

Amendment Rules 718, 719, 720, and 721

Rules Relating to Attorney Admission

The Kansas Supreme Court is accepting public comment on proposed amendments to:

- Rule 718: Temporary Permit to Practice Law
- Rule 719: Admission to the Bar without Examination
- Rule 720: Restricted License for Military Spouse
- Rule 721: Restricted License to Provide Legal Services for a Single Employer

The proposed amendments are to:

- clarify the time at which a temporary permit expires when an individual fails the bar exam;
- provide an expiration for temporary permits when other expiration provisions do not apply;
- allow for practice under the supervision of a licensed Kansas attorney while an application for admission to the bar without examination is pending;
- permit temporary practice under the supervision of a licensed Kansas attorney while an application for a restricted license for a military spouse is pending;
- specify that a restricted license is inactive when the Kansas attorney withdraws supervision and until a new Kansas attorney provides certification; and
- restyle the rules to align with other Supreme Court rules.

Deletions are shown using strikeout and new language is underlined.

You may comment on the proposed amendments by email to publiccomments@kscourts.gov until 5 p.m. Friday, February 28, 2025. You must include “Rules 718 to 721” in the subject line.

Rule 718

TEMPORARY PERMIT TO PRACTICE LAW

- (a) **Eligibility.** An applicant for admission to the Kansas bar under Rule 716 or Rule 717(c) may apply for a temporary permit to practice law if the applicant is eligible under Rule 708.
- (b) **Required Documents and Fee.** An applicant under this rule must submit the following:
 - (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the supervising attorney who will provide the certification required under subsection (c)(3); and
 - (3) the fee under Rule 707(a)(5).
- (c) **Supervising Attorney.** An applicant with a temporary permit may only practice law under the supervision of a licensed attorney.
 - (1) **Full Responsibility.** The supervising attorney is fully responsible for the applicant's practice of law under the temporary permit.
 - (2) **Qualifications.** The supervising attorney must meet the following qualifications:
 - (A) be a Kansas attorney who is registered as active under Rule 206;
 - (B) be in good standing; and
 - (C) be regularly engaged in the practice of law or be a justice or judge supervising court staff.
 - (3) **Certification.** The supervising attorney must certify the following on a form provided by the Attorney Admissions office:
 - (A) the supervising attorney meets the qualifications in subsection (c)(2); and
 - (B) the supervising attorney is professionally responsible for the applicant's practice of law.

- (4) **Withdrawal of Certification.** A supervising attorney must immediately submit written notice to the Attorney Admissions office and the applicant if the supervising attorney withdraws the certification.
- (d) **Issuance; Effective Date.** The Supreme Court issues a temporary permit to practice law in its discretion. The permit is effective the date of the court's order.
- (e) **Duration of Permit.**
 - (1) **Withdrawal of Bar Application.** If the applicant withdraws the application for admission, the temporary permit is revoked on the date of the withdrawal.
 - (2) **Withdrawal of Supervising Attorney.** If the supervising attorney withdraws the certification provided under subsection (c)(3), the temporary permit is inactive until a new supervising attorney provides certification.
 - (3) **Reopening of Character and Fitness Investigation.** If the admissions attorney reopens the investigation into the applicant's character and fitness qualifications, the temporary permit is revoked on the date of the notice informing the applicant that the investigation has been reopened.
 - (4) **Effect of Examination.** The following provisions apply when an applicant is seeking admission under Rule 716.
 - (A) If the applicant does not achieve a passing score on the bar examination, the temporary permit expires at 11:59 p.m. on the date the results of the examination are announced.
 - (B) If the applicant achieves a passing score on the bar examination, the temporary permit expires upon admission to the Kansas bar under Rule 726.
 - (C) If the applicant does not take the bar examination, the temporary permit expires on the first day of the examination.
 - (5) **Concurrent Application.** For an applicant seeking admission under Rule 717(c), the temporary permit expires when any of the following circumstances occur:
 - (A) the applicant receives notice that the Attorney Admissions office did not receive the applicant's Uniform Bar Examination score within

seven days of official release of the score and the applicant fails to cure;

(B) the applicant receives notice from the Attorney Admissions office that the applicant did not achieve a passing score; or

(C) the applicant is admitted to the Kansas bar under Rule 726.

(6) **Expiration; Twelve Months.** A temporary permit expires at 11:59 p.m. twelve months after the Supreme Court issues it if subsections (e)(1) through (e)(5) do not apply.

Rule 719

ADMISSION TO THE BAR WITHOUT EXAMINATION

- (a) **Eligibility.** An applicant for admission to the Kansas bar is eligible for admission without examination if the applicant meets the following requirements:
- (1) was admitted to the practice of law by examination by the highest court of another state, the District of Columbia, or a United States territory;
 - (2) has an active law license from the highest court of another state, the District of Columbia, or a United States territory;
 - (3) is eligible under Rule 708;
 - (4) has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction; and
 - (5) has lawfully engaged in the active practice of law for five of the seven years immediately preceding the date of the application.
- (b) **Active Practice of Law.** For purposes of this rule, the active practice of law includes the following activities:
- (1) representing a client in the practice of law;
 - (2) serving as corporate counsel or as an attorney with a local, state, or federal government body;
 - (3) teaching at a law school approved by the American Bar Association; and
 - (4) serving as a judge or judicial law clerk in a federal, state, or local court, provided that the position required a license to practice law.
- (c) **Required Documents and Fee.** An applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and

(3) the fee under Rule 707(a)(6).

(d) **Practice While Application Pending.** While an application is pending, the applicant may provide legal services under the supervision of a Kansas attorney.

(1) **Qualifications.** The Kansas attorney must meet the following qualifications:

(A) be registered as active under Rule 206;

(B) be in good standing; and

(C) be regularly engaged in the practice of law in Kansas or a Kansas justice or judge supervising court staff.

(2) **Certification.** The Kansas attorney must certify the following on a form provided by the Attorney Admissions office:

(A) the Kansas attorney meets the qualifications in subsection (d)(1); and

(B) the Kansas attorney is professionally responsible for supervising the applicant's practice of law while the application is pending.

(3) **Withdrawal of Certification.** The Kansas attorney must immediately submit written notice to the Attorney Admissions office and the applicant if the Kansas attorney withdraws the certification. The applicant must not provide legal services under subsection (d) until a new Kansas attorney provides certification.

(e) **Application Review Process.** The following rules apply in the application review process:

(1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;

(2) Rule 724 applies following an adverse Board ruling; and

(3) Rule 726 applies if the Board approves an application.

Rule 720

RESTRICTED LICENSE FOR MILITARY SPOUSE

- (a) **Eligibility.** An applicant may seek admission to the Kansas bar without examination by applying for a military-spouse restricted license to practice law in Kansas if the applicant meets the following requirements:
- (1) is eligible under Rule 708;
 - (2) is admitted by examination and licensed for the practice of law by the highest court of another state, the District of Columbia, or a United States territory;
 - (3) has never received professional discipline of suspension, disbarment, or loss of license in any jurisdiction;
 - (4) resides or will reside in Kansas as a spouse of an active member of the United States Uniformed Services stationed in Kansas; and
 - (5) is or will be employed with a Kansas attorney who will certify that the Kansas attorney meets the following qualifications:
 - (A) is registered as active under Rule 206, in good standing, and regularly engaged in the practice of law; and
 - (B) will have ultimate responsibility for clients.
- (b) **Required Documents and Fee.** No later than 90 days after the start date of the employment described in subsection (a)(5), an applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the Kansas attorney who will provide the certification required under subsection (a)(5);
 - (3) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (4) the fee under Rule 707(a)(7).

- (c) **Practice While Application Pending.** While an application for a restricted license is pending, the applicant may provide legal services for the applicant's employer for up to twelve months under the supervision of a Kansas attorney. The Kansas attorney must certify the following on a form provided by the Attorney Admissions office:
- (1) the Kansas attorney meets the qualifications in subsection (a)(5)(A);
 - (2) the Kansas attorney is professionally responsible for supervising the applicant's practice of law while the application for a restricted license is pending; and
 - (3) the Kansas attorney has ultimate responsibility for clients.
- (de) **Application Review Process.** The following rules apply in the application review process:
- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
 - (2) Rule 724 applies following an adverse Board ruling; and
 - (3) Rule 726 applies if the Board approves an application, except that the license issued under this rule is temporary and restricted.
- (ed) **Authorization.** The restricted license authorizes the attorney to perform legal services exclusively for the employer.
- (fe) **Duties.** ~~An person~~ attorney granted a restricted license under this rule is subject to all rules for practicing law in Kansas, including the requirements for continuing legal education.
- (g) **Withdrawal of Certification.** The Kansas attorney providing certification under subsection (a)(5) or (c) must immediately submit written notice to the Attorney Admissions office and the attorney if the Kansas attorney withdraws the certification.
- (hf) **Duration of Restricted License.**
- (1) **Change in Circumstances.** The restricted license terminates on the date that any of the following changes occurs:

- (A) the attorney is no longer married to an active member of the United States Uniformed Services;
 - (B) the service member is no longer stationed at a military installation in Kansas;
 - (C) the attorney no longer resides in Kansas; or
 - (D) the attorney is admitted to the Kansas bar under Rule 716, 717, or 719.
- (2) **Change in Employment.** If the employment under subsection (a)(5) ceases, the attorney's right to practice law in Kansas terminates unless the attorney has accepted new qualifying employment and provides the following to the Attorney Admissions office within 30 days:
- (A) written documentation of acceptance of new employment; and
 - (B) the contact information for the Kansas attorney who will provide the new certification required under subsection (a)(5).
- (3) **Withdrawal of Kansas Attorney.** If the Kansas attorney withdraws the certification under subsection (g), the restricted license is inactive until a new Kansas attorney provides certification.
- (ig) **Time in Practice.** An attorney may use time in practice under a military-spouse restricted license to satisfy the active practice requirement under Rule 719. But an attorney may not use time in practice under this rule to satisfy the requirements of a Kansas statute or regulation.

Rule 721

RESTRICTED LICENSE TO PROVIDE LEGAL SERVICES FOR A SINGLE EMPLOYER

- (a) **Eligibility.** An applicant may seek admission to the Kansas bar without examination by applying for a single-employer restricted license to practice law in Kansas if the applicant meets the following requirements:
- (1) is eligible under Rule 708;
 - (2) is admitted by examination and licensed for the practice of law by the highest court of another state, the District of Columbia, or a United States territory;
 - (3) accepts or continues employment with a person, firm, association, corporation, or accredited law school engaged in business other than the practice of law; and
 - (4) provides or will provide legal services solely for the employer described in subsection (a)(3).
- (b) **Required Documents and Fee.** No later than 90 days after the start date of the employment described in subsection (a)(3), an applicant under this rule must submit the following:
- (1) an application submitted and accepted through the Attorney Admissions office's online portal;
 - (2) the contact information for the employer who will verify the applicant's employment and start date;
 - (3) any other information the admissions attorney, the Attorney Admissions Review Committee, or the Board of Law Examiners requests for use in considering the application; and
 - (4) the fee under Rule 707(a)(8).
- (c) **Practice While During Pendency of Application Pending.** ~~While an~~ ~~After filing an application for a restricted license is under subsection (b) and pending issuance of a restricted license,~~ an the applicant may provide legal services for the applicant's employer under the supervision of a Kansas attorney.

- (1) **Qualifications.** ~~A supervising~~ The Kansas attorney must meet the following qualifications:
- (A) ~~be~~ registered as active under Rule 206;~~;~~
 - (B) ~~be~~ in good standing;~~;~~ and
 - (C) ~~be~~ regularly engaged in the practice of law in Kansas;~~;~~ ~~and~~
- (2) **Certification.** ~~The Kansas attorney~~ must certify on a form provided by the Attorney Admissions office that the ~~supervising~~ Kansas attorney is professionally responsible for supervising the applicant's practice of law ~~while during the pendency of the application for a restricted license is pending.~~
- (3) **Withdrawal of Certification.** The Kansas attorney must immediately submit written notice to the Attorney Admissions office and the applicant if the Kansas attorney withdraws the certification. The applicant must not provide legal services under subsection (c) until a new Kansas attorney provides certification.
- (d) **Application Review Process.** The following rules apply in the application review process:
- (1) Rule 723 and Rule 725 apply to the character and fitness investigation and any hearing;
 - (2) Rule 724 applies following an adverse Board ruling; and
 - (3) Rule 726 applies if the Board approves an application, except that the license issued under this rule is restricted.
- (e) **Authorization.** Except for pro bono services permitted under Rule 1404, the restricted license authorizes the attorney to perform legal services exclusively for the single employer.
- (f) **Duties.** An attorney granted a restricted license under this rule is subject to all rules for practicing law in Kansas, including the requirements for continuing legal education.
- (g) **Duration of Restricted License.**

- (1) **Change in Employment.** If the employment under subsection (a)(3) ceases, the attorney's right to practice law in Kansas terminates unless the attorney has accepted new qualifying employment and provides the following to the Attorney Admissions office within 30 days:
 - (A) written documentation of acceptance of new employment; and
 - (B) the contact information for the employer who will verify the applicant's new employment and start date;
 - (2) **Admission Under Another Rule.** The restricted license terminates if the attorney is admitted to the Kansas bar under Rule 716, 717, or 719.
- (h) **Time in Practice.** An attorney may use time in practice under a single-employer restricted license to satisfy the active practice requirement under Rule 719. But an attorney may not use time in practice under this rule to satisfy the requirements of a Kansas statute or regulation.