SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
April 17, 2020
Thérèse S. Barnes,
Clerk/Court Executive
SUPREME COURT OF GEORGIA

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN RE: PROVISIONAL ADMISSION
TO THE PRACTICE OF LAW IN GEORGIA

In the light of the uncertainty about the duration of the ongoing outbreak of COVID-19 in Georgia and throughout the United States and the extent to which public health may require the continuation for several months of measures to impede the transmission of the SARS-CoV-2 virus, and after consultation with the Department of Public Health, the Supreme Court of Georgia has determined that the July 2020 administration of the Georgia bar examination should be postponed. To the extent that circumstances permit the administration of the bar examination in September 2020, the Court has directed the Board of Bar Examiners and the Office of Bar Admissions to make the necessary arrangements for the administration of the bar examination on September 9 and 10. The Court recognizes that the postponement of the bar examination may limit the employment prospects and impair the livelihoods of persons who recently have graduated from law school, as well as persons admitted to the practice of law in other jurisdictions who recently have moved to Georgia and are not eligible at this time for admission here without examination. The Court seeks to mitigate these economic hardships while fulfilling its responsibility to protect the public by ensuring that persons engaged in the practice of law are competent to do so. Accordingly, and after consultations with the

president of the State Bar of Georgia, the deans of the law schools in Georgia, and the Board of Bar Examiners, the Court issues this emergency order, effective June 1, 2020, to authorize the provisional admission of certain persons to the practice of law for a limited time.

PART ONE
PERSONS ELIGIBLE FOR PROVISIONAL ADMISSION UNDER THIS ORDER

Section 1-1. *Recent Graduates of Law School.*
A recent graduate of law school is eligible for provisional admission if he or she:

(a) Is a graduate of a law school accredited by the American Bar Association and graduated in the 18 months immediately preceding his or her application for provisional admission;
(b) Is certified as fit to practice law by the Board to Determine Fitness of Bar Applicants;
(c) Is certified by the dean or a member of the faculty of the law school from which he or she graduated as competent to practice law under supervision; and
(d) Has not failed a bar examination in any jurisdiction.

Section 1-2. *Lawyers Admitted to Practice in Other Jurisdictions.*
A lawyer admitted to practice in another jurisdiction is eligible for provisional admission if he or she:

(a) Is admitted by examination to the practice of law in another jurisdiction in the United States, is in good standing in every jurisdiction in which he or she is admitted to the practice of law, and is not the subject of any pending disciplinary proceedings in any jurisdiction;
(b) Is certified as fit to practice law by the Board to Determine Fitness of Bar Applicants; and
(c) Is ineligible for admission upon motion without examination under Part C of the Rules Governing Admission to the Practice of Law.

PART TWO
PROCESS FOR PROVISIONAL ADMISSION UNDER THIS ORDER

Section 2-1. *Application for Provisional Admission.*
To seek provisional admission, any eligible person must submit an application to the Office of Bar Admissions on a form to be issued by the Board of Bar Examiners, along with such additional documentation as the Board of Bar Examiners may require to assess the eligibility of the applicant for provisional admission under this Order. The application shall include an acknowledgement by the applicant that, upon provisional admission under this Order, the applicant is subject to the terms of Part Three of this Order and the Georgia Rules of Professional Conduct, as well as an acknowledgement by the applicant that any violation of Part Three of this Order or any of the Georgia Rules of Professional Conduct may subject the applicant to discipline by the State Bar of Georgia or the Supreme Court and to the suspension or revocation of his or her certification of fitness by the Board to Determine Fitness of Bar Applicants.

Section 2-2. *Certificate of Provisional Admission.*
Upon a determination by the Board of Bar Examiners that an applicant is eligible for provisional admission under this Order, the Office of Bar Admissions shall issue a certificate of provisional admission to the applicant. The applicant shall provide a copy of the certificate of provisional admission upon demand to any judge, clerk of court, or lawyer.

Section 2-3. *Oath of Persons Provisionally Admitted.*
When the Office of Bar Admissions issues a certificate of provisional admission to an applicant, it shall also issue a written oath in the following form:

> "I swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and as an attorney and counselor provisionally

admitted to the practice of law in this state in accordance with the Georgia Rules of Professional Conduct and the Order of the Supreme Court concerning Provisional Admission to the Practice of Law in Georgia, and I further swear that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."

The applicant shall promptly execute the written oath and send the signed oath to the Office of Bar Admissions for filing.

Section 2-4. *Registration with the State Bar of Georgia.*

(a) After executing the written oath under Section 2-3, the applicant shall register with the State Bar of Georgia and pay such fee as the State Bar may require for the registration of persons provisionally admitted to the practice of law under this Order. Such fee shall not exceed the amount of annual membership dues for inactive members of the State Bar.

(b) At the time of registration, the applicant shall submit to the State Bar of Georgia the declaration of a lawyer qualified under Section 3-2 (a) of this Order to supervise such applicant, attesting that the lawyer is eligible, willing, and able to supervise such applicant and acknowledging the obligations of a supervising lawyer under Section 5-1 of this Order.

Section 2-5. *Provisional Admission Effective upon Compliance with this Part.*

A provisional admission under this Order is effective only upon the applicant complying with all of the provisions of this Part, including Sections 2-3 and 2-4.

PART THREE
TERMS OF PROVISIONAL ADMISSION UNDER THIS ORDER

Section 3-1. *Authorization to Engage in the Practice of Law.* Except as limited by Section 3-2 of this Order, a person provisionally admitted to the practice of law under this Order may engage in the practice of law, including by, but not limited to, appearing in courts of record, arbitration proceedings, and other judicial and quasi-judicial proceedings, drafting pleadings and other legal documents and instruments, representing clients in settlement discussions and other negotiations, and providing counsel to clients consistent with the practice of law in Georgia.

Section 3-2. *Limitations.*

(a) At all times, a person provisionally admitted to the practice of law under this Order shall be supervised in the practice of law by a lawyer who has been admitted to the practice of law in Georgia for no less than five years, who is an active member of the State Bar of Georgia in good standing, and who has never been the subject of public discipline.

(b) A person provisionally admitted to the practice of law under this Order shall expressly disclose to each of his or her clients at the outset of the representation that he or she is provisionally admitted to the practice of law and that he or she may only practice under supervision. Such person also shall provide to each client in writing the name, mailing address, telephone number, and bar number of the lawyer supervising his or her representation of the client.

(c) Any pleadings or other papers filed in any court by a person provisionally admitted to the practice of law under this Order shall expressly disclose that the person is provisionally admitted to the practice of law and shall include the name, mailing address, telephone number, and bar number of the supervising lawyer.

(d) When a person provisionally admitted to the practice of law under this Order appears in any court, such person shall expressly disclose to the judge that he or she is provisionally admitted to the practice of law, and the judge may exercise discretion to require the personal attendance of the supervising lawyer.

(e) A person provisionally admitted to the practice of law under this Order may appear in the Supreme Court or the Court of Appeals only by leave of court.

PART FOUR
DURATION OF PROVISIONAL ADMISSION UNDER THIS ORDER

Section 4-1. *Duration of Provisional Admission Generally.*

(a) Except as provided in Sections 4-2 and 4-3, the provisional admission of a person shall expire 30 days after the release of the results of the second Georgia bar examination for which such person could have sat after such person submitted his or her application for provisional admission under this Order.

(b) If a person provisionally admitted to the practice of law becomes eligible for full admission to the practice of law, whether by passing the bar examination or by admission upon motion without examination, before the expiration of his or her provisional admission, such person shall promptly take the steps necessary to complete his or her full admission to the practice of law, and his or her provisional admission shall expire upon being fully admitted.

Section 4-2. *Suspension of Provisional Admission.*

The provisions of Section 4-1 notwithstanding, a provisional admission shall be suspended automatically and immediately upon the occurrence of any of the following events:

(a) The person provisionally admitted to the practice of law fails to register to sit for the second Georgia bar examination after such person applied for provisional admission;
(b) The certification of fitness for the person provisionally admitted to the practice of law is revoked or suspended; or
(c) The person provisionally admitted to the practice of law fails the Georgia bar examination.

Section 4-3. *Authority of the Supreme Court.*
The provisions of Section 4-1 notwithstanding, the Supreme Court shall have the authority to revoke or suspend any provisional admission for good cause shown upon the motion of the State Bar of Georgia or the Board of Bar Examiners. Without limiting the foregoing provision, the Supreme Court shall have the authority to revoke or suspend a provisional admission upon a showing that the person provisionally admitted has violated Part Three of this Order or has violated any of the Georgia Rules of Professional Conduct for which a fully admitted lawyer could be disciplined by disbarment.

PART FIVE
MISCELLANEOUS PROVISIONS

Section 5-1. *Obligations of Supervising Lawyers.*
(a) By undertaking to supervise a person provisionally admitted to the practice of law pursuant to Section 3-2 (a) of this Order, a supervising lawyer is required:
    (1) To exercise supervisory authority over the person provisionally admitted to the practice of law and to assume supervisory responsibility for his or her representation of clients consistent with Rule 5.1 of the Georgia Rules of Professional Conduct;
    (2) To be prepared to assume personal responsibility for the representation of clients of the person provisionally admitted to the practice of law in the event that the provisional admission expires or is suspended by any

event other than the full admission of such person to the practice of law; and

(3) If the supervising lawyer should determine that the person provisionally admitted to the practice of law is not competent to practice law, has violated any provision of Part Three of this Order, or has violated any of the Georgia Rules of Professional Conduct, to promptly notify the State Bar of Georgia and the Board of Bar Examiners and to withdraw supervision as provided in Section 5-1 (b).

(b) If a supervising lawyer who has executed a declaration described in Section 2-4 (b) becomes ineligible, unwilling, or unable to continue to supervise the person provisionally admitted under this Order, the supervising lawyer shall notify the State Bar of Georgia in writing of his or her withdrawal of supervision. Upon a withdrawal of supervision, the person provisionally admitted must immediately cease the practice of law until a substitute declaration by another lawyer who is eligible, willing, and able to supervise such person is submitted to the State Bar.

(c) If a person provisionally admitted under this Order is employed by an office or law firm in which more than one lawyer is eligible, willing, and able to serve as a supervising lawyer, only one such supervising lawyer is required to submit the declaration described in Section 2-4 (b) to the State Bar of Georgia. Such supervising lawyer may thereafter delegate the duty of supervision to other eligible, willing, and able supervising lawyers employed in the same office or law firm.

Section 5-2. *No Vested Rights.*

This Order is a temporary emergency measure intended to mitigate economic hardships arising in connection with the postponement of the July 2020 Georgia bar examination in the light of the ongoing national COVID-19 outbreak, and it shall continue in effect until

further order of the Supreme Court. No person provisionally admitted to the practice of law under this Order shall thereby acquire a vested right to full admission to the practice of law, nor shall any person whatsoever acquire a vested right to a continuation or extension of this Order beyond the time that the Supreme Court in its sole discretion may deem it necessary.

Section 5-3. *Effective Date.*
This Order shall become effective on June 1, 2020. To the extent that this Order contemplates the publication of forms, fee schedules, or other information by the Board of Bar Examiners, the Office of Bar Admissions, and the State Bar of Georgia, those entities are directed to publish such forms, fee schedules, or other information as soon as practicable and no later than May 18, 2020.

Section 5-4. *Superseding Effect.*
This Order supersedes the provisions of Supreme Court Rules 97-103, except that persons who were certified to practice under those rules prior to the effective date of this Order may continue to do so until their eligibility to practice under those rules expires or is otherwise terminated.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk