SUPREME COURT OF ARKANSAS

No.

Opinion Delivered: July 9, 2020

IN RE ARKANSAS RULES GOVERNING ADMISSION TO THE BAR: RULE XV-A TEMPORARY SUPERVISED PRACTICE

PER CURIAM

A. Purpose. In recognition of the issues faced with the COVID-19 pandemic, the Arkansas Supreme Court adopts this emergency/temporary Rule to allow persons properly registered for the July 2020 Arkansas Bar Exam, who are unwilling or unable to sit for the July 2020 Exam because of the COVID-19 pandemic, to be permitted to temporarily engage in the limited practice of law.

B. Activities. The following activities may be engaged in pursuant to this Temporary Supervised Practice Rule:

(a) A temporary limited licensee may counsel a client with respect to legal issues, under the direct and ongoing supervision of the supervising attorney;

(b) Under the direct and ongoing supervision of the supervising attorney, a temporary limited licensee may prepare documents on behalf of a client, including documents that will be filed in a court or an administrative tribunal. The supervising attorney's signature must appear on any documents that will be filed in a court or an administrative tribunal; and,

(c) A temporary limited licensee may appear for any activity involved in the practice of law under the direct and ongoing supervision of the supervising attorney.

C. Requirements of Eligibility.

An individual may engage in the limited and supervised practice of law pursuant to the emergency Rule if:

(a) The individual has submitted a timely application for admission by examination for the July 2020 Uniform Bar Exam in Arkansas;

(b) The Board of Law Examiners has received affirmative certification from the law school from which the individual graduated certifying that (1) the applicant has received the juris doctor degree from that law school and (2) to the best of the law school's knowledge, the applicant has the character and fitness required to be a licensed attorney in the State of Arkansas;

(c) The individual has never failed the Arkansas Bar Exam or any other jurisdiction's Bar Exam;

(d) The individual has received a juris doctor degree from a law school accredited by the American Bar Association;

(e) The individual is supervised by an attorney licensed by the Court to practice law in Arkansas; and

(f) The individual agrees to abide by the Arkansas Rules of Professional Conduct.

D. Supervising Attorney. The attorney under whose supervision an individual may engage in the temporary limited practice of law permitted by this Rule:

(a) Shall have been an active member of the Bar of Arkansas for at least five years;

(b) Shall assume personal professional responsibility for ensuring that the work of the supervised individual is competent and compliant with the Arkansas Rules of Professional Conduct;

(c) Shall submit a certification to the Clerk of the Arkansas Supreme Court/State Board of Law Examiners naming the individual being supervised and confirming that the supervising attorney agrees to comply with his or her obligations pursuant to this Rule;

(d) Shall not supervise more than two individuals under the provisions of this Rule; and

(e) Shall be allowed to withdraw from supervising at any time by mailing notice to that effect to the Clerk/Board without necessity of the notice stating the cause for withdrawal.

E. Duration. Permission to engage in the limited temporary practice of law pursuant to this Rule shall commence upon the date the results of the July 2020 Arkansas Bar Exam are released. The Executive Director of the State Board of Law Examiners shall provide the Clerk of the Arkansas Supreme Court with the names of those July 2020 Bar Exam applicants who are eligible for the limited temporary practice of law.

F. Automatic Termination. The provisions of this Rule shall terminate immediately:

(a) On the date the results are released from the February 2021 Arkansas Bar Exam;

(b) If the applicant withdraws the application for admission by examination for the February 2021 Arkansas Bar Exam;

(c) If the applicant fails to obtain a passing score on the February 2021 Arkansas Bar Examination; or

(d) If the supervising attorney ceases to be an active member in good standing of the Bar of Arkansas or withdraws the certification required by this Rule.

G. This Rule is temporary and has been adopted because of the COVID-19 situation. It shall remain in effect from the date the results of the July 2020

Arkansas Bar Exam are released until the date the February 2021 Arkansas Bar Exam results are released.

H. The Court, in its discretion, may extend the time limits set forth in this Rule for good cause shown.