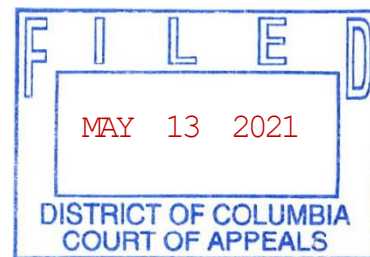


**District of Columbia**  
**Court of Appeals**



**No. M-273-21**

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Thompson,  
Beckwith, Easterly, McLeese, and Deahl, Associate Judges.

**ORDER**

(FILED – May 13, 2021)

On November 19, 2020, this court adopted emergency amendments to D.C. App. R. 46, for purposes of the administration of the October 2020 and February 2021 bar examinations. In sum, the emergency amendments: (1) permit the bar examination to be given over more than two days, in case that becomes necessary for a remote Uniform Bar Examination; (2) eliminate the prior specific dates for administering the bar examination; (3) give the Director of Admissions greater flexibility as to manner of payment; (4) eliminate the “mix-and-match” option for obtaining a passing bar-examination score; (5) eliminate language suggesting that post-examination review of examination results will be done in person; (6) clarify language about failing prior bar examinations; and (7) provide for taking of the oath by declaration in addition to by a notary.

On February 10, 2021, the court sent out a notice seeking public comment as to whether the court should make those emergency amendments permanent. The court also sought public comment as to whether the court should amend Rule 46 in other respects, including: (1) eliminating the provision allowing admission to the D.C. Bar based on attaining a 133 on the Multistate Bar Examination plus being admitted to another bar; (2) reducing the period for admission based on membership

in another bar to three (rather than five) years; (3) including a list of character and fitness requirements; and (4) specifying that an applicant may sit for the bar examination if the applicant has completed all requirements for the J.D. degree from an ABA-approved law school, even if the degree will not be conferred until up to three months after the first day of the examination.

After considering the public comments it has received, the court has decided to adopt the amendments at issue. Also in response to those comments, the court has determined to make two further changes to Rule 46. First, the elimination of the provision allowing admission to the D.C. Bar for attorneys who are licensed in another jurisdiction based on attaining a 133 on the Multistate Bar Examination will be prospective: examinees who earn at least a 133 on the MBE administered in July 2021, or who earned at least a 133 on an MBE administered on an earlier date, will have until March 31, 2022, to seek admission to the D.C. Bar based on that score after being admitted in another jurisdiction. Second, Rule 46 will now explicitly address whether remote instruction is permissible for applicants who did not graduate from an ABA-approved law school and who seek admission to the D.C. Bar based in part on having taken 26 hours of qualifying classes from an ABA-approved law school. As amended, the Rule will permit such remote instruction as long as the instruction meets the definition of “distance education course” set out in the American Bar Association Standards and Rules of Procedure for Approval of Law Schools.

Clean and track-changes versions of Rule 46 as amended are attached to this order. These amendments will go into effect sixty days from the date of this order.

**PER CURIAM**

**Rule 46. Admission to the Bar.**

(a) *Committee on Admissions.*

(1) *In General.* ~~The court shall appoint~~ There is a standing committee appointed by the court and known as the Committee on Admissions (Committee). ~~The court will appoint~~ consisting of at least ~~seven~~ 7 members of the Bar of this court, one of whom ~~shall~~ will serve as counsel to the Committee. The court will appoint members ~~Each appointment shall be for a term~~ of ~~3~~ three years. In case of a vacancy arising before the end of a member’s term, the court will appoint a successor ~~appointed shall to~~ 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~~ is part of a new term. No member ~~shall~~ may be appointed to serve longer than ~~2~~ two consecutive regular ~~3~~ three-year terms, unless an exception is made by the court.

(2) *Power to Adopt Rules and Regulations.* Subject to the approval of the court, the Committee may adopt such rules and regulations as it deems necessary to implement the provisions of this rule.

*(3) Compensation and Expenses.* ~~The court may approve members of the Committee shall receive such~~ compensation and necessary expenses ~~as the court may approve for the Committee members.~~

~~(4)~~ *Immunity.* ~~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.*

*(1) In General.* Admission may be based on:

(A) proof of good moral character and general fitness as it relates to the practice of law; and

(B) one of the following:

(i) examination in this jurisdiction;

(ii) transfer of a Uniform Bar Examination score attained in another jurisdiction;

(iii) for persons who apply for admission to this Bar by March 31, 2022, based on a score obtained in a bar examination administered by July 2021, the applicant’s qualifying score on the Multistate Bar Examination administered in another jurisdiction and membership in the bar of such other jurisdiction; or

(iv) membership in good standing in the bar of another jurisdiction for at least ~~3~~ five years immediately prior to the application for admission.

(2) Review of Applications. The Director of Admissions (Director) must review each application for admission to determine the applicant's eligibility and to verify that the application is complete. The burden is on the applicant to demonstrate eligibility and to provide complete information. If eligibility is not demonstrated or the application is not complete, the Director may request additional or required information and may permit the applicant to provide the requested information within a reasonable time. If the applicant fails to provide the requested information, the Director may dismiss the application.

(3) Confidentiality. The contents of the application for admission are confidential, but the Committee may disclose the contents of the application or the applicant's failure to disclose required information that becomes known to the Committee:

(A) to the Office of Disciplinary Counsel for good cause;

(B) to the Committee on Unauthorized Practice of Law for good cause; or

(C) on order of the court.

(c) Admission ~~h~~Based on ~~e~~Examination in ~~t~~This ~~j~~Jurisdiction.

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

(2) *Application to Take the Bar Examination: Format, Time for Filing, Confidentiality, and Fees.*

(A) *Format and Time for Filing.* An application to take the bar examination must be submitted in ~~athe~~ format ~~and by the date approved~~required by the Committee.

~~—(B) Time for Filing. An applicant must file the application with the Director of Admissions (Director) no later than December 15 for the February examination and May 3 for the July examination unless:~~

~~—(i) the time is extended by the Committee for exceptional cause shown; or~~

~~—(ii) the applicant files the application within 15 days after the deadline and, unless waived under Rule 46(c)(2)(E), pays an additional, non-refundable late fee to the Clerk of the D.C. Court of Appeals in an amount and form approved by the Committee.~~

~~—(B) Confidentiality. The contents of the application are confidential, but the Committee may disclose the contents of the application:~~

~~—(i) to the Office of Disciplinary Counsel for good cause;~~

~~— (ii) to the Committee on Unauthorized Practice of Law for good cause; or~~

~~— (iii) on order of the court.~~

~~(B~~D~~) Fees.~~ The application must be accompanied by payment or proof of payment in accordance with instructions provided by the Director.:

~~— (i) a payment to the Clerk of the D.C. Court of Appeals in an amount and form approved by the Committee; and~~

~~— (ii) payment or proof of payment to NCBE in an amount and form specified on the application.~~

~~(E) Waiver of Late Fee.~~ The late fee required by Rule 46(c)(2)(B)(ii) is waived for an applicant who applies within 15 days after the deadline if the applicant sat for and was unsuccessful on the immediately prior examination and the results of that examination were not released to the applicant before the deadline.

(3) *Proof of Legal Education in a Law School Approved by the American Bar Association.* An applicant who has graduated from or completed all requirements for graduation from a law school that at the time of graduation degree conferral ~~was~~ approved by the American Bar Association (ABA) ~~shall be permitted to may~~ take the bar examination, if the degree conferral occurred before, or is expected within 3 months after, the first day of the bar examination. Before an applicant can be admitted to the Bar, the Director must receive a certification that the applicant ~~Under no circumstances shall such an applicant 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 ~~shall be permitted to may~~ take the bar examination only after successfully completing at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA. All such 26 credit hours ~~shall must~~ be earned in courses of study, each of which is substantially concentrated on a single subject tested on the Uniform Bar Examination. The hours of study may be earned through remote instruction that meets the definition of “distance education course” set out in the American Bar Association Standards and Rules of Procedure for Approval of Law Schools.

(5) *Multistate Professional Responsibility Examination.* An applicant for admission by examination ~~shall not may~~ be admitted to the Bar ~~unless only if~~ that applicant has also taken the Multistate Professional Responsibility Examination (MPRE) written and administered by NCBE and has received ~~thereon~~ the minimum ~~required~~ grade as determined required by the Committee. Arrangements to take the MPRE, including the payment of any fees ~~therefor it~~, ~~shall must~~ be made directly with NCBE. The score received on the MPRE ~~shall may~~ not be used in connection with the scoring of the bar examination.

~~—(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, the needed information shall be provided upon the Director's request.~~

~~(67) Examination Instructions/identification Number. Applicants are responsible for reviewing and complying with the examination instructions included on the application and posted on the Committee's website. An applicant's failure to comply with the Committee's instructions during administration of the examination may result in dismissal from the examination site or invalidation of the examination score, as appropriate. 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.~~

~~(78) General Considerations Regarding the Examination.~~

~~(A) In General. 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 Multistate Bar Examination (MBE).~~

~~(B) Transferrable UBE Score. To earn a transferrable UBE score, an applicant must take both the written and MBE components in a single administration of the examination.~~

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

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

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

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

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

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

~~—(D) 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. 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.~~

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

~~—(F) 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 to the Committee’s representative.~~

(89) *Computation of Written Component Scaled Scores.* The raw scores on the written ~~and MBE~~ components ~~shall~~will be converted to scaled scores by NCBE in accordance with UBE policies.

~~(910)~~ *Determining Pass/Fail Status.*

(A) *Passing Score.* An applicant ~~taking the written and MBE components concurrently~~ must attain a combined UBE scaled score of 266 or greater to pass the examination.

~~—(B) If an MBE component score from a prior administration is accepted by the Committee under (c)(8)(B) above, the 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.~~

~~(BE)~~ *Review by Committee.* Before notice and publication of the examination results, the Committee ~~shall~~must review the written component answers of all applicants who have attained a ~~written component scaled score or a~~ combined UBE scaled score within a specified number of points below the passing score, as determined by the Committee.

~~(104)~~ *Time of Notice and Publication of Results.* Applicants ~~shall~~will be notified in writing of the results of their examination.

(A) *Successful Applicants.* The Director ~~shall~~will notify each successful applicant of his or her written component scaled score, MBE scaled score, and combined UBE scaled score, ~~as applicable.~~ ~~A~~Thereafter, an alphabetical list of the successful applicants ~~shall~~will be published with ~~the~~a request that any information tending to affect the eligibility of an applicant on ~~moral grounds~~character and fitness grounds be furnished to the Committee. The ~~first~~ publication ~~shall~~will be ~~made~~ at least ~~30 days~~2 weeks 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) *Unsuccessful Applicants.* The Director ~~shall~~will notify in writing each unsuccessful applicant of the applicant’s score. The notification ~~shall~~will 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.

~~(112)~~ *Post-examination Review.* ~~Examination scores will not be adjusted after publication, but~~ ~~Each~~ unsuccessful applicants may review ~~his or her~~their graded written component answers by executing and returning the review request form so that it is received by the Director by the 30th day after examination results are published. A review of the MBE answer sheet is not available. The Director ~~shall~~will advise the unsuccessful applicant ~~regarding how~~ of the date, time, and place

~~at which~~ the written component answers may be reviewed. ~~The review period shall not exceed three hours.~~

(123) *Destruction of the Written Component Answers.* Destruction of the applicant answers in the written examination component may commence 30 days ~~from~~after the date of publication of the examination results, but destruction of the written component answers of an unsuccessful applicant who takes advantage of the post-examination review procedure ~~shall~~will be delayed until at least 15 days after the review.

(134) *Previous Failures.* An applicant who ~~on 4 separate occasions has taken a bar examination in the District of Columbia or a UBE, and who has~~ 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 ~~of at least 266 in a single administration,~~ will not be permitted to take a further examination in the District of Columbia, 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.~~

(145) *Communication with Committee Members and Graders.* ~~No~~An applicant ~~shall~~must not communicate with Committee members or graders concerning any applicant's performance ~~on~~in the examination.

(d) *Admission by* ~~Transfer of a Uniform Bar Examination~~ Score ~~Attained in~~ Another ~~Jurisdiction.~~

(1) *Application.* ~~An Applicant~~s seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction ~~shall~~must submit ~~to the Director~~ an application in ~~the~~ at the format ~~approved~~required by the Committee.

~~The content of the application shall be confidential except upon order of the court.~~

(2) *Fees.* The application ~~shall~~must be accompanied by payment or proof of payment in accordance with instructions provided by the Director. ~~(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) *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~~if:

(A) The combined UBE scaled score earned in a single administration of the examination, 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~~5 years before the filing of the application;



(C) The ~~passing~~ combined UBE scaled score being relied upon for admission was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia;

(D) The applicant 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 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 which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools; and

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

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

(1) *Application.* An ~~application of an~~ applicant seeking admission to this Bar based on membership in the bar of from another state or territory ~~shall be~~ must submitted an application in the format approved required 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 ~~must~~ shall be accompanied by payment or proof of payment in accordance with instructions provided by the Director.

~~—(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~~ if the applicant:

(A) ~~H~~ H has been a member in good standing of a ~~B~~ B bar of a court of general jurisdiction in any state or territory of the United States for a period of at least ~~five~~ 3 years immediately preceding the filing of the application; or

(B) (i) ~~H~~ H 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 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 which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools;

(ii) ~~H~~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 which the state or territory deems to have been taken as a part of such examination; ~~and~~

(iii) has obtained the score in a bar examination administered by July 2021, and has applied for admission to this Bar by March 31, 2022; and

(iv) ~~H~~has taken and passed, in accordance with Rule paragraph 46(c)(5), the 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) ~~H~~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) ~~P~~possesses the good moral character and general fitness requisite for a member of the Bar of this court;

(C) ~~H~~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) ~~H~~is at least ~~twenty-six~~26 years of age.

(2) *Filings Required.* An applicant for a license to practice as a Special Legal Consultant ~~shall~~must file with the Committee:

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

(B) ~~P~~payment ~~to the Clerk, D.C. Court of Appeals, in an amount and form approved by the Committee and specified~~in accordance with instructions provided by the Director;

(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) *Waiver of Provisions.* Upon a showing that strict compliance with the provisions of ~~subparagraph (2) of this paragraph~~Rule 46(f)(2) 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) *Investigation; Report.* 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. 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~~must 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~~ny instrument relating to the administration of a decedent's estate in the United States;

(D) ~~P~~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) ~~R~~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~~Rule 46(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) ~~H~~in any way hold himself or herself out as a member of the Bar of this court; or

(G) ~~U~~se 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) ~~S~~uch Special Legal Consultant's authorized title in foreign country of his or her admission to practice;

(iii) ~~T~~he name of such Special Legal Consultant's firm in that country.

(7) *Disciplinary Provisions.*

~~(A) In General.~~ Every person licensed to practice as a Special Legal Consultant under ~~this paragraph~~Rule 46(f):

~~(A) Shall be is~~ subject to the Rules of Professional Conduct of this jurisdiction to the extent applicable to the legal services authorized under ~~this paragraph~~Rule 46(f), ~~and shall be is~~ subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court,~~;~~ and

~~(B) Shall must~~ 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;

(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) ~~Aa~~ duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the 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) ~~Aa~~ 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 on Clerk. Service of process on the Clerk pursuant to the designation filed as aforesaid ~~shall must~~ 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 is~~ complete when the Clerk has been ~~so~~ served. The Clerk ~~shall must~~ 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) Sanction. In imposing any sanction authorized by ~~subparagraph~~ Rule 46(f)(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 must~~ 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) In General. A Special Legal Consultant licensed under ~~this paragraph~~ Rule 46(f) ~~shall is~~ not ~~be~~ a member of the District of Columbia Bar, ~~provided, however, that but~~ a Special Legal Consultant ~~shall be is~~ 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~~ Rule 46(f).

(B) Oath. A Special Legal Consultant licensed under ~~this paragraph~~ Rule 46(f4) ~~shall must~~, 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~~has 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.

(h) Essential Eligibility Requirements.

(1) In General. In determining whether an applicant possesses the requisite good moral character and general fitness to be admitted to the Bar in the District of Columbia, the Committee must consider among other factors the following:

(A) misconduct in employment;

(B) acts involving dishonesty, fraud, deceit, or misrepresentation;

(C) abuse of legal process, including the filing of vexatious lawsuits;

(D) neglect of financial responsibilities;

(E) neglect of professional obligations;

(F) violation of an order of a court, including any child support order;

(G) evidence of a mental health disorder that impairs fitness to practice law;

(H) evidence of a substance use disorder;

(I) denial of admission to the bar in another jurisdiction on character and fitness grounds;

(J) disciplinary action by an attorney disciplinary agency or other professional disciplinary agency of any jurisdiction;

(K) material information omitted from or misrepresented in the application; and

(L) evidence that the applicant has not demeaned himself or herself uprightly in any court or when interacting with a court, an opposing party or counsel, or during the application process when seeking admission.

(2) Weight and Significance of Prior Conduct. The Committee will consider the following in assigning weight and significance to prior conduct:

- (A) the applicant's age at the time of the conduct;
- (B) the recency of the conduct;
- (C) the reliability of the information concerning the conduct;
- (D) the seriousness of the conduct;
- (E) the factors underlying the conduct;
- (F) the cumulative effect of the conduct or information;
- (G) evidence of rehabilitation;
- (H) the applicant's positive contributions to the community since the conduct;
- (I) the applicant's candor and comportment in the admissions process; and
- (J) the materiality of any omissions or misrepresentations.

(i) *Hearing by the Committee.*

(1) *In General.* In determining whether an applicant possesses the requisite good 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, the Committee must send a notice by certified mail to the address appearing on the application. it shall~~The notice must indicate~~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.

(2) Requesting Formal Hearing. Within 30 days ~~from after~~ receiving~~pt 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 will be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request shall will be granted and.

(3) Rules of Procedure for the Formal Hearing. ~~†~~The formal hearing shall must be conducted by the Committee under the following rules of procedure:

(A2) Notice; Applicant's Rights. The Director shall will give the applicant no less than 10 days' notice of:

~~\_\_(iA) t~~The date, time, and place of the formal hearing;

~~\_\_(iiB) t~~The adverse matters upon which the Committee relied in denying admission;

~~\_\_(iiiC) t~~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

~~\_\_(ivD) t~~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.

~~\_\_(B3) Privacy: Evidence.~~ The hearing before the Committee ~~shall be~~is private unless the applicant requests that it be public. The hearing ~~shall~~will be conducted in a formal manner, ~~but; however,~~ the Committee ~~shall~~is not ~~be~~bound by the formal rules of evidence. ~~If~~The Committee may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form ~~shall~~will be taken in person at the hearing or by deposition. The proceedings ~~shall~~must be recorded, and the applicant may order a transcript at the applicant's expense.

~~\_\_(C4) Report.~~ If after the hearing, the Committee ~~is of the opinion~~determines that an adverse report should be made, ~~it~~the Committee ~~shall~~will serve ~~on~~the applicant ~~with~~ a copy of the report of ~~it~~the Committee's findings and conclusions and permit the applicant to withdraw ~~at~~the application within 15 days after ~~the date of the notice being served with the report.~~ The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee ~~shall~~will deliver a report of its findings and conclusions to the court with service on the applicant.

(j) *Review by the Court.*

~~(1) In General. 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) If A~~after receiving ~~pt~~ of a Committee report, ~~if~~ the court proposes to deny admission, the court ~~shall~~will issue an order ~~to~~ the applicant to show cause why the application should not be denied. Proceedings under this Rule ~~46(j)~~ ~~shall~~will be heard by the court on the record made by the Committee on Admissions.

~~(23) Extraordinary Circumstances.~~ Except for the ~~court~~ review ~~by the court~~ provided in ~~this paragraph~~Rule 46(j)(1), ~~no other review by the court of~~will not review actions by or proceedings before the Committee ~~shall be had~~except upon a showing:

(A) of extraordinary circumstances for instituting such review; and



(B) 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~~will 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~~must complete admission within ~~150~~90 days from the date of the order or the certification by taking the oath as required by Rule 46(1)~~prescribed and by signing the roll of attorneys in the office of the Clerk and submitting to the court a notarized statement or a declaration that includes the oath.~~

(3) An applicant who fails to take the oath and submit the required notarized statement or declaration to the court~~sign the roll of attorneys~~ within ~~150~~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.

(l) *Oath.*

(1) In General. An applicant admitted to the Bar of this court ~~shall~~must take the following oath, either before a notary or as reflected in a declaration in the format required by Rule 46(1)(2) 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."

(2) Notarized Statement or Declaration. The notarized statement or declaration must include the oath in Rule 46(1)(1). A declaration in the following format may be used in lieu of notarization:

"I declare, under penalty of perjury under the laws of the District of Columbia, that I have taken the oath quoted in this declaration.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at (city) \_\_\_\_\_, (state), (country) \_\_\_\_\_.

\_\_\_\_\_  
Printed name  
Signature \_\_\_\_\_"

**Rule 46. Admission to the Bar.**

(a) *Committee on Admissions.*

(1) *In General.* There is a standing committee appointed by the court and known as the Committee on Admissions (Committee). The court will appoint at least 7 members of the Bar of this court, one of whom will serve as counsel to the Committee. The court will appoint members for terms of 3 years. In case of a vacancy arising before the end of a member's term, the court will appoint a successor to 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 is part of a new term. No member may be appointed to serve longer than 2 consecutive regular 3-year terms, unless an exception is made by the court.

(2) *Power to Adopt Rules and Regulations.* Subject to the approval of the court, the Committee may adopt such rules and regulations as it deems necessary to implement the provisions of this rule.

(3) *Compensation and Expenses.* The court may approve compensation and necessary expenses for the Committee members.

(4) *Immunity.* Committee members 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.*

(1) *In General.* Admission may be based on:

(A) proof of good moral character and general fitness as it relates to the practice of law; and

(B) one of the following:

(i) examination in this jurisdiction;

(ii) transfer of a Uniform Bar Examination score attained in another jurisdiction;

(iii) for persons who apply for admission to this Bar by March 31, 2022, based on a score obtained in a bar examination administered by July 2021, the applicant's qualifying score on the Multistate Bar Examination administered in another jurisdiction and membership in the bar of such other jurisdiction; or

(iv) membership in good standing in the bar of another jurisdiction for at least 3 years immediately prior to the application for admission.

(2) *Review of Applications.* The Director of Admissions (Director) must review each application for admission to determine the applicant's eligibility and to verify that the application is complete. The burden is on the applicant to demonstrate eligibility and to provide complete information. If

eligibility is not demonstrated or the application is not complete, the Director may request additional or required information and may permit the applicant to provide the requested information within a reasonable time. If the applicant fails to provide the requested information, the Director may dismiss the application.

(3) *Confidentiality*. The contents of the application for admission are confidential, but the Committee may disclose the contents of the application or the applicant's failure to disclose required information that becomes known to the Committee:

(A) to the Office of Disciplinary Counsel for good cause;

(B) to the Committee on Unauthorized Practice of Law for good cause; or

(C) on order of the court.

(c) *Admission Based on Examination in This Jurisdiction*.

(1) *Place and Dates of Examination*. Examinations for admission to the Bar are held on successive days in February and July of each year in Washington, D.C., at a place designated by the Committee on dates designated by the National Conference of Bar Examiners (NCBE). The Committee may extend the days for examination for an applicant pursuant to a request for testing accommodations.

(2) *Application to Take the Bar Examination: Format, Time for Filing, and Fees*.

(A) *Format and Time for Filing*. An application to take the bar examination must be submitted in the format and by the date required by the Committee.

(B) *Fees*. The application must be accompanied by payment or proof of payment in accordance with instructions provided by the Director.

(3) *Proof of Legal Education in a Law School Approved by the American Bar Association*. An applicant who has graduated from or completed all requirements for graduation from a law school that at the time of degree conferral is approved by the American Bar Association (ABA) may take the bar examination if the degree conferral occurred before, or is expected within 3 months after, the first day of the bar examination. Before an applicant can be admitted to the Bar, the Director must receive a certification 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 may take the bar examination only after successfully completing at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA. All such 26 credit hours must be earned in courses of study, each of which is substantially concentrated on a single subject tested on the Uniform Bar Examination. The hours of study may be earned through remote instruction that meets the definition of "distance education

course” set out in the American Bar Association Standards and Rules of Procedure for Approval of Law Schools.

(5) *Multistate Professional Responsibility Examination.* An applicant for admission by examination may be admitted to the Bar only if that applicant has also taken the Multistate Professional Responsibility Examination (MPRE) written and administered by NCBE and has received the minimum grade required by the Committee. Arrangements to take the MPRE, including the payment of any fees for it, must be made directly with NCBE. The score received on the MPRE may not be used in connection with the scoring of the bar examination.

(6) *Examination Instructions.* Applicants are responsible for reviewing and complying with the examination instructions included on the application and posted on the Committee’s website. An applicant’s failure to comply with the Committee’s instructions during administration of the examination may result in dismissal from the examination site or invalidation of the examination score, as appropriate.

(7) *General Considerations Regarding the Examination.*

(A) *In General.* The examination is 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 Multistate Bar Examination (MBE).

(B) *Transferrable UBE Score.* To earn a transferrable UBE score, an applicant must take both the written and MBE components in a single administration of the examination.

(8) *Computation of Written Component Scaled Scores.* The raw scores on the written and MBE components will be converted to scaled scores by NCBE in accordance with UBE policies.

(9) *Determining Pass/Fail Status.*

(A) *Passing Score.* An applicant must attain a combined UBE scaled score of 266 or greater to pass the examination.

(B) *Review by Committee.* Before notice and publication of the examination results, the Committee must review the written component answers of all applicants who have attained a combined UBE scaled score within a specified number of points below the passing score, as determined by the Committee.

(10) *Time of Notice and Publication of Results.* Applicants will be notified in writing of the results of their examination.

(A) *Successful Applicants.* The Director will notify each successful applicant of his or her written component scaled score, MBE scaled score, and combined UBE scaled score. Thereafter, an alphabetical list of the successful applicants will be published with a request that any information tending to affect the eligibility of an applicant on character and fitness grounds be

furnished to the Committee. The publication will be made at least 2 weeks before the Committee reports to the court.

(B) *Unsuccessful Applicants*. The Director will notify in writing each unsuccessful applicant of the applicant's score. The notification will 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.

(11) *Post-examination Review*. Examination scores will not be adjusted after publication, but unsuccessful applicants may review their graded written component answers by executing and returning the review request form so that it is received by the Director by the 30th day after examination results are published. A review of the MBE answer sheet is not available. The Director will advise the unsuccessful applicant regarding how the written component answers may be reviewed.

(12) *Destruction of the Written Component Answers*. Destruction of the applicant answers in the written examination component may commence 30 days after the date of publication of the examination results, but destruction of the written component answers of an unsuccessful applicant who takes advantage of the post-examination review procedure will be delayed until at least 15 days after the review.

(13) *Previous Failures*. An applicant who on 4 separate occasions has taken a bar examination in the District of Columbia or a UBE, and who has failed to earn a passing score of at least 266 in a single administration, will not be permitted to take a further examination in the District of Columbia, except upon a showing of extraordinary circumstances.

(14) *Communication with Committee Members and Graders*. An applicant must not communicate with Committee members or graders concerning any applicant's performance on the examination.

(d) *Admission by Transfer of a Uniform Bar Examination Score Attained in Another Jurisdiction*.

(1) *Application*. An applicant seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction must submit an application in the format required by the Committee.

(2) *Fees*. The application must be accompanied by payment or proof of payment in accordance with instructions provided by the Director.

(3) *Admission Requirements*. An applicant may be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction if:

(A) The combined UBE scaled score earned in a single administration of the examination, as certified by NCBE, is not less than 266;

(B) The combined UBE scaled score was attained not more than 5 years before the filing of the application;

(C) The combined UBE scaled score being relied upon for admission was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia;

(D) The applicant 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 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 which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools; and

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

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

(1) *Application.* An applicant seeking admission to this Bar based on membership in the bar of another state or territory must submit an application in the format required by the Committee.

(2) *Fees.* The application must be accompanied by payment or proof of payment in accordance with instructions provided by the Director.

(3) *Admissions Requirements.* An applicant may be admitted to the Bar of this court without examination in this jurisdiction, if the applicant:

(A) 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 3 years immediately preceding the filing of the application; or

(B) (i) 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 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 which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools;

(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 which the state or territory deems to have been taken as a part of such examination;

(iii) has obtained the score in a bar examination administered by July 2021, and has applied for admission to this Bar by March 31, 2022; and

(iv) has taken and passed, in accordance with Rule 46(c)(5), the 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 26 years of age.

(2) *Filings Required.* An applicant for a license to practice as a Special Legal Consultant must file with the Committee:

(A) an application in the form required by the Committee addressed to the court in executive session, which without further order of the court will be referred to the Committee;

(B) payment in accordance with instructions provided by the Director;

(C) 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 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) *Waiver of Provisions.* Upon a showing that strict compliance with the provisions of Rule 46(f)(2) 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) *Investigation; Report.* 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. 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 must not:

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

(C) prepare:

(i) 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) 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 Rule 46(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) *In General.* Every person licensed to practice as a Special Legal Consultant under Rule 46(f) is subject to the Rules of Professional Conduct of this jurisdiction to the extent applicable to the legal services authorized under Rule 46(f), is subject to censure, suspension, or revocation of his or her license to practice as a Special Legal Consultant by the court, and must execute and file with the Clerk, in such form and manner as the court may prescribe:

(i) a written commitment to observe the Rules of Professional Conduct;

(ii) 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 duly acknowledged instrument in writing setting forth the Special Legal Consultant's address in the District of Columbia and designating the Clerk of the 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 filed in the office of the Clerk by means of a duly acknowledged supplemental instrument in writing; and

(iv) 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 on Clerk.* Service of process on the Clerk pursuant to the designation filed as aforesaid must 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 is complete when the Clerk has been served. The Clerk must 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) *Sanction.* In imposing any sanction authorized by Rule 46(f)(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 must 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) *In General.* A Special Legal Consultant licensed under Rule 46(f) is not a member of the District of Columbia Bar, but a Special Legal Consultant is 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 Rule 46(f).

(B) *Oath.* A Special Legal Consultant licensed under Rule 46(f) must, 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.* The applicant has 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.

(h) *Essential Eligibility Requirements.*

(1) *In General.* In determining whether an applicant possesses the requisite good moral character and general fitness to be admitted to the Bar in the District of Columbia, the Committee must consider among other factors the following:

- (A) misconduct in employment;
- (B) acts involving dishonesty, fraud, deceit, or misrepresentation;
- (C) abuse of legal process, including the filing of vexatious lawsuits;
- (D) neglect of financial responsibilities;
- (E) neglect of professional obligations;
- (F) violation of an order of a court, including any child support order;

(G) evidence of a mental health disorder that impairs fitness to practice law;

(H) evidence of a substance use disorder;

(I) denial of admission to the bar in another jurisdiction on character and fitness grounds;

(J) disciplinary action by an attorney disciplinary agency or other professional disciplinary agency of any jurisdiction;

(K) material information omitted from or misrepresented in the application; and

(L) evidence that the applicant has not demeaned himself or herself uprightly in any court or when interacting with a court, an opposing party or counsel, or during the application process when seeking admission.

(2) *Weight and Significance of Prior Conduct.* The Committee will consider the following in assigning weight and significance to prior conduct:

(A) the applicant's age at the time of the conduct;

(B) the recency of the conduct;

(C) the reliability of the information concerning the conduct;

(D) the seriousness of the conduct;

(E) the factors underlying the conduct;

(F) the cumulative effect of the conduct or information;

(G) evidence of rehabilitation;

(H) the applicant's positive contributions to the community since the conduct;

(I) the applicant's candor and comportment in the admissions process; and

(J) the materiality of any omissions or misrepresentations.

(i) *Hearing by the Committee.*

(1) *In General.* In determining whether an applicant possesses the requisite good moral character and general fitness 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,

the Committee must send a notice by certified mail to the address appearing on the application. The notice must indicate:

- (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.

(2) *Requesting Formal Hearing.* Within 30 days after receiving 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 will be deemed withdrawn. If the applicant requests a formal hearing within the 30-day period, the request will be granted.

(3) *Rules of Procedure for the Formal Hearing.* The formal hearing must be conducted by the Committee under the following rules of procedure:

(A) *Notice; Applicant's Rights.* The Director will give the applicant no less than 10 days' notice of:

- (i) the date, time, and place of the formal hearing;
- (ii) the adverse matters upon which the Committee relied in denying admission;
- (iii) 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
- (iv) 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.

(B) *Privacy; Evidence.* The hearing before the Committee is private unless the applicant requests that it be public. The hearing will be conducted in a formal manner, but the Committee is not bound by the formal rules of evidence. The Committee may, in its discretion, take evidence in other than testimonial form and determine whether evidence to be taken in testimonial form will be taken in person at the hearing or by deposition. The proceedings must be recorded, and the applicant may order a transcript at the applicant's expense.

(C) *Report.* If after the hearing, the Committee determines that an adverse report should be made, the Committee will serve the applicant with a copy of the report of the Committee's findings and conclusions and permit the applicant to withdraw the application within 15 days after being served with the report. The Committee may, in its discretion, extend this time. If the applicant elects not to withdraw, the Committee will deliver a report of its findings and conclusions to the court with service on the applicant.

(j) *Review by the Court.*

(1) *In General*. If after receiving a Committee report, the court proposes to deny admission, the court will order the applicant to show cause why the application should not be denied. Proceedings under this Rule 46(j) will be heard by the court on the record made by the Committee on Admissions.

(2) *Extraordinary Circumstances*. Except for the court review provided in Rule 46(j)(1), the court will not review actions by or proceedings before the Committee except upon a showing:

(A) of extraordinary circumstances for instituting such review; and

(B) 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 will 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.

(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 must complete admission within 150 days from the date of the order or the certification by taking the oath as required by Rule 46(1) and submitting to the court a notarized statement or a declaration that includes the oath.

(3) An applicant who fails to take the oath and submit the required notarized statement or declaration to the court within 150 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.

(l) *Oath*.

(1) *In General*. An applicant admitted to the Bar of this court must take the following oath, either before a notary or as reflected in a declaration in the format required by Rule 46(1)(2):

“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.”

(2) *Notarized Statement or Declaration*. The notarized statement or declaration must include the oath in Rule 46(1)(1). A declaration in the following format may be used in lieu of notarization:

“I declare, under penalty of perjury under the laws of the District of Columbia, that I have taken the oath quoted in this declaration.

Signed on the \_\_ day of \_\_\_\_, 20\_\_ at \_(city)\_, (state), (country)\_\_\_\_\_.

Printed name \_\_\_\_\_

Signature \_\_\_\_\_”