approved and processed who fails to take that examination, or the next following examination, shall have that application dismissed. The applicant will be entitled to a refund of one-half (½) of the fee paid.

If an applicant applies to sit for a first examination after his or her application has been dismissed, a new application must be filed and a two hundred fifty dollar (\$250) filing fee must be paid and the first examination deadlines must be met. If an applicant applies to sit for a re-examination after his or her application has been dismissed, a new application must be filed and a two hundred fifty dollar (\$250) filing fee must be paid, but these applicants will be permitted to file by the re-examination time deadline and will have the opportunity to file within that late filing period. All applicants applying after dismissal must meet the regular deadlines or late filing deadlines and pay the regular fee or the late fee as they apply to those deadlines.

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Rule 27. Professional Corporations, Limited Liability Companies and Limited Partnerships

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Section 6. Annual Renewal Notice. On or before May 1 of each year, the Executive Director of the State Board of Law Examiners shall mail a notice to [or notify via electronic mail](#) each professional corporation, limited liability company or limited liability partnership registered pursuant to this Rule that (i) a renewal fee must be paid on or before June 30; and (ii) the attorney must (a) affirm continued compliance with this Rule to maintain the certificate of registration or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before June 30. Notice sent pursuant to this section shall be sent to the name and address maintained by the Clerk of the Supreme Court pursuant to Admission & Discipline Rule 2 for the attorney listed as the registered agent pursuant to the records previously filed with the State Board of Law Examiners.

Amendments to Rules 2(b) and 3 § 2(f)(2) shall **be effective for registration fees due by October 1, 2014 and thereafter.**

Amendments to Rules 2.1 §§ 1(a)(1), 1(a)(4), 1(b)(1), 1(b)(2), 2(b) and 3(b); 6 §§ 3 and 4(e); 12 §§ 4 and 11; 14 § 1; 15; and 27 § 6 shall **be effective upon the date of this Order.**

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; all city and town court judges; the judges of the Marion County Small Claims Courts; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets and bound volumes of this Court's decisions.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, on June 30th, 2014.

/s/Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.