

SECTION .0100 - ORGANIZATION

.0101 Definitions

For purposes of this Chapter, the following shall apply:

- (1) "Chapter" or "Rules" refers to the "Rules Governing Admission to the Practice of Law in the State of North Carolina."
- (2) "Board" refers to the "Board of Law Examiners of the State of North Carolina." A majority of the members of the Board shall constitute a quorum, and the action of a majority of a quorum, present and voting, shall constitute the action of the Board.
- (3) "Executive Director" refers to the "Executive Director of the Board of Law Examiners of the State of North Carolina."
- (4) "Filing" or "filed" shall mean received in the office of the Board of Law Examiners. Except that applications placed in the United States mail properly addressed to the Board of Law Examiners and bearing sufficient first-class postage and postmarked by the United States Postal Service or date-stamped by any recognized delivery service on or before a deadline date will be considered as having been timely filed if all required fees are included in the mailing. Mailings which are postmarked after a deadline or which, if postmarked on or before a deadline, do not include required fees or which include a check in payment of required fees which is dishonored because of insufficient funds will not be considered as filed. Applications which are not properly signed and notarized; or which do not include the properly executed Authorization and Release forms; or which are illegible; or with incomplete answers to questions will not be considered filed and will be returned.

- (5) Any reference to a "state" shall mean one of the United States, and any reference to a "territory" shall mean a United States territory.
- (6) "Panel" means one or more members of the Board specially designated to conduct hearings provided for in these Rules.

.0102 Website

The Board shall maintain a public website that shall publish the location of its offices, its mailing address, office hours, telephone number, fax number, e-mail address and such other information as the Board may direct.

.0103 Purpose

The Board was created for the purpose of examining applicants and providing rules and regulations for admission to the bar, including the issuance of licenses therefor.

.0104 Membership

The Board consists of eleven members of the North Carolina State Bar elected by the council of the North Carolina State Bar. One member of the Board is elected by the Board to serve as its Chair for such period as the Board may determine. The Board also employs an Executive Director to enable the Board to perform its duties promptly and properly. The Executive Director, in addition to performing the administrative functions of the position, may act as the Board's attorney.

SECTION .0200 - GENERAL PROVISIONS

.0201 Compliance

No person shall be admitted to the practice of law in North Carolina unless that person has complied with these Rules.

.0202 Applicants

For purposes of this Chapter, applicants are classified as "general applicants," "comity applicants," "military spouse comity applicants," or "transfer applicants." To be classified as a "general applicant" and certified as such for admission to practice law, an applicant must satisfy the requirements of Rule .0501 of this Chapter. To be classified as a "comity applicant" and certified as such for admission to practice law, an applicant must satisfy the requirements of Rule .0502 of this Chapter. To be classified as a "military spouse comity applicant" and certified as such for admission to practice law, an applicant must satisfy the requirements of Rule .0503 of this Chapter. To be classified as a "transfer applicant" and certified as such for admission to practice law, an applicant must satisfy the requirements of Rule .0504 of this Chapter.

.0203 List

As soon as possible after each late-filing deadline for general applications, the Executive Director shall prepare a list of general applicants for the ensuing examination, and all comity, military spouse comity, and transfer applicants whose applications are then pending, for publication in the *North Carolina State Bar Journal*.

.0204 Hearings

Every applicant may be required to appear before the Board to be examined about any matters pertaining to the applicant's moral character and general fitness, educational background or any other matters set out in Section .0500 of this Chapter.

.0205 Nonpayment of Fees

No application will be deemed to have been filed until the applicant has paid the fees required by these rules. If the check payable for the application fee is not honored upon presentment for any reason other than error of the bank, the application will be deemed not to have been filed and will have to be refiled. All

such checks shall be returned to the applicant, who shall pay to the Board in cash, cashier's check, certified check, or money order any fees payable to the Board including a fee for processing that check.

SECTION .0300 - EFFECTIVE DATE

These Revised Rules shall apply to all applications for admission to practice law in North Carolina submitted on or after June 30, 2018.

SECTION .0400 - APPLICATIONS OF GENERAL APPLICANTS

.0401 How to Apply

Applications for admission must be made on forms supplied by the Board and must be complete in every detail. Every supporting document required by the application form must be submitted with each application. The application form may be obtained by submitting a written request to the Board or by accessing the application via the Board's website: www.ncble.org.

.0402 Application Form

(1) The Application for Admission to Take the North Carolina Bar Examination requires an applicant to supply full and complete information relating to the applicant's background, including family history, past and current residences, education, military service, past and present employment, credit status, involvement in disciplinary, civil, or criminal proceedings, substance abuse, current mental and emotional impairment, and bar admission and discipline history. Applicants must list references and submit as part of the application:

- Certificates of Moral Character from four (4) individuals who know the applicant;
- A recent photograph;
- Two (2) sets of clear fingerprints;

- Two executed informational Authorization and Release forms;
- A birth certificate;
- Transcripts from the applicant's undergraduate and graduate schools;
- A copy of all applications for admission to the practice of law that the applicant has filed with any state, territory, or the District of Columbia;
- A certificate from the proper court or agency of every jurisdiction in which the applicant is or has been licensed, that the applicant is in good standing, or the applicant must otherwise satisfy the Board that the applicant falls within the exception provided in Rule .0501(7)(b), and is not under pending charge of misconduct;
- Copies of any legal proceedings in which the applicant has been a party.

The application must be filed in duplicate. The duplicate may be a photocopy of the original.

- (2) An applicant who aptly filed a complete Application for the North Carolina Bar Examination for the February or July bar examination may, after failing or withdrawing from that particular examination, file a Supplemental Application, with the applicable fee, for the next subsequent bar examination, on forms supplied by the Board, and may continue to file a Supplemental Application, with the applicable fee, for each subsequent examination until successful. Each Supplemental Application must update any information previously submitted to the Board by the applicant. Each Supplemental Application must be filed by the deadline set out in Rule .0403 of this Chapter. An applicant who withdraws from or fails any particular administration of the bar examination and does not file a Supplemental Application for the next bar examination will be required to file a new general application before taking the written examination again.

.0403 Filing Deadlines

- (1) Applications shall be filed with the Executive Director at the offices of the Board on or before the first Tuesday in January immediately preceding the date of the July written bar examination and on or before the first Tuesday in October immediately preceding the date of the February written bar examination.
- (2) Upon payment of a late filing fee of \$250 (in addition to all other fees required by these rules), an applicant may file a late application with the Board on or before the first Tuesday in March immediately preceding the July written bar examination and on or before the first Tuesday in November immediately preceding the February written bar examination.
- (3) Applicants who fail to timely file their application will not be allowed to take the Bar Examination designated on the application.
- (4) General Applicants may file a Supplemental Application with the Executive Director at the offices of the Board on or before the following dates:
 - (a) If the applicant aptly filed a General Application, or a previous Supplemental Application, for the February bar examination, the Supplemental Application for the following July bar examination must be filed on or before the first Tuesday in May immediately preceding the July examination; and
 - (b) If the applicant aptly filed a General Application, or a previous Supplemental Application, for the July bar examination, the Supplemental Application for the following February bar examination must be filed on or before the first Tuesday in October immediately preceding the February examination.

.0404 Fees for General Applicants

- (1) The application specified in .0402 (1) shall be accompanied by a fee of

\$850.00, if the applicant is not, and has not been, a licensed attorney in any other jurisdiction, or by a fee of \$1,650.00, if the applicant is or has been a licensed attorney in any other jurisdiction; provided that if the applicant is filing after the deadline set out in Rule .0403(1), but before the deadline set forth in Rule .0403(2), the application shall also be accompanied by a late fee of \$250.00.

- (2) A Supplemental Application shall be accompanied by a fee of \$400.00.

.0405 Refund of Fees

Except as herein provided, no part of the fee required by Rule .0404(1) or (2) of this Chapter shall be refunded to the applicant unless the applicant shall file with the Executive Director a written request to withdraw as an applicant, not later than the 15th day of June preceding the July written bar examination and not later than the 15th day of January preceding the February written bar examination, in which event not more than one-half of the applicable fee may be refunded to the applicant at the discretion of the Board. No portion of any late fee will be refunded.

However, when an application for admission by examination is received from an applicant who, in the opinion of the Executive Director after consultation with the Board Chair, is not eligible for consideration under the Rules, the applicant shall be so advised by written notice. Upon receipt of such notice, the applicant may elect in writing to withdraw the application; and provided the written election is received by the Board within twenty (20) days from the date of the Board's written notice to the applicant, receive a refund of all fees paid.

SECTION .0500 - REQUIREMENTS FOR APPLICANTS

.0501 Requirements for General Applicants

As a prerequisite to being licensed by the Board to practice law in the State of North Carolina, a general applicant shall:

- (1) possess the qualifications of character and general fitness requisite for an attorney and counselor-at-law, and be of good moral character and entitled to the high regard and confidence of the public and have satisfied the requirements of Section .0600 of this Chapter at the time the license is issued;
- (2) possess the legal educational qualifications as prescribed in Section .0700 of this Chapter;
- (3) be at least eighteen (18) years of age;
- (4) have filed formal application as a general applicant in accordance with Section .0400 of this Chapter;
- (5) pass the written bar examination prescribed in Section .0900 of this Chapter, provided that an applicant who has failed to achieve licensure for any reason within three years after the date of the written bar examination in which the applicant received a passing score will be required to take and pass the examination again before being admitted as a general applicant;
- (6) have taken and passed the Multistate Professional Responsibility Examination within the twenty-four (24) month period next preceding the beginning day of the written bar examination which applicant passes as prescribed above, or shall take and pass the Multistate Professional Responsibility Examination within the twelve (12) month period thereafter; the time limits are tolled for a period not exceeding four (4) years for any applicant who is a service member as defined in the Service Members Civil Relief Act, 50 U.S.C. Appx. § 511, while engaged in active service as defined in 10 U.S.C. § 101, and who provides a letter or other communication from the service member's commanding officer stating that the service member's current military duty prevents attendance for the examination, stating that military leave is not authorized for the service member at the time of the letter, and stating when the service member would be authorized military leave to take the examination.

- (7) if the applicant is or has been a licensed attorney, be in good standing in each state, territory of the United States, or the District of Columbia, in which the applicant is or has been licensed to practice law and not under any charges of misconduct while the application is pending before the Board.
- (a) For purposes of this rule, an applicant is "in good standing" in a jurisdiction if:
- (i) the applicant is an active member of the bar of the jurisdiction and the jurisdiction issues a certificate attesting to the applicant's good standing therein; or
 - (ii) the applicant was formerly a member of the jurisdiction, and the jurisdiction certifies the applicant was in good standing at the time that the applicant ceased to be a member; and
- (b) if the jurisdiction in which the applicant is inactive or was formerly a member will not certify the applicant's good standing solely because of the non-payment of dues, the Board, in its discretion, may waive such certification from that jurisdiction.

.0502 Requirements for Comity Applicants

The Board in its discretion shall determine whether an attorney duly licensed to practice law in any state, or territory of the United States, or the District of Columbia, may be licensed to practice law in the State of North Carolina without written examination, other than the Multistate Professional Responsibility Examination; provided that such attorney's jurisdiction of licensure qualifies as a jurisdiction in comity with North Carolina, in that the conditions required by such state, or territory of the United States or the District of Columbia, for North Carolina attorneys to be licensed to practice law in that jurisdiction without written examination are not considered by the Board to be unduly or materially greater than the conditions required by the State of North Carolina for licensure to practice law without written examination in this State. A list of "approved

jurisdictions", as determined by the Board pursuant to this rule, shall be available upon request.

Any attorney at law duly admitted to practice in another state, or territory of the United States, or the District of Columbia, upon written application may, in the discretion of the Board, be licensed to practice law in the State of North Carolina without written examination provided each such applicant shall:

- (1) File with the Executive Director, upon such forms as may be supplied by the Board, a typed application. Such application shall require:
 - (a) That an applicant supplies full and complete information in regard to his background, including family, past residences, education, military, employment, credit status, whether he has been a party to any disciplinary or legal proceedings, whether currently mentally or emotionally impaired, references, and the nature of the applicant's practice of law.
 - (b) That the applicant furnishes the following documentation:
 - (i) Certificates of Moral Character from four (4) individuals who know the applicant;
 - (ii) A recent photograph;
 - (iii) Two (2) sets of clear fingerprints;
 - (iv) A certification of the Court of Last Resort from the jurisdiction from which the applicant is applying that:
 - the applicant is currently licensed in the jurisdiction;
 - the date of the applicant's licensure in the jurisdiction;
 - the applicant was of good moral character when licensed by the jurisdiction; and
 - the jurisdiction allows North Carolina attorneys to be admitted without examination;

- (v) Transcripts from the applicant's undergraduate and graduate schools;
 - (vi) A copy of all applications for admission to the practice of law that the applicant has filed with any state, territory, or the District of Columbia;
 - (vii) A certificate of admission to the bar of any state, territory, or the District of Columbia;
 - (viii) A certificate from the proper court or body of every jurisdiction in which the applicant is licensed that he is in good standing, or that the applicant otherwise satisfies the Board that the applicant falls within the exception provided in Rule .0501(7)(b), and not under pending charges of misconduct;
- (2) Pay to the Board with each application, a fee of \$2,000.00, no part of which may be refunded to (a) an applicant whose application is denied; or (b) an applicant who withdraws, unless the applicant has filed with the Board a written request to withdraw, in which event, the Board in its discretion may refund no more than one-half of the fee to the withdrawing applicant. However, when an application for admission by comity is received from an applicant who, in the opinion of the Executive Director after consideration with the Board Chair, is not eligible for consideration under the Rules, the applicant shall be so advised by written notice. Upon receipt of such notice, the applicant may elect in writing to withdraw the application, and provided the written election is received by the Board within twenty (20) days from the date of the Board's written notice to the applicant, receive a refund of all fees paid.
- (3) Prove to the satisfaction of the Board that the applicant is duly licensed to practice law in one or more jurisdictions which are on the list of "approved jurisdictions," or should be on such list, as a comity jurisdiction within the language of the first paragraph of this Rule .0502; that the applicant has

been, for at least four out of the six years immediately preceding the filing of this application with the Executive Director, actively and substantially engaged in the practice of law pursuant to the license to practice law from one or more jurisdictions relied upon by the applicant; and that the applicant has read the Rules of Professional Conduct promulgated by the North Carolina State Bar. Practice of law for the purposes of this rule when conducted pursuant to a license granted by another jurisdiction shall include the following activities, if performed in a jurisdiction in which the applicant is admitted to practice law, or if performed in a jurisdiction that permits such activity by a licensed attorney not admitted to practice in that jurisdiction:

- (a) The practice of law as defined by G.S. 84-2.1; or
- (b) Activities which would constitute the practice of law if done for the general public; or
- (c) Legal service as house counsel for a person or other entity engaged in business; or
- (d) Judicial service, service as a judicial law clerk, or other legal service in a court of record or other legal service with any local or state government or with the federal government; or
- (e) Legal service with the United States, a state or federal territory, or any local governmental bodies or agencies, including military service; or
- (f) A full-time faculty member in a law school approved by the Council of the North Carolina State Bar.

For purposes of this rule, the active practice of law shall not include (a) work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which any person receiving the unauthorized service was located, or (b) the practice of

law in any additional jurisdiction, pursuant to a license to practice law in that additional jurisdiction, and that additional jurisdiction is not an "approved jurisdiction" as determined by the Board pursuant to this rule.

- (4) Be in good standing in each State, territory of the United States, or the District of Columbia in which the applicant is or has been licensed to practice law and not under any charges of misconduct while the application is pending before the Board.
 - (a) For purposes of this rule, an applicant is "in good standing" in a jurisdiction if:
 - (i) the applicant is an active member of the bar of the jurisdiction and the jurisdiction issues a certificate attesting to the applicant's good standing therein; or
 - (ii) the applicant was formerly a member of the bar of the jurisdiction and the jurisdiction certifies the applicant was in good standing at the time that the applicant ceased to be a member; and
 - (b) if the jurisdiction in which the applicant is inactive or was formerly a member will not certify the applicant's good standing solely because of the non-payment of dues, the Board, in its discretion, may waive such certification from that jurisdiction; however, the applicant must not only be in good standing, but also must be an active member of each jurisdiction upon which the applicant relies for admission by comity.
- (5) Be of good moral character and have satisfied the requirements of Section .0600 of this Chapter;
- (6) Meet the educational requirements of Section .0700 of this Chapter as hereinafter set out if first licensed to practice law after August 1971;

- (7) Not have taken and failed the written North Carolina Bar Examination within five (5) years prior to the date of filing the applicant's comity application;
- (8) Have passed the Multistate Professional Responsibility Examination.

.0503 Requirements for Military Spouse Comity Applicants

A Military Spouse Comity Applicant, upon written application may, in the discretion of the Board, be granted a license to practice law in the State of North Carolina without written examination provided that:

- (1) The Applicant fulfills all of the requirements of Rule .0502, except that:
 - (a) in lieu of the requirements of paragraph (3) of Rule .0502, a Military Spouse Comity Applicant shall certify that said applicant has read the Rules of Professional Conduct promulgated by the North Carolina State Bar and shall prove to the satisfaction of the Board that the Military Spouse Comity Applicant is duly licensed to practice law in a state, or territory of the United States, or the District of Columbia, and that the Military Spouse Comity Applicant has been for at least four out of the last eight years immediately preceding the filing of this application with the Executive Director, actively and substantially engaged in the practice of law. Practice of law for the purposes of this rule shall be defined as it would be defined for any other comity applicant; and
 - (b) Paragraph (4) of Rule .0502 shall not apply to a Military Spouse Comity Applicant.
- (2) **Military Spouse Comity Applicant Defined.** A Military Spouse Comity Applicant is any person who is
 - (a) An attorney at law duly admitted to practice in another state or territory of the United States, or the District of Columbia; and

- (b) Identified by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security) as the spouse of a service member of the United States Uniformed Services; and
 - (c) Is residing or intends within the next six months to be residing, in North Carolina due to the service member's military orders for a permanent change of station to the State of North Carolina.
- (3) **Procedure.** In addition to the documentation required by paragraph (1) of Rule .0502, a Military Spouse Comity Applicant must file with the Board the following:
- (a) A copy of the service member's military orders reflecting a permanent change of station to a military installation in North Carolina; and
 - (b) A military identification card which lists the Military Spouse Applicant as the spouse of the service member.
- (4) **Fee.** No application fee will be required for Military Spouse Comity Applicants.

.0504 Requirements for Transfer Applicants

As a prerequisite to being licensed by the Board to practice law in the State of North Carolina, a transfer applicant shall:

- (1) possess the qualifications of character and general fitness requisite for an attorney and counselor-at-law, and be of good moral character and entitled to the high regard and confidence of the public and have satisfied the requirements of Section .0600 of this Chapter;

- (2) possess the legal educational qualifications as prescribed in Section .0700 of this Chapter;
- (3) be at least eighteen (18) years of age;
- (4) have filed with the Executive Director, upon such forms as may be supplied by the Board, a typed application in duplicate, containing the same information and documentation required of general applicants under Rule .0402(1);
- (5) have paid with the application an application fee of \$1,500.00, if the applicant is licensed in any other jurisdiction, or \$1,275.00 if the applicant is not licensed in any other jurisdiction, no part of which may be refunded to an applicant whose application is denied or to an applicant who withdraws, unless the withdrawing applicant filed with the Board a written request to withdraw, in which event, the Board in its discretion may refund no more than one-half of the fee to the withdrawing applicant. However, when an application for admission by transfer is received from an applicant who, in the opinion of the Executive Director, after consultation with the Board Chair, is not eligible for consideration under the Rules, the applicant shall be so advised by written notice. Upon receipt of such notice, the applicant may elect in writing to withdraw the application, and provided the written election is received by the Board within twenty (20) days from the date of the Board's written notice to the applicant, receive a refund of all fees paid.
- (6) have, within the three-year period preceding the filing date of the application, taken the Uniform Bar Examination and achieved a scaled score on such exam that is equal to or greater than the passing score established by the Board for the UBE as of the administration of the exam immediately preceding the filing date;
- (7) have passed the Multistate Professional Responsibility Examination.

- (8) if the applicant is or has been a licensed attorney, be in good standing in each state, territory of the United States, or the District of Columbia, in which the applicant is or has been licensed to practice law and not under any charges of misconduct while the application is pending before the Board.
- (a) For purposes of this rule, an applicant is "in good standing" in a jurisdiction if:
- (i) the applicant is an active member of the bar of the jurisdiction and the jurisdiction issues a certificate attesting to the applicant's good standing therein; or
 - (ii) the applicant was formerly a member of the jurisdiction, and the jurisdiction certifies the applicant was in good standing at the time that the applicant ceased to be a member; and
- (b) if the jurisdiction in which the applicant is inactive or was formerly a member will not certify the applicant's good standing solely because of the non-payment of dues, the Board, in its discretion, may waive such certification from that jurisdiction.

SECTION .0600 - MORAL CHARACTER AND GENERAL FITNESS

.0601 Burden of Proof

Every applicant shall have the burden of proving that the applicant possesses the qualifications of character and general fitness requisite for an attorney and counselor-at-law and is possessed of good moral character and is entitled to the high regard and confidence of the public.

.0602 Permanent Record

All information furnished to the Board by an applicant shall be deemed material, and all such information shall be and become a permanent record of the Board.

.0603 Failure to Disclose

No one shall be licensed to practice law in this state:

- (1) who fails to disclose fully to the Board, whether requested to do so or not, the facts relating to any disciplinary proceedings or charges as to the applicant's professional conduct, whether same have been terminated or not, in this or any other state, or any federal court or other jurisdiction, or
- (2) who fails to disclose fully to the Board, whether requested to do so or not, any and all facts relating to any civil or criminal proceedings, charges or investigations involving the applicant (unless expunged under applicable state law), whether the same have been terminated or not in this or any other state or in any of the federal courts or other jurisdictions.

.0604 Bar Candidate Committee

Every General Applicant and UBE Transfer Applicant not licensed in another jurisdiction shall appear before a bar candidate committee, appointed by the Board Chair, in the judicial district in which the applicant resides, or in such other judicial districts as the Board in its sole discretion may designate to the applicant, to be examined about any matter pertaining to the applicant's moral character and general fitness to practice law. An applicant who has appeared before a hearing Panel may, in the Board's discretion, be excused from making a subsequent appearance before a bar candidate committee. The Board Chair may delegate to the Executive Director the authority to exercise such discretion. The applicant shall give such information as may be required on such forms provided by the Board. A bar candidate committee may require the applicant to make more than one appearance before the committee and to furnish to the committee such information and documents as it may reasonably require pertaining to the moral character and general fitness of the applicant to be licensed to practice law in North Carolina. Each applicant will be advised when to appear before the bar candidate committee. There can be no changes once the initial assignment is made.

.0605 Denial; Re-Application

No new application or petition for reconsideration of a previous application from an applicant who has either been denied permission to take the bar examination or has been denied a license to practice law on the grounds set forth in Section .0600 shall be considered by the Board within a period of three (3) years next after the date of such denial unless, for good cause shown, permission for re-application or petition for a reconsideration is granted by the Board.

SECTION .0700 - EDUCATIONAL REQUIREMENTS

.0701 General Education

Each applicant must have satisfactorily completed the academic work required for admission to a law school approved by the Council of the North Carolina State Bar.

.0702 Legal Education

Every applicant applying for admission to practice law in the State of North Carolina, before being granted a license to practice law, shall prove to the satisfaction of the Board that said applicant has graduated from a law school approved by the Council of The North Carolina State Bar or that said applicant will graduate within thirty (30) days after the date of the written bar examination from a law school approved by the Council of the North Carolina State Bar. There shall be filed with the Executive Director a certificate of the dean, or other proper official of said law school, certifying the date of the applicant's graduation. A list of the approved law schools is available in the office of the Executive Director.

SECTION .0800 - PROTEST

.0801 Nature of Protest

Any person may protest the application of any applicant to be admitted to the practice of law.

.0802 Format

A protest shall be made in writing, signed by the person making the protest and bearing the person's home and business address, and shall be filed with the Executive Director

- (a) if a general applicant, before the date the applicant is scheduled to be examined; or
- (b) if a comity, military spouse comity, or transfer applicant, before the date of the applicant's final appearance before a Panel.

.0803 Notification; Right to Withdraw

The Executive Director shall notify immediately the applicant of the protest and of the charges therein made; and the applicant thereupon may file with the Executive Director a written withdrawal as a candidate for admission.

.0804 Hearing

In case the applicant does not withdraw as a candidate for admission to the practice of law, the person or persons making the protest and the applicant in question shall appear before a Panel or the Board at a time and place designated by the Board Chair. If the applicant is an applicant for admission by examination and a hearing on the protest is not held before the written examination, the applicant may take the written examination.

.0805 Refusal to License

Nothing herein contained shall prevent the Board on its own motion from refusing to issue a license to practice law until the Board has been fully satisfied as to the moral character and general fitness of the applicant as provided by Section .0600 of this Chapter.

SECTION .0900 - EXAMINATIONS

.0901 Written Examination

Two written bar examinations shall be held each year for general applicants.

.0902 Dates

The written bar examinations shall be held in North Carolina in the months of February and July on the dates prescribed by the National Conference of Bar Examiners.

.0903 Subject Matter

The examination shall be the Uniform Bar Examination (UBE) prepared by the National Conference of Bar Examiners and comprising six (6) Multistate Essay Examination (MEE) questions, two (2) Multistate Performance Test (MPT) items, and the Multistate Bar Examination (MBE). Applicants may be tested on any subject matter listed by the National Conference of Bar Examiners as areas of law to be tested on the UBE. Questions will be unlabeled and not necessarily limited to one subject matter.

.0904 Grading and scoring.

Grading of the MEE and MPT answers shall be strictly anonymous. The MEE and MPT raw scores shall be combined and converted to the MBE scale to calculate written scaled scores according to the method used by the National Conference of Bar Examiners for jurisdictions that administer the UBE.

.0905 Passing Score

The Board shall determine the passing UBE score for admission in North Carolina. The UBE passing score shall only be increased on one year's public notice.

SECTION .1000 - REVIEW OF WRITTEN BAR EXAMINATION

.1001 Review

After release of the results of the written bar examination, a general applicant who has failed the written examination may, in the Board's offices, review the MEE questions and MPT items on the written examination and the applicant's answers thereto, along with selected answers by other applicants which the Board determines may be useful to unsuccessful applicants. The Board will also furnish an unsuccessful applicant hard copies of any or all of these materials, upon payment of the reasonable cost of such copies, as determined by the Board. No copies of the MEE or MPT grading materials prepared by the National Conference of Bar Examiners will be shown or provided to the applicant unless authorized by the National Conference of Bar Examiners.

.1002 Multistate Bar Examination

There is no provision for review of the Multistate Bar Examination. Applicants may, however, request the National Conference of Bar Examiners to hand score their MBE answers.

.1003 Release of Scores

- (1) The Board will not release UBE scores to the public.
- (2) The Board will inform each applicant in writing of the applicant's scaled score on the UBE. Scores will be shared with the applicant's law school only with the applicant's consent.
- (3) Upon written request of an unsuccessful applicant, the Board will furnish the following information about the applicant's score to the applicant: the applicant's raw scores on the MEE questions and MPT items; the applicant's scaled combined MEE and MPT score; the applicant's scaled MBE score; and the applicant's scaled UBE score.

- (4) Upon written request of an applicant, the Board will furnish the Multistate Bar Examination score of said applicant to another jurisdiction's board of bar examiners or like organization that administers the admission of attorneys for that jurisdiction.

.1004 Board Representative

The Executive Director serves as the Board's representative for purposes of any review of the written bar examination by an unsuccessful applicant. The Executive Director is not authorized to discuss any specific questions and answers on the bar examination.

.1005 Re-Grading

Examination answers cannot be re-graded once UBE scores have been released.

SECTION .1100 - RESERVED FOR FUTURE USE

SECTION .1200 - BOARD HEARINGS

.1201 Nature of Hearings

Any applicant may be required to appear before the Board or a hearing Panel at a hearing to answer inquiry about any matter under these rules. In the event a hearing for an applicant for admission by examination is not held before the written examination, the applicant shall be permitted to take the written examination.

.1202 Notice of Hearing

The Board Chair will schedule the hearings before the Board or Panel, and such hearings will be scheduled by the issuance of a notice of hearing mailed to the applicant or the applicant's attorney within a reasonable time before the date of the hearing.

.1203 Conduct of Hearings

- (1) All hearings shall be heard by the Board except that the Board Chair may designate two or more members or Emeritus Members (as recommended by the Board and approved by the State Bar Council) to serve as a Panel to conduct the hearings.
- (2) The Panel will make a determination as to the applicant's eligibility for admission to practice law in North Carolina. The Panel may grant the application, deny the application, or refer it to the Board for a de novo hearing. The applicant will be notified in writing of the Panel's determination. In the event of an adverse determination by the Panel, the applicant may request a hearing de novo before the Board by giving written notice to the Executive Director at the offices of the Board within ten (10) days following receipt of the hearing Panel's determination. Failure to file such notice in the manner and within the time stated shall operate as a waiver of the right of the applicant to request a hearing de novo before the Board.
- (3) The Board or a Panel may require an applicant to make more than one appearance before the Board or a hearing Panel, to furnish information and documents as it may reasonably require, and to submit to reasonable physical or mental examinations, pertaining to the moral character or general fitness of the applicant to be licensed to practice law in North Carolina.
- (4) The Board or a Panel of the Board may allow an applicant to take the bar examination while the Board or a Panel makes a final determination that the applicant possesses the qualifications and general fitness requisite for an attorney and counselor at law, is possessed of good moral character, and is entitled to the confidence of the public.

.1204 Continuances

Continuances will be granted to a party only in compelling circumstances,

especially when one such disposition has been previously requested by and granted to that party. Motions for continuances should be made to the Executive Director and will be granted or denied by the Board Chair or by a Panel designated for the applicant's hearing.

.1205 Subpoenas

- (1) The Board Chair, or the Board Chair's designee, shall have the power to subpoena and to summon and examine witnesses under oath and to compel their attendance and the production of books, papers and other documents and writings deemed by it to be necessary or material to the hearing as set forth in G.S. 84-24.
- (2) The Executive Director is delegated the power to issue subpoenas in the Board's name.

.1206 Evidence That May Be Received By the Board

- (1) In addition to live testimony, a deposition may be used in evidence when taken in compliance with the N. C. Rules of Civil Procedure, G.S. 1A-1.
- (2) A Panel or the Board may consider sworn affidavits as evidence in a hearing. The Board will take into consideration sworn affidavits presented to the Board by persons desiring to protest an applicant's admission to the North Carolina Bar.
- (3) The Board may receive other evidence in its discretion.

.1207 Reopening of a Case

After a final decision has been reached by the Board on any matter, a party may petition the Board to reopen or reconsider a case. Petitions will not be granted except when petitioner can show that the reasons for reopening or reconsidering the case are to introduce newly discovered evidence which was not presented at the initial hearing because of some justifiable, excusable, or unavoidable circumstances and that fairness and justice require reopening or reconsidering the

case. The Petition must be made within a reasonable time and not more than ninety days after the decision of the Board has been entered.

SECTION .1300 - LICENSES

.1301 Issuance

Upon compliance with the rules of the Board, and all orders of the Board, the Executive Director, upon order of the Board, shall issue a license to practice law in North Carolina to each applicant as may be designated by the Board in the form and manner as may be prescribed by the Board, and at such times as prescribed by the Board.

SECTION .1400 - JUDICIAL REVIEW

.1401 Appeals

An applicant may appeal from an adverse ruling or determination by the Board as to the applicant's eligibility for admission to practice law in North Carolina. Such appeal shall lie to the Superior Court of Wake County.

.1402 Notice of Appeal

Notice of Appeal shall be provided, in writing, within twenty (20) days after notice of such ruling or determination. This Notice shall contain written exceptions to the ruling or determination and shall be filed with the Superior Court for Wake County, North Carolina. A filed copy of said Notice shall be given to the Executive Director. Failure to file such notice of appeal in the manner and within the time stated shall operate as a waiver of the right to appeal and shall result in the decision of the Board becoming final.

.1403 Record to be Filed

Within sixty (60) days after receipt of the notice of appeal, and after the applicant has paid the cost of preparing the record, the Executive Director shall

prepare, certify, and file with the Clerk of the Superior Court of Wake County the record of the case, containing:

- (1) the application and supporting documents or papers filed by the applicant with the Board;
- (2) a complete transcription of the testimony taken at any hearing;
- (3) copies of all pertinent documents and other written evidence introduced at the hearing;
- (4) a copy of the decision of the Board; and
- (5) a copy of the notice of appeal containing the exceptions filed to the decision.

With the permission of the court, the record may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

.1404 Proceedings on Review in Wake County Superior Court

The appeal shall be heard by the presiding judge or resident judge, without a jury, who may hear oral arguments and receive written briefs, but no evidence not offered at the hearing shall be taken, except that in cases of alleged omissions or errors in the record, testimony thereon may be taken by the court. The findings of fact by the Board, when supported by competent evidence, shall be conclusive and binding upon the court. The court may affirm, reverse, or remand the case for further proceedings. If the court reverses or remands for further proceedings the decision of the Board, the judge shall set out in writing, which writing shall become a part of the record, the reasons for such reversal or remand.

.1405 Further Appeal

Any party to the review proceeding, including the Board, may appeal to the Supreme Court from the decision of the Superior Court. No appeal bond shall be required of the Board.