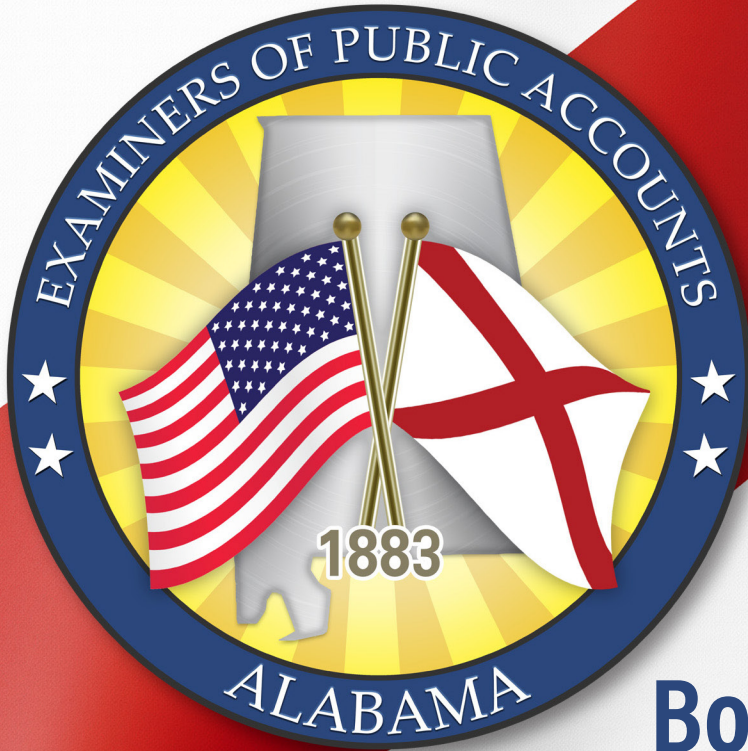




Sunset Report Board of Examiners on Admission to the Alabama State Bar Montgomery, Alabama

October 1, 2021 through September 30, 2025

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

Rachel Laurie Riddle, *Chief Examiner* | 334-777-0500 | www.aalexaminers.gov



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August 12, 2026

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Examiners on Admission to the Alabama State Bar in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners on Admission to the Alabama State Bar in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Rodney Wagstaff

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PROFILE

Purpose/Authority

The Board of Examiners on Admission to the Alabama State Bar (the “Board of Bar Examiners”) was created by Act Number 436, Acts of Alabama 1949. The ***Code of Alabama 1975***, Section 34-3-2 states the Board of Commissioners of the State Bar (the “Board of Commissioners”) shall provide for a Board of Bar Examiners and prescribe rules and regulations governing the selection of examiners, their number, tenure, compensation, and authority, the subjects upon which candidates for admission shall be examined, the conduct of examiners, the time and place of meetings, and the certification of persons found to be qualified.

<u>Characteristics</u>	
Members and Selection	Unless a different number is set by the Board of Commissioners, the Board of Bar Examiners shall consist of no more than 25 members. There are currently 23 members serving. The Board of Commissioners shall assign the members of the Board of Bar Examiners to either the Governance Committee or the Grading Committee. <i>Code of Alabama 1975</i>, Section 34-3-2 <i>Alabama Bar Admission Rule VI(A).(B) & (E)</i>
Term	The members of the Board of Bar Examiners hold office at the pleasure of the Board of Commissioners. However, no member of the Board of Bar Examiners may serve more than four consecutive years without the prior approval of the Board of Commissioners. <i>Alabama Bar Admission Rule VI(A).(B)</i>
Qualifications	Members of the Board of Bar Examiners must be residents of the State of Alabama and licensed attorneys of the Bar of this State. No attorney shall be permitted to serve concurrently as a member of the Board of Commissioners and as a member of the Board of Bar Examiners. <i>Alabama Bar Admission Rule VI(A).(B)</i>
Consumer Representation	No specific statutory requirement.
Racial Representation	No specific statutory requirement. Eight minority members currently serving.

Geographical Representation	No specific statutory requirement.
Other Representation	The Board of Commissioners shall prescribe necessary rules and regulations to ensure that the membership of the Board of Bar Examiners is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state and that each member of the Board of Bar Examiners is a resident of this state. <i>Code of Alabama 1975</i>, Section 34-3-2
Compensation	Each member of the Board of Bar Examiners Grading Committee shall receive such compensation as established from time to time by the Board of Commissioners. Currently, members of the Board of Bar Examiners Grading Committee are compensated \$2,500.00 for the February exam and \$3,000.00 for the July exam. Each member of the Board of Bar Examiners and the committees thereof shall be reimbursed for reasonable and necessary traveling and other expenses incident to the discharge of their duties. <i>Alabama Bar Admission Rule</i> VI(A).(D) & (E)
Attended Board Member Training	The Executive Director of the Board of Commissioners.
<u>Operations</u>	
Administrator	One examiner shall be designated by the Board of Commissioners as chair of the Board of Bar Examiners. The Secretary of the Board of Commissioners, or his or her designee, shall serve as secretary ex-officio. <i>Alabama Bar Admission Rule</i> VI(A).(B) & (E)
Location	Board of Commissioners' Office 415 Dexter Avenue Montgomery, AL 36104 Office Hours: 8:00 am to 5:00 pm Monday through Friday

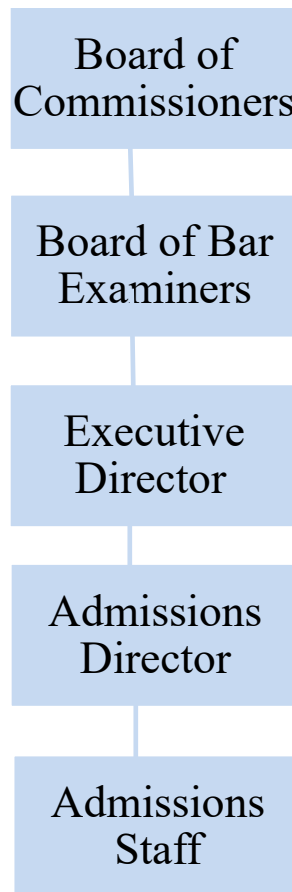
Real Property Ownership	The Board of Bar Examiners does not own any real property.
Employees	The Board of Bar Examiners does not have employees. Employees of the Board of Commissioners perform necessary administrative functions.
Legal Counsel	Roman Shaul, General Counsel of the Board of Commissioners, provides legal counsel to the Board of Bar Examiners.
Subpoena Power	The Board of Bar Examiners does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	admissions.alabar.org/home Information available on the Board of Bar Examiner's website includes User Registration and Updates; General Information, including statutes, rules, applications fees and deadlines, exam statistics; Law Student Registration, including fees, application forms, and internship information; information for Bar Exam Applicants, Uniform Bar Examination (UBE) Score Transfer Applicants, Reciprocity Applicants, and Announcements.
<u>Financial</u>	
Source of Funds	Examination fees. The Board of Bar Examiners are paid the amounts collected for examinations.
State Treasury	Yes, the examination fees are deposited into the State Treasury to the credit of the Alabama State Bar. <i>Code of Alabama 1975</i>, Section 3-3-4

<u>Licensure</u>	
Examinations	A 2-day written examination is given twice a year in the months of February and July. Day 1 consists of a Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) developed by the National Conference of Bar Examiners (NCBE) and scored by the Board of Bar Examiners. Day 2 consists of a Multistate Bar Examination (MBE), which is a multiple-choice test that covers subjects applicable in all states developed by the NCBE and administered by the Board of Bar Examiners. The three examinations make up the Uniform Bar Examination (UBE). Applicants must score a combined total of 260 or higher on the UBE. The UBE score is valid for 36 months from the date of administration of the UBE. <i>Alabama Bar Admission Rule VI(B).(B)</i> Multistate Professional Responsible Examination (MPRE) In addition to taking the other examinations, applicants must score a scaled score of at least 75 on a two-hour, 60 question multiple choice examination which addresses ethics issues, prior to licensure to practice law. An MPRE score is valid for 36 months from the date of administration of the MPRE. The MPRE requirement may be satisfied up to 36 months after successful completion of the bar examination. The MPRE is given 3 times a year (March, August, and November). Applicants register online directly with the NCBE and receive exam tickets directly from NCBE for exam locations at various colleges and universities. Online Course on Alabama Law The online course on Alabama law is a series of video lectures on subjects related to Alabama law. The course is developed and administered by the Board of Bar Examiners. Applicants are given access to the online course after taking the bar examination. The online course should be completed within 60 days of the last day of the most recent bar examination taken by the applicant, or the applicant will incur a late penalty equivalent to the current year's annual dues required for lawyers with an occupational license. The late fee will be assessed only once and once assessed, will not be assessed again if the applicant is required to take additional bar examinations.

Examinations (continued)	Application and Examination fees are paid directly to the Board of Commissioners. <table><tr><th colspan="4">Summary Results of Written Examination February and July Examination Combined Includes First-Time and Repeat Examinees</th></tr><tr><th>Year</th><th># Taken*</th><th># Passed</th><th>% Passed</th></tr><tr><td>2022</td><td>647</td><td>286</td><td>44%</td></tr><tr><td>2023</td><td>602</td><td>242</td><td>40%</td></tr><tr><td>2024</td><td>661</td><td>297</td><td>45%</td></tr><tr><td>2025</td><td>714</td><td>299</td><td>42%</td></tr></table> *Represents statistics for examinees who attended Alabama educational institutions who achieved a passing score of 260 or higher on the Uniform Bar Examination. Pass/fail statistics for students from Alabama educational institutions can be found in Appendix III of this report. <i>Source:</i> Agency staff	Summary Results of Written Examination February and July Examination Combined Includes First-Time and Repeat Examinees				Year	# Taken*	# Passed	% Passed	2022	647	286	44%	2023	602	242	40%	2024	661	297	45%	2025	714	299	42%
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2025	714	299	42%																						
Reciprocity	Applicants seeking admission to the Alabama State Bar without examination must comply with the following provisions: • Admitted to practice law in another state, territory, or the District of Columbia. • Hold a first professional degree in law (J.D. or L.L.B.) from a law school that was on the approved list of the American Bar Association at the time the degree was conferred. • Primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the six years immediately preceding the date upon which the application is filed. • Establish the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, or in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from Alabama a similar accommodation as set forth in this rule. • Currently be a member in good standing in all jurisdictions where he or she is admitted. • Not currently be subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction. • Possess the character and fitness to practice law as determined by the Committee on Character and Fitness under Rule V.																								

Reciprocity (continued)	• Have not, within the 10 years prior to making application, taken and failed the Alabama Bar examination. • Be a permanent resident of the State of Alabama at the time of application or certify his or her intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in Alabama. The “primary practice of law” shall mean at least 75% of the time devoted to the practice of law will be conducted in Alabama. • Taken and achieved a score of 75 or better on the Multi-State Professional Responsibility Examination (MPRE). • Complied with the requirements of Rule I and paid the fee prescribed in item (4) of the Fee Schedule. <i>Alabama Bar Admission Rule III(A)(1)(a-k)</i>
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ORGANIZATION



Legal Counsel

Roman Shaul, General Counsel of the Board of Commissioners, provides legal counsel to the Board of Bar Examiners.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The National Conference of Bar Examiners (NCBE) works with other institutions to develop, maintain, and apply reasonable and uniform standards of education and character for eligibility for admission to the practice of law, and to assist for the testing of applicants for admission standards and practices, conducting educational programs for the members and staffs of such authorities, and providing other services such as character investigations and conducting research. The NCBE's website is <http://www.ncbex.org>.

FINANCIAL INFORMATION

Source of Funds

Examination fees are deposited into the Alabama State Bar's Special Revenue Fund maintained in the State's Treasury in accordance with the *Code of Alabama 1975*, Section 34-3-4.

Schedule of Fees

Fee Type/Purpose	Statutory Authority	Rule	Amount Authorized	Amount Collected
<i>Registration Fees (1)</i>				
After 60 days	N/A	I.(A)	\$50.00	\$50.00
After 180 days	N/A	I.(A)	\$100.00	\$100.00
After 390 days	N/A	I.(A)	\$250.00	\$250.00
<i>Application Fees</i>				
Applicants not required by law to take the Exam	34-3-3	II.(B)(2) & (C)(2) & Appendix	≤ \$1,500.00	\$575.00
Never applied nor have been admitted to the bar of any jurisdiction – Residents of Alabama	34-3-3	II.(B)(1) & (C)(1) & Appendix	≤ \$1,000.00	\$575.00
All other applicants	34-3-3	II.(B)(2) & (C)(2) & Appendix	≤ \$1,000.00	\$575.00 (2)
Re-applications	34-3-3	II.(F) & Appendix	≤ \$1,000.00	\$575.00
Reciprocity	34-3-3	III.A(1)(k) & Appendix	≤ \$1,000.00 (3)	\$875.00 (2)
UBE Score Transfer Applicants	34-3-3	VI(B).(C)(6) & Appendix	≤ \$1,000.00	\$875.00 (2)

NCBE Alabama Fee Schedule		
<u>Fee Category II:</u> First Law Degree within 1 year or less and has not been authorized to practice law	NCBE Website (4)	\$395.00
<u>Fee Category III:</u> First Law Degree was obtained in the U.S. and was awarded more than 1 year ago, and applicant is authorized to practice law only in the U.S.	NCBE Website (4)	\$550.00
<u>Fee Category IV:</u> First Law Degree was not obtained in the U.S. (regardless of whether a subsequent U.S. law degree was conferred) or have ever been authorized to practice law in a foreign country.	NCBE Website (4)	\$925.00

Supplemental Conditions: Applicant may be eligible for a reduced fee if NCBE has completed a character report on the applicant in the last four years.		
<u>Fee Category V:</u> Complete Category II or III report was prepared by NCBE for a different jurisdiction	NCBE Website (4)	\$250.00
<u>Fee Category VI:</u> Complete Category II or III report was prepared by NCBE for the same jurisdiction	NCBE Website (4)	\$120.00
<u>Fee Category VII:</u> A complete Category IV report was prepared by NCBE for any jurisdiction.	NCBE Website (4)	\$450.00

- (1) Every person seeking to apply for admission to the State Bar shall, within 60 days following the commencement of the study of law in any law school, register with the Secretary of the Board of Commissioners. No fee is required if the registration application is filed within the first 60 days. ***Alabama Bar Association Rule I(A)***.
- (2) The cost associated with a character and fitness investigation.
- (3) Applicants for admission who are not bona fide residents of the State of Alabama who are required to be examined by the Board of Bar Examiners shall pay the same fee set for residence examinees, plus an additional sum to be determined by the Board of Commissioners not to exceed \$1,000.00 in accordance with the ***Code of Alabama 1975***, Section 34-3-3.
- (4) <https://www.ncbex.org/character-fitness/AL/fee-schedule>

SIGNIFICANT ISSUES

No new significant issues.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

No prior findings/significant issues.

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APPENDICES

Appendix I: Applicable Statutes

Section 34-3-1 Unlawful Practice of Law.

If any person shall, without having become duly licensed to practice, or whose license to practice shall have expired either by disbarment, failure to pay his license fee within 30 days after the day it becomes due, or otherwise, practice or assume to act or hold himself or herself out to the public as a person qualified to practice or carry on the calling of a lawyer, he or she shall be guilty of a misdemeanor and fined not to exceed \$500, or be imprisoned for a period not to exceed six months, or both.

(Acts 1923, No. 133, p. 100; Code 1923, §3318; Acts 1931, No. 241, p. 284; Code 1940, T. 46, §31.)

Section 34-3-2 Board of Examiners.

The Board of Commissioners of the State Bar shall have the following powers and authority in addition to the powers and authority heretofore conferred upon or vested in the board:

The board shall provide for a Board of Examiners on Admission to the State Bar and may prescribe rules and regulations governing the selection of examiners, their number, tenure, compensation, and authority, the subjects upon which candidates for admission shall be examined, the conduct of examiners, the time and place of meetings, and the certification of persons found to be qualified. The board shall prescribe necessary rules and regulations to ensure that the membership of the Board of Examiners on Admission to the State Bar is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state and that each member of the board of examiners is a citizen of this state.

(Acts 1949, No. 436, p. 632, §1; Act 2003-140, p. 438, §3; Act 2011-170, p. 329, §3.)

Section 34-3-2.1 Certified Graduates of Certain Law Schools Authorized to Take Bar Exam.

So long as the Birmingham School of Law, Miles College School of Law, and Jones School of Law maintain a four-year curriculum of law courses for resident law students each consisting of 30 weeks of classes or of one year more than the full-time program at the state university law school, namely the University of Alabama Law School, and with the curriculum covering basic law courses, covering all bar exam courses, and other elective courses sufficient for a four-year program, which courses are taught by licensed attorneys or judges, then, upon satisfactory completion of the courses, the graduates certified by the deans of the institutions shall be deemed to have sufficient legal training to take the bar exam offered by the State of Alabama or any of its agents as prescribed by law.

If they have other qualifying criteria, they have full rights to sit for the bar exam as any other applicant from any other schools.

This approval is given for as long as the schools operate and without reservation of powers to act further unless this section is anyway abrogated.

(Acts 1983, 3rd Ex. Sess., No. 83-823, p. 39, §1; Acts 1991, 1st Ex. Sess., No. 91-790, p. 184, §1.)

Section 34-3-3 Admission Fee Paid by Applicants.

Applicants for admission to the bar not required by law to take an examination shall pay a fee to be set by the Board of Commissioners, but not to exceed one thousand five hundred dollars (\$1,500); applicants for admission who are bona fide residents of the State of Alabama who are required to be examined by the Board of Bar Examiners shall pay a fee to be determined by the Board of Commissioners not to exceed one thousand dollars (\$1,000), and applicants for admission who are not bona fide residents of the State of Alabama who are required to be examined by the Board of Bar Examiners shall pay the same fee set for residence examinees, plus an additional sum to be determined by the Board of Commissioners not to exceed one thousand dollars (\$1,000). The Board of Commissioners shall not have the authority to increase the fee provided for in this paragraph for applicants who are bona fide residents of the State of Alabama or the additional fee for applicants who are not bona fide residents of the State of Alabama by more than one hundred dollars (\$100) in any one calendar year. Such fees shall be paid to the Secretary of the Board of Bar Commissioners. Twenty-five dollars (\$25) of each fee generated pursuant to this section shall be distributed by the secretary to the Alabama Lawyer Assistance Foundation.

(Code 1923, §6229; Acts 1939, No. 551, p. 871, §1; Code 1940, T. 46, §29; Acts 1951, No. 127, p. 355, §1; Acts 1971, No. 229, p. 533, §1; Acts 1979, No. 79-251, p. 383, §1; Acts 1991, 1st Ex. Sess., No. 91-791, p. 185, §1; Act 2009-661, p. 2028, §1.)

Section 34-3-4 Disposition of Admission and License Fees.

All fees and licenses paid by applicants for admission as provided in this chapter and attorneys' annual license fee levied by the revenue law shall be deposited in the State Treasury to the credit of the Alabama State Bar and constitute a separate fund to be disbursed as provided in Section 34-3-44.

(Code 1923, §6230; Acts 1939, No. 551, p. 871, §1; Code 1940, T. 46, §30; Acts 1951, No. 127, p. 355, §1; Acts 1951, No. 827, p. 1459, §1.)

Appendix II: Rules Governing Admission to the Alabama State Bar

Rule I. Registration of Intent to Apply for Admission to the Alabama State Bar.

A. Registration of Law Students and Others Seeking Admission to the Alabama State Bar. Every person seeking to apply for admission to the Alabama State Bar shall, within 60 days following the commencement of the study of law in any law school, register with the Secretary ("the Secretary") of the Board of Commissioners of the Alabama State Bar ("the Board" or "the Board of Commissioners") by completing and filing the online registration application and such other papers as may from time to time be reasonably required by the Board. No fee shall be required if the registration application is filed within the first 60 days following the commencement of the study of law. If, however, the registration application is filed after 60 days, such application shall be accompanied by an appropriate fee of:

- (1) \$50.00 if filed after 60 days but on or before the 180th day;
- (2) \$100.00 if filed after 180 days but on or before the 390th day
- (3) \$250.00 if filed after 390 days.

The deadline date for filing the registration application shall be determined using the official date for the commencement of study announced by the registrant's law school. The registrant shall be responsible for submitting, as a part of the registration application, certified verification of that date upon the form supplied by the Board. Any fee required with a registration application filed pursuant to this rule shall be nonrefundable.

B. Committee on Character and Fitness. The Committee on Character and Fitness ("the Committee") (see Rule V) shall promptly conduct an initial review of the registration application for matters bearing on the registrant's character and fitness, including, but not limited to, alcohol or drug addiction or abuse, criminal history, financial responsibility, and mental-health issues. Thereafter, the Committee shall conduct an investigation or otherwise inquire into and determine the qualifications, character, and fitness of every registrant who applies for admission to practice law in the State of Alabama and may request the personal appearance of any registrant at such reasonable time and place as the Committee may prescribe.

If the Committee, during the course of an investigation of the registrant, concludes that a complete set of his or her fingerprints would be of substantial assistance in the investigation, the Committee may direct the registrant to submit a complete set of his or her fingerprints. The failure of the registrant to submit, upon request, a complete set of his or her fingerprints, to fully and accurately comply with any reasonable request to produce documents or to appear personally before the Committee, or to fully and accurately provide such other information as reasonably may be requested by the Committee shall be a sufficient ground to deny approval of the registration.

If the Committee is reasonably satisfied that the registrant possesses good moral character, has completed the prelegal education required by these Rules (see Rule IV.A and B), and is fit to practice law in the State of Alabama in all other respects, it shall approve the registration, and the Secretary shall thereupon issue to the registrant a certificate of registration and cause a record thereof to be kept in the Secretary's office. If the registrant is found deficient in any of the aforementioned qualifications, the certificate of registration shall not be issued until and unless the Committee is satisfied that the registrant has overcome the deficiency.

A majority of the Committee may at any time and place, if in meeting assembled, act for the Committee, with the power of examination herein granted the Committee, regardless of when the registration application was filed with the Secretary.

In cases where a registrant does not file the registration application within 390 days following the commencement of the study of law and the degree of investigation required makes immediate review or resolution of the registration impractical, the Committee may in its discretion defer its review and investigation of the registration to allow a reasonable opportunity to thoroughly investigate the registrant's character and fitness.

From a ruling of the Committee declining to approve the application for registration, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary and a copy of the notice is also filed with the Disciplinary Clerk of the Alabama State Bar within 30 days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de novo, within 30 days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel of the Alabama State Bar.

C. Registration Not an Application for Admission. The registration application filed by a registrant shall not be deemed an application for admission to the Alabama State Bar.

[Amended eff. 8-8-2008; Amended eff. 1-11-2013; Amended eff. 1-19-2017.]

Note from the reporter of decisions: The order amending Rule I, Rules Governing Admission to the Alabama State Bar, effective August 8, 2008, is published in that volume of *Alabama Reporter* that contains Alabama cases from 993 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So. 3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So. 3d.

Rule II. Application for Admission to the Alabama State Bar.

A. Applications. Applications for admission to the Alabama State Bar, whether filed as a registrant under Rule I or as an applicant under this rule, are continuing in nature and must give the information sought correctly and fully as of the date that the applicant is sworn in as a member of the Alabama State Bar. To that end, every applicant or registrant shall immediately inform the Secretary of any change or discovered error in the requested information that may occur between the time that information is furnished to the Alabama State Bar and the date of the applicant's admission.

The Board may require that all the information furnished by given under oath.

As a condition for admission into the bar examination, every applicant shall state under oath when filing an application for admission that all information in every application and in all amendments thereto previously submitted is true and complete.

B. Application-Fee Requirements.

(1) Applicants who have neither applied nor been admitted to the bar of any other jurisdiction shall pay the amount prescribed in item (1) of the Fee Schedule (see Appendix).

(2) All other applicants, unless otherwise provided for by these Rules, shall pay the amount prescribed in item (2) of the Fee Schedule (see Appendix).

Each applicant who qualifies under this subsection shall be required to undergo a separate character and fitness investigation conducted by the National Conference of Bar Examiners (NCBE) and to pay the costs associated therewith.

(3) The cost of a transcript or other record or document reasonably required by the Board in the conduct of an investigation or inquiry into the character and fitness of an applicant or a registrant shall be paid by such applicant or registrant.

C. Residency Requirements

(1) Applicants who have neither applied nor been admitted to the bar of any other jurisdiction shall pay the amount prescribed in item (1) of the Fee Schedule (see Appendix).

(2) All other applicants, unless otherwise provided for by these Rules, shall pay the applicable amount prescribed in item (2) of the Fee Schedule (see Appendix).

Each applicant who qualifies under this subsection shall be required to undergo a separate character and fitness investigation conducted by the National Conference of Bar Examiners (NCBE) and to pay the costs associated therewith.

(3) The cost of a transcript or any record or document reasonably required by the Board in the conduct of an investigation or inquiry into the character and fitness of an applicant or a registrant shall be paid by such applicant or registrant.

D. Filing Deadlines.

(1) All applicants for admission by examination shall electronically submit their completed applications not later than October 1 preceding the February examination and not later than February 1 preceding the July examination.

(2) The Alabama State Bar will acknowledge receipt of all applications filed on or before the deadlines prescribed in subsection (1) of this section. Included in this acknowledgment will be the deadline for receipt of any paper components of the application that may be submitted in original hard-copy format or electronically with a digitally certified signature.

(3) Any paper components of the application are deemed timely filed if they are (a) received on or before the deadline given in accordance with subsection (2) of this section; or (b) postmarked on or before the deadline given in accordance with subsection (2) of this section and received within seven (7) days of the postmark date.

E. Supporting Affidavits. In support of said application the applicant shall cause to be sent directly to the Secretary affidavits by three attorneys in good standing who have for five years been admitted to practice law. These affidavits must be to the effect that each affiant is acquainted with the applicant and should state the extent and duration of the association, the frequency of contact, the opportunity of observing and knowing the demeanor, habits, character, associates of and conduct of the applicant, the type of such associates, and generally the background, standing and position in life of the applicant, and that the applicant has a good character and reputation where the applicant resides and enjoys the confidence and respect of the general public. Each such affidavit shall state whether the affiant's appraisal of the applicant is based upon personal knowledge or upon inquiry.

F. Re-Examination. Every applicant who is qualified and desires to repeat any part of the academic portion (see Rule VI(B)) of the bar examination shall file a Reapplication for Admission to the Alabama State Bar. The reapplication shall be accompanied by the amount prescribed in item (3) of the Fee Schedule (see Appendix). The reapplication shall be filed in the office of the Secretary within the deadlines as specified under the provisions of this rule as they pertain to the examination such applicant desires to take. In those instances where the running of the deadline under this rule occurs before notification is given of the failure of any part of the examination, thus precluding compliance with the deadline by unsuccessful examinees, the deadline shall extend for a period of 10 days from the date of the release of results of the examination.

G. Postponement of Examination. Applicants seeking to postpone their submission to the Alabama State Bar examination shall be permitted to do so upon payment of a fee of \$100.00 to the Alabama State Bar. A written notice of postponement and the \$100.00 fee must be received by the Alabama State Bar at least seven days in advance of the commencement of the examination.

Any applicant who has not made an appropriate postponement at least seven days in advance of the commencement of the examination shall be deemed to have forfeited the entire examination fee if the applicant fails to take the examination for which application has been made.

Any postponement made in accordance with the provisions of this section shall be effective only until the examination immediately following the examination from which the applicant is postponing. All applicants who have postponed their submission to examination may file a reapplication for the next examination. Any applicant who has postponed his or her submission to examination and who does not reapply and sit for the examination immediately following the postponed examination shall be deemed to have forfeited the entire examination fee.

H. Application Fees Nonrefundable. Any fee required with an application filed pursuant to these Rules shall be nonrefundable.

[Amended eff. 8-1-96; Amended eff. 1-11-2013; Amended eff. 1-19-2017; Amended eff. 10-5-2018; Amended 2-21-2020, eff. 10-1-2020; Amended eff. 10-21-2024.]

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So. 3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So. 3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from 252 So. 3d.

Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So. 3d.

Note from the reporter of decisions: The order amending Rule II.C.(2) and Rule VI.(B), Rules Governing Admission to the Alabama State Bar, and Rule 2.C.2, Rules for Mandatory Continuing Legal Education, effective October 21, 2024, is published in that volume of *Alabama Reporter* that contains Alabama cases from _So.3d.

Rule III. Persons Entitled to Admission Without Examination.

A. Reciprocity. No person shall be admitted to the Alabama State Bar without examination except as follows:

(1) An applicant who meets the requirements of paragraphs (a) through (k) of this rule may, without examination, be admitted to the practice of law in Alabama. The applicant shall

(a) have been admitted to practice law in another state, territory, or the District of Columbia;

(b) hold a first professional degree in law (J.D. or L.L.B.) from a law school that was on the approved list of the American Bar Association at the time the degree was conferred;

(c) have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the six years immediately preceding the date upon which the application is filed;

(d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, or in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from Alabama a similar accommodation as set forth in this rule;

(e) establish that the applicant is currently a member in good standing in all jurisdictions where he or she is admitted;

(f) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(g) establish that the applicant possesses the character and fitness to practice law as determined by the Committee on Character and Fitness under Rule V of these Rules;

(h) establish that the applicant has not, within the 10 years prior to making application, taken and failed the Alabama Bar examination;

(i) be a permanent resident of the State of Alabama at the time of application or certify his or her intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in this State. The "primary practice of law" shall mean at least 75% of the time devoted to the practice of law will be conducted in this State;

(j) have taken and achieved a score of 75 or better on the Multi-State Professional Responsibility Examination (MPRE); and

(k) have complied with the requirements of Rule I and paid the fee prescribed in item (4) of the Fee Schedule

(2) For the purposes of this rule, the "active practice of law" under paragraph A(1)(c) shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under A(2)(e) and (f) that were performed within Alabama in advance of Bar admission here be accepted toward the durational requirement:

(a) Representation of one or more clients in the practice of law;

(b) Service as a lawyer with a local, state, territorial, or federal agency, including military service;

(c) Teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(d) Service as a judge in a federal, state, territorial, or local court of record;

(e) Service as a judicial law clerk; or

(f) Service as corporate counsel.

(3) For the purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

(4) Teachers in a law school situated in this State and accredited by the American Bar Association, who have been full-time teachers at said law school for a period of not less than three consecutive calendar years prior to the date of their application and who satisfy the requirements of paragraphs A(1)(a), (b), and (d)-(k) may be admitted to the practice of law in Alabama. All such applicants shall give proof of the qualifications prescribed herein, which shall be certified to by the dean of the law school at which they teach.

(5) A spouse of a service member in the United States Uniformed Services, as defined by the United States Department of Defense, who is serving on military orders for duty within this State of more than 180 days (that is, Permanent Change of Station (PCS) orders or Temporary Duty (TDY or TEMDU) orders for a period of more than 180 days, or the equivalent thereto) may be admitted to the practice of law in Alabama pursuant to this rule, but need not satisfy the requirements of paragraphs A(1)(c) and (d). All such applicants shall give proof of the qualifications prescribed herein.

(6) If the applicant is found to satisfy all the requirements of this rule, the Secretary shall certify such fact to the Board of Commissioners and to the clerk of the Alabama Supreme Court.

B. Application and Fees. The Secretary is authorized and empowered to prepare the necessary forms of application and affidavits to effectuate the purpose of this rule. Those who seek admission under provisions of this rule must make application for admission to practice law, as other applicants are required to do by these Rules and any associated regulations. Any fee required with an application filed pursuant to this rule shall be nonrefundable.

[Amended 8-31-93; Amended eff. 1-1-94; Amended eff. 9-25-2006; Amended eff. 1-11-2013; Amended eff. 1-19-2017; Amended eff. 10-5-2018; Amended eff. 1-30-2020.]

Note from the reporter of decisions: The order amending Rule III and the Fee Schedule, Rules Governing Admission to the Alabama State Bar, effective September 25, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 939 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So.3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from_ So.3d.

Note from the reporter of decisions: The order amending Rule III.A, effective January 30, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from So. 3d.

Rule IV. Persons Entitled to Admission by Examination.

A. General Requirements. Any person who is at least 19 years of age, and who has complied with the requirements of Rule I, is entitled to be examined for admission to the Alabama State Bar, at any examination held as prescribed by these Rules, upon proof that he or she has complied with the education requirements set out in this rule.

B. Education Requirements.

(1) Proof of Prelegal Education.

(a) An applicant who has graduated from a law school that was not on the approved list of the American Bar Association at the time of the applicant's graduation shall give proof that he or she has met the following prelegal education requirements:

(i) that the applicant has received a baccalaureate degree from a university or college that, at the time of the applicant's graduation, appeared on the approved list of any accrediting agency recognized by the United States Department of Education, or that meets substantially the same standards required for appearing on the approved list of such agency; and

(ii) that the degree was received before the applicant entered law school.

(b) An applicant who has graduated from a law school that was on the approved list of the American Bar Association at the time of the applicant's graduation shall not be required to give proof that he or she has met the prelegal education requirements set out in paragraph (a), unless such proof is required by the Committee on Character and Fitness.

(c) An applicant who has graduated from a program awarding a law degree at a university or college that, at the time of the applicant's graduation, was located outside the United States and its territories shall not be required to give proof that he or she has met the prelegal education requirements set out in paragraph (a) of this subsection.

(2) Proof of Legal Education. An applicant shall make proof of legal study by filing with the Secretary a certificate or certificates from the dean or deans of one or more law schools, from which it shall appear that the applicant has completed legal study conforming to and fulfilling the following requirements:

(a) That the applicant has pursued and satisfactorily completed, as a resident student in a law school or law schools, a course of law studies that extended for at least 3 academic years of at least 30 weeks each; that the applicant has graduated from such a law school; and that at the time of the applicant's graduation the school from which the applicant graduated was approved by the American Bar Association or the Association of American Law Schools; or

(b) That the applicant has pursued and satisfactorily completed, as a resident student at Birmingham School of Law, Jones School of Law of Faulkner University before June 11, 2006, the date on which Jones School of Law was provisionally accredited by the American Bar Association, or Miles College of Law, (1) a course of law studies that extended for at least 4 academic years of at least 30 weeks each or (2) a course of full-time law studies that extended for at least 3 academic years of at least 30 weeks each; that the applicant has graduated from one of these law schools; and that at the time of the applicant's graduation the school has been continuously located and has remained in continuous operation in the county in which it was operating on August 30, 1995.

For purposes of determining whether a student is engaged in "full-time law studies" so as to be able to complete those studies in 3 academic years of at least 30 weeks each the following shall apply:

(i) An academic year shall consist of not fewer than 130 class days, which days shall extend into no fewer than 8 calendar months. A class day is a day on which classes are regularly scheduled throughout the day. Time for reading periods, examinations, or other activities may not be counted for purposes of meeting this 130-class-day requirement. A day on which classes are not scheduled throughout the day is not a "class day" for purposes of determining whether a student is engaged in "full-time law studies."

(ii) An academic year shall consist of not fewer than 130 class days, which days shall extend into no fewer than 8 calendar months. A class day is a day on which classes are regularly scheduled throughout the day. Time for reading periods, examinations, or other activities may not be counted for purposes of meeting this 130-class-day requirement. A day on which classes are not scheduled throughout the day is not a "class day" for purposes of determining whether a student is engaged in "full-time law studies."

(iii) The law school shall require that a student pursuing full-time law studies be enrolled for at least 10 semester hours of credit, and in each semester the student must receive credit for 9 hours in order to be considered a student pursuing full-time law studies.

(iv) The law school may permit a student pursuing full-time law studies to graduate in fewer than six academic semesters by earning not more than one semester of credit hours by taking courses offered by the law school during a summer session, provided the student meets the class-hour requirements; or

(c) That the applicant has pursued and satisfactorily completed as a resident student at a law school located outside the State of Alabama, but within the United States or one of its territories, that, as of the date of the applicant's graduation, had not been approved by the American Bar Association, a course of law studies that extended for at least 4 academic years of at least 30 weeks each, and is a graduate of that law school; that the applicant has been admitted to the practice of law before the court of highest jurisdiction in the state or other jurisdiction in which that law school is located; that the applicant has, after the applicant's admission to practice law before the court of highest jurisdiction in that state or other jurisdiction, been continuously engaged in the active practice of law for at least 5 years; and that the applicant is a member in good standing of the bar of that court of highest jurisdiction; provided, however, that an applicant may qualify under this paragraph (c) only if the state or other jurisdiction in which is located the law school from which the applicant graduated extends comity to graduates of Birmingham School of Law and Miles College of Law and to graduates of Jones School of Law of Faulkner University before June 11, 2006, who seek admission to the bar of that state or jurisdiction, and graduates of those schools are permitted to seek admission to the bar of that state or jurisdiction on terms and conditions no more onerous than those imposed on the applicant by this paragraph (c); or

(d) That the applicant has pursued and satisfactorily completed a law-degree program of a university or college that, at the time of the applicant's graduation, was located outside the United States and its territories and was approved in that foreign jurisdiction and that the applicant has been admitted to the practice of law in the jurisdiction in which that university or college is located and (i) that the law degree program completed by the applicant includes a substantial component of the study of English common law; or (ii) that the applicant has satisfactorily completed at least 24 semester hours of legal studies in subjects covered by the bar examination in regular law-school classes, under the same standards and conditions as are applied to other students, at a law school that was then on the approved list of the American Bar Association; or (iii) that the applicant has been admitted to the practice of law before the court of highest jurisdiction in a state or other jurisdiction within the United States, that the applicant has, after such admission, been continuously engaged in the active practice of law for at least 3 years in a state or other jurisdiction within the United States, and that the applicant is a member in good standing of the bar of that court of highest jurisdiction.

C. Certification of Eligibility

If the applicant is entitled to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Committee on Character and Fitness of the Alabama State Bar does hereby certify that _____, who has satisfied the applicable requirements of the Rules Governing Admission to the Alabama State Bar, is entitled to take the examination for admission to the Alabama State Bar to be administered on _____ at _____.

BY: -----

Secretary, Board of Commissioners
Alabama State Bar

Such certification shall be presented and verified before such applicant enters upon the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been presented and verified. The Secretary, upon issuing or refusing to issue the said certificate, shall preserve in his or her office a record of the fact that such certificate was or was not issued and the date of such action, and shall preserve in his or her office said application with the papers attached thereto and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar, or for investigation and examination of the record by any person entitled thereto.

D. Limitation on Examinations. The number of times an applicant may be examined for admission to the Alabama State Bar shall be unlimited.

[Amended eff. 4-28-93; Amended eff. 1-6-94; Amended eff. 1-1-96; Amended eff. 1-5-2001; Amended eff. 11-6-2006; Amended eff. 10-19-2011; Amended eff. 1-11-2013; Amended eff. 10-5-2018; Amended 2-21-2020, eff. 10-1-2020.]

Note from the reporter of decisions: The order amending Rule IV.B.(2)(b), effective January 5, 2001, is published in that volume of *Alabama Reporter* that contains Alabama cases from 776 So.2d.

Note from the reporter of decisions: The order amending Rule IV.B., Rules Governing Admission to the Alabama State Bar, effective November 6, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 944 So.2d.

Note from the reporter of decisions: The order amending Rule IV.B.(2)(d), Rules Governing Admission to the Alabama State Bar, is published in that volume of *Alabama Reporter* that contains Alabama cases from 70 So.3d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from 252 So.3d.

Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So.3d.

Rule V. Committee on Character and Fitness.

A. Establishment of Committee. For the purpose of determining the fitness, character, and qualifications of applicants who desire to be admitted to the practice of law in the State of Alabama there is hereby created the Committee on Character and Fitness of the Alabama State Bar. The Committee on Character and Fitness may be divided into as many panels as may be necessary to carry out the duties of the Committee. Each panel of the Committee on Character and Fitness shall be composed of three lawyers appointed by the president of the Alabama State Bar and shall be known as a "Committee on Character and Fitness."

B. Duties of Committee. The Committee on Character and Fitness is hereby charged with the power, duty, and responsibility of determining the age, the character and fitness, and the educational qualifications of each applicant for admission to the Bar of Alabama. To that end, the Committee may make such investigation as it sees fit, may require the production before it of any affidavits deemed by it to have any bearing upon these questions, and may require the applicant to appear in person before it and be by it examined. The vote of a majority of the members of a Committee on Character and Fitness, if in meeting assembled, shall constitute the action of the Committee.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the Committee on Character and Fitness that the applicant possesses such character and qualifications as to justify the applicant's admission to the Bar and to qualify the applicant to perform the duties of an attorney and counselor at law. The failure of the applicant to fully and accurately comply with any request to produce documents or to appear personally before the Committee or to fully and accurately provide such other information as reasonably may be requested by the Committee shall be a sufficient ground to deny approval of the application.

When, but not until, a majority of the Committee is reasonably satisfied as to the applicant's character and fitness and that the applicant is of the proper age and possesses the educational qualifications now or hereafter prescribed as provided by law, the Committee shall endorse its approval on the application, and the application and all papers accompanying it shall remain on file in the Secretary's office.

If an applicant for admission by examination has passed the Academic Bar Examination and is required to appear in person before the Committee on Character and Fitness, the Committee shall hold a hearing on the application no later than 60 days after the release of the results of the examination, unless otherwise stipulated to by the applicant and the Committee. If the Committee declines to approve an application for admission, it shall hold a rehearing on the application, the date of which shall not be more than 180 days after the date of denial, unless otherwise stipulated to by the applicant and the Committee. A rehearing shall not be required if the applicant prevails on appeal or if an appeal is pending in accordance with these Rules. Notwithstanding any other provision of these Rules, any applicant for admission by examination must receive approval of the Committee on Character and Fitness within 25 months from the date of the passed Academic Bar Examination.

An applicant for admission by examination who has received approval of the Committee on Character and Fitness, whether or not the applicant appeared in person before the Committee, and who fails or withdraws from an Academic Bar Examination must submit an application for any subsequent examination in accordance with these Rules.

From a ruling of the Committee on Character and Fitness declining to approve the application for registration as a law student or declining to approve the application for admission to the State Bar or making any finding or ruling adverse to any applicant, an appeal shall lie to the Disciplinary Board of the Alabama State Bar (which, when acting in such capacity, shall be referred to as the "Character and Fitness Appeal Board"), if notice of appeal is filed with the Secretary within 30 days after the applicant has been notified of the action of the Committee. Such appeal shall be heard, de nova, within 30 days after the filing of the notice of appeal or at such time as agreed upon by stipulation between the appellant and the General Counsel of the Alabama State Bar. An appeal from a ruling of the Character and Fitness Appeal Board to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the clerk of the Supreme Court of Alabama within 30 days after the decision of the Character and Fitness Appeal Board. The record on appeal shall be prepared in accordance with the provisions of Rule 12(f), Rules of Disciplinary Procedure of the Alabama State Bar.

The members of the Committee on Character and Fitness may separately and without assembling in meeting consider any application that is required by these Rules to be submitted to such Committee, together with the data submitted in support of such application, and may endorse upon such application their approval or disapproval thereof; unanimous action of all the members of the Committee, so taken, shall constitute valid action of the Committee, but if such action is not unanimous, the Committee, or a majority thereof, shall further consider and act upon such application in a meeting assembled.

C. Determination of Committee and Disposition of Fees Notwithstanding any other provision of these Rules, an applicant whose application is denied by the Committee on Character and Fitness and who does not prevail on rehearing or appeal of such denial shall forfeit all fees paid in conjunction with the filing of said application.

[Amended eff. 1-11-2013; Amended 1-12-2015; Amended eff. 1-19-2017; Amended eff. 10-5-2018; Amended 2-21-2020, eff. 10-1-2020.]

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule V, effective January 12, 2015, is published in that volume of *Alabama Reporter* that contains Alabama cases from 154 So.3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So.3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from 252 So.3d.

Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So.3d.

Rule VI(A). Board of Bar Examiners

A. Creation of Board. In accordance with the provisions of Act No. 436 of the Legislature of Alabama of 1949, approved August 23, 1949 (§ 34-3-2, Code of Alabama 1975), there is hereby created a Board of Examiners on admission to the Alabama State Bar, which Board shall hereafter be designated and known as the Board of Bar Examiners.

B. Composition of the Board. Unless a different number is set by the Board of Commissioners of the Alabama State Bar, the Board of Bar Examiners shall consist of no more than 25 members who are residents of the State of Alabama and who are licensed attorneys of the Bar of this State, provided that no attorney shall be permitted to serve concurrently as a member of the Board of Commissioners and as a member of the Board of Bar Examiners. One examiner shall be designated by the Board of Commissioners as chair of the Board of Bar Examiners. The members of the Board of Bar Examiners shall hold office at the pleasure of the Board of Commissioners and may be removed from office with or without cause by a majority vote of those present at any meeting of the Board of Commissioners where a quorum is present. However, no member of the Board of Bar Examiners may serve more than four consecutive years without the prior approval of the Board of Commissioners.

C. Vacancies. Any vacancy on the Board of Bar Examiners shall be filled by the Board of Commissioners. Interim appointments for no more than one exam may be made by the chair with the approval of the executive committee of the Board of Commissioners.

D. Reimbursement of Expenses of Members. Each member of the Board of Bar Examiners and the committees thereof shall be reimbursed for reasonable and necessary traveling and other expenses incident to the discharge of their duties. The members of the Board of Bar Examiners shall submit statements for expenses on forms provided by the Secretary.

E. Organization and Authority of the Board. The chair shall supervise and direct the activities of the Board of Bar Examiners in accordance with such rules as are promulgated for the Board of Bar Examiners. The Secretary of the Board of Commissioners, or his or her designee, shall serve as secretary ex-officio. The Board of Commissioners shall assign the members of the Board of Bar Examiners to either the Governance Committee or the Grading Committee.

When a quorum is present, a vote of the majority of those present at any meeting of the Board of Bar Examiners Governance Committee shall constitute the action of the Board.

The Board of Bar Examiners Governance Committee shall direct the examination of applicants for admission to the Bar of Alabama as may be certified to the Board under these Rules and perform such other duties as may be required of it by the Board of Commissioners. Each member of the Board of Bar Examiners Grading Committee shall receive such compensation as the Board of Commissioners shall from time to time establish.

The Board of Bar Examiners Governance Committee shall direct the Committee on Character and Fitness for the purposes set forth in Rule V and shall appoint and direct the Online Curriculum Committee for the purposes set forth in Rule VI(B).

F. Time and Place of Meeting. The Board of Bar Examiners Governance Committee shall direct the administration of an examination for admission to the Bar at least twice each year as provided in Rule VI(B)F. The Board of Bar Examiners Governance Committee shall meet at the call of the chair or a majority of the Board of Bar Examiners.

[Adopted 5-08-2001; Amended eff. 1-11-2013; Adopted 2-21-2020, eff. 10-1-2020.]

Note from the reporter of decisions: The order amending Rule VI and adopting Rule VI(A) and Rule VI(B), effective May 8, 2001, is published in that volume of *Alabama Reporter* that contains Alabama cases from 785 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from_ So.3d.

Note from the reporter of decisions: The order amending Rule VI(A), Rules Governing Admission to the Alabama State Bar, effective July 1, 2025, is published in that volume of *Alabama Reporter* that contains Alabama cases from_ So.3d.

Rule VI(B). Bar Examination.

A. Bar Examination Subjects.

(1) *Academic Bar Examination.* The Academic Bar Examination shall consist of the Uniform Bar Examination ("the UBE"). The UBE is prepared by the National Conference of Bar Examiners and includes the Multistate Essay Examination ("the MEE"), the Multistate Performance Test ("the MPT"), and the Multistate Bar Examination ("the MBE").

(2) *Legal Ethics Examination.* The Multistate Professional Responsibility Examination ("the MPRE," see Rule VI(B)E) prepared by the National Conference of Bar Examiners shall be used as the examination on Legal Ethics and Professional Responsibility.

An applicant must pass both the Academic Bar Examination and the Legal Ethics Examination to be certified as a successful candidate.

(3) *Course on Alabama Law.* Before being admitted to the practice of law in Alabama, all applicants shall complete a course on Alabama law, the content and delivery of which shall be determined by the Board of Bar Examiners. The Online Curriculum Committee of the Board of Bar Examiners shall be responsible for regular reviews of the course on Alabama law and shall report any substantive changes to the Board of Bar Examiners. The course on Alabama law shall be completed within 60 days of the last day of the most recent bar examination taken by the applicant or the applicant shall incur a late penalty equivalent to the current year's annual dues required for those lawyers with an occupational license. The late fee shall be assessed only one time and, once assessed, shall not be assessed again if the applicant is required to take additional bar examinations.

B. Preparing, Conducting, and Grading Examinations.

(1) *Preparing Examinations.* The MBE, the MEE, and the MPT will be prepared by the National Conference of Bar Examiners, which shall determine the contents of those examinations and test.

(2) *Conducting Examinations.* The Board of Bar Examiners shall have the right, power, and authority to adopt rules consistent with the laws of the State of Alabama or orders of the Supreme Court or the Board of Bar Commissioners governing the control, methods, and details of conducting examinations.

The Secretary of the Alabama State Bar, at the time an applicant is certified to the Board of Bar Examiners under these Rules, shall issue to the applicant a card containing a personal-identification number, the purpose and use of which shall be carefully explained to the applicant. The Secretary shall preserve a duplicate of that number in the Secretary's office. When taking the MEE and the MPT, the applicant may not sign his or her name to or upon any paper or documents, or identify his or her examination answers other than by that number or by such method as is required by the National Conference of Bar Examiners to identify UBE scores, and is forbidden to disclose that number to any member of the Board or to any other person. If any applicant violates this requirement in any particular, the Board of Bar Examiners shall not consider the applicant's examination papers, and if it be discovered that disclosure of the number was made, the applicant shall be subject to disciplinary action for deceit and misrepresentation. This requirement shall again be called to the attention of the applicant by the Board of Bar Examiners before the applicant is permitted to begin the examination.

The express purpose of the immediately preceding paragraph is to provide a method by which the Board of Bar Examiners, in passing upon the sufficiency of answers to questions propounded by it, shall be unacquainted with the identity of the person whose answers it is passing upon.

(3) *Grading Examinations.* MEE and MPT questions will test the applicant's ability to reason logically, to analyze legal problems accurately, to demonstrate a knowledge of the fundamental principles of law, to be able to apply those principles, and to perform basic legal tasks. The grade of the paper shall be measured by the reasoning power shown as well as by the correctness or incorrectness of the answers. Answers to MEE questions shall be analyzed and graded using the model answers provided by the National Conference of Bar Examiners and according to general principles of law. MEE and MPT questions will be scored by the Board of Bar Examiners.

Using the personal-identification numbers assigned to identify the respective applicants, the Board of Bar Examiners shall certify final grades to the Secretary of the Alabama State Bar no later than April 15 following a February examination and September 15 following a July examination.

The Secretary shall make a permanent record in the Secretary's office of the grades attained by each examinee in each subject and shall inform each examinee whether he or she has passed or failed the examination.

Each examinee will be furnished the following information at the time examination results are released: his or her MBE scaled score, total scaled score on written examinations (MEE and MPT), total UBE scaled score, and the raw score on each question on the MEE and the MPT.

Within 60 days after the announcement of the results, a failing examinee shall be entitled to examine his or her own papers in the State Bar headquarters for the purpose of ascertaining that grades were transcribed correctly, and, upon payment of \$5.00 per section of the MEE or the MPT, the examinee shall be entitled to receive a copy of his or her answer or answers. The UBE questions and model answers are protected by copyright owned by the National Conference of Bar Examiners, and examinees should contact the National Conference of Bar Examiners to obtain copies of those.

C. Results of Examinations.

(1) *Basic Rule.* Raw scores on the MEE and the MPT portions of the UBE shall be weighted so that the MEE is worth 30% and the MPT is worth 20%. The total weighted raw score on the MEE and the MPT combined shall be scaled to the MBE. The applicant's scaled score on the MEE and the MPT portions of the UBE shall be expressed on the MBE range of scores (0-200) and shall be combined and weighted equally with the applicant's scaled MBE score to determine the examinee's total UBE scaled score. An examinee who achieves a total UBE score of 260 or above passes the Academic Bar Examination.

(2) *Transfer of MBE Score.* An applicant who has taken and passed a bar examination in another jurisdiction, who has been admitted to practice in that jurisdiction, and who made an MBE scaled score 140 or above in that jurisdiction may be excused from taking the MBE. The transferred MBE score will be valid for a period of 36 months after taking the MBE on which the transferred score was received. The applicant's transferred MBE score will be combined with the applicant's scaled scores on the MEE and the MPT portions of the UBE according to the basic rule. Applicants who transfer an MBE score to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the scores of all sections will be combined under the basic rule.

(3) *Carryover of MBE Scores.* An applicant who has taken and failed the bar examination in Alabama but who made an MBE scaled score of 140 or above may be excused from taking the MBE. The MBE scaled score may be carried over to any future examination for which the examinee is eligible, provided that the examination is administered within 36 months after the earlier bar examination in which the applicant scored 140 or above on the MBE was administered, and the MBE scaled score will be combined with the applicant's scaled score on the MEE and the MPT portions of the UBE according to the basic rule. Applicants who carry over an MBE score from an earlier bar examination to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the scores of all sections will be combined under the basic rule.

(4) *Carryover of Written Test Score.* Carryover of Written Test Score. An applicant who has taken and failed the bar examination in Alabama, but who made a scaled score of 140 or above on the MEE and the MPT portions of the UBE, as determined in accordance with the basic rule, may be excused from taking those portions of the bar examination that contribute to the scaled written score on the MEE and the MPT. The scaled written score may be carried over for any future bar examination for which the examinee is eligible, provided that the examination is administered within 36 months after the earlier bar examination in which the carry-over score was received, and the scaled written score will be combined with the applicant's MBE score according to the basic rule. Applicants who carry over a scaled score on the MEE and the MPT to seek admission in Alabama will not earn a transferable UBE score that can be used to seek admission in other jurisdictions.

The applicant shall have the option to take all sections of the Academic Bar Examination; if the applicant chooses this option, the scores of all sections will be combined under the basic rule.

(5) *Time of Election to Transfer or Carry Over Scores.* Elections regarding the transfer from another jurisdiction of an MBE score or the carryover of an MBE score or the carryover of a scaled written score on the MEE and the MPT from a previous examination taken in Alabama must be made at the time an application to sit for an examination is filed.

(6) *Transfer of UBE Score.* An applicant who has taken the entire UBE in a single administration in another jurisdiction and earned a total UBE scaled score of 260 or above may transfer his or her UBE score and be excused from taking the UBE in Alabama, provided that the applicant otherwise satisfies the requirements of these Rules applicable to applicants seeking admission by examination. The transferred UBE score will be valid for a period of no longer than 36 months after the date of administration of the UBE that resulted in the transferred score.

Applicants seeking admission on the basis of a transferred UBE score may file an application for admission to the Alabama State Bar at any time after their UBE score has been released by the transferring jurisdiction. At the time of filing such application, the applicant must pay the fee prescribed in item (5) of the Fee Schedule (see Appendix). No later than the date the application is filed, such applicants shall request an official UBE score transcript be sent to the Board of Bar Examiners by the National Conference of Bar Examiners.

The transferred UBE score must be valid in accordance with the provisions of this subsection on the date the applicant may otherwise be certified for admission to the Alabama State Bar. If the transferred UBE score becomes invalid on or before said date, then the application for admission shall be withdrawn, and the applicant shall not be entitled for admission on such application.

D. Access to Information Regarding the UBE. The Board of Bar Examiners shall make available to applicants sample and informational materials that will acquaint applicants with the general content and format of the MBE, the MEE, and the MPT. This requirement may be met by routinely distributing to all applicants the information booklets on these examinations published by the National Conference of Bar Examiners and by advising applicants of the availability, through the National Conference of Bar Examiners, of sample questions and analyses. A reasonable fee, to be determined by the Board of Bar Examiners with the concurrence of the Board of Bar Commissioners, may be charged to parties outside the routine distribution who request copies of the materials.

E. The MPRE. The MPRE. Before admission to the Bar, each applicant must have successfully passed the MPRE. To successfully complete the MPRE, the applicant must achieve a scaled score of at least 75, as that score is determined by the testing authority. Successful completion of the MPRE by an applicant for admission by examination at any time within the 36 months preceding the Academic Bar Examination will be accepted. If an applicant has passed the Academic Bar Examination but has not successfully completed the MPRE, he or she shall have a period of 36 months from the date of the Academic Bar Examination in which to successfully complete the MPRE. Applicants who transfer a UBE score from another jurisdiction must successfully complete the MPRE no earlier than 36 months before the date of administration of the UBE in which the transferrable UBE score was earned.

Completed application materials for testing, as well as all other correspondence, inquiries, and requests concerning application materials and the administration and processing of the MPRE should be directed to the National Conference of Bar Examiners.

F. Time of Bar Examination. The examination will be given on Tuesday and Wednesday of that week in February and in July on which the UBE is administered. The MPT and the MEE will be on Tuesday, and the MBE on Wednesday.

[Adopted 5-8-2001; Amended 3-2-2011, eff. 5-1-2011; Amended eff. 1-11-2013; Amended eff. 8-15-2013; Amended eff. 1-19-2017; Amended eff. 10-5-2018; Amended 2-21-2020, eff. 10-1-2020; Amended eff. 10-21-2024.]

Note from the reporter of decisions: The order amending Rule VI(B), Rules Governing Admission to the Alabama State Bar, is published in that volume of *Alabama Reporter* that contains Alabama cases from 53 So.3d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule VI(B), Rules Governing Admission to the Alabama State Bar, is published in that volume of *Alabama Reporter* that contains Alabama cases from 118 So.3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So.3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from 252 So.3d.

Note from the reporter of decisions: The order amending Rule II.B, Rule IV.C, Rule V.B, Rule VI(A), and Rule VI(B)A(3), effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So.3d.

Note from the reporter of decisions: The order amending Rule II.C.(2) and Rule VI(B), Rules Governing Admission to the Alabama State Bar, and Rule 2.C.2, Rules for Mandatory Continuing Legal Education, effective October 21, 2024, is published in that volume of *Alabama Reporter* that contains Alabama Cases from _ So.3d.

Rule VII. Admission of Foreign Attorneys Pro Hac Vice.

A. Appearance of Foreign Attorneys Pro Hac Vice Permitted; Exceptions.

An attorney or counselor-at-law who is not licensed in good standing to practice law in Alabama, but who is currently a member in good standing of the bar of another state, the District of Columbia, or other United States jurisdiction (hereinafter called a foreign attorney) and who is of good moral character and who is familiar with the ethics, principles, practices, customs, and usages of the legal profession in the State of Alabama, may appear as counsel pro hac vice in a particular case before any court or administrative agency in the State of Alabama upon compliance with this rule (for purposes of this rule, an administrative agency is any board, bureau, commission, department, hearing officer, or other administrative office or unit of the State). However, except as provided in Rule VII.I., no foreign attorney is eligible to appear as counsel pursuant to this rule if that attorney (a) is a resident of the State of Alabama, or (b) is regularly employed in the State of Alabama, or (c) is regularly engaged in substantial business, professional, or other activities in the State of Alabama.

For the purposes of this rule, "pro bono counsel" is a foreign attorney who will not charge a fee and who is involved in a capital case or a postconviction proceeding for an indigent criminal defendant, hereinafter referred to as a "pro bono case."

B. Foreign Attorney Appearing Pro Hac Vice Subject to Local Jurisdiction.

A foreign attorney appearing as counsel pro hac vice before any court or administrative agency of the State of Alabama shall be subject to the jurisdiction of the courts of this State in any matter arising out of the attorney's conduct in such proceedings. The attorney shall be familiar with and shall comply with the standards of professional conduct required of members of the Alabama State Bar and shall be subject to the disciplinary jurisdiction of the courts of this State, of the disciplinary tribunals of the Alabama State Bar, and of the Board of Commissioners of the Alabama State Bar with respect to any acts occurring during the course of the attorney's appearance. By applying for pro hac vice admission, a foreign attorney authorizes the Alabama State Bar to report all information whatsoever regarding any discipline imposed in this State against the attorney, whether by the Bar or any court, to all jurisdictions in which the attorney holds a license to practice law. The court or agency may examine the foreign attorney to satisfy the court or agency that the foreign attorney is aware of and will observe the ethical standards required of attorneys in this State. If the court or agency is not satisfied that the foreign attorney is reputable and will observe the ethical standards required of attorneys in this State, the court or agency may in its discretion revoke the authority of the attorney to appear.

C. Association of Local Counsel. No foreign attorney may appear pro hac vice before any court or administrative agency of this State unless the attorney has associated in that cause an attorney who is a member in good standing of the Alabama State Bar (hereinafter called "local counsel"). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel shall personally appear and participate in all pretrial conferences, hearings, trials, and other proceedings conducted in open court, unless specifically excused from such appearance by the court or administrative agency. Local counsel associating with a foreign attorney in a particular case shall thereby accept joint and several responsibility with the foreign attorney to the client, to opposing parties and counsel, and to the court or administrative agency in all matters arising from that particular cause. Pro bono counsel need not associate local counsel, but the judge may require pro bono counsel to provide a referral letter from a local attorney.

D. Verified Application. In order to appear as counsel before a court or administrative agency in this State, a foreign attorney shall file with the court or agency where the cause is pending a verified application for admission to practice, together with proof of service by mail, in accordance with the Alabama Rules of Civil Procedure, of a copy of the application and of the notice of hearing upon the Alabama State Bar at its Montgomery, Alabama, office. In the event application is made before any defendant in an action has appeared, a copy of the application and notice must also be served upon such defendant. The copy of the application and the notice of hearing served upon the Alabama State Bar shall be accompanied by a nonrefundable \$300 filing fee. The notice of hearing shall be given at least 21 days before the time designated for the hearing, unless the court or agency has prescribed a shorter period.

Upon receipt of any application for admission, the Alabama State Bar shall file with the court or agency and serve upon all counsel of record, or upon any parties not represented by counsel, and upon the applicant, before the scheduled hearing date, a statement indicating whether the applicant or other attorney members of the firm with which he or she is associated have previously made any application for admission, the date of such application, and whether it was granted. No application shall be granted before this statement of the Alabama State Bar has been filed with the court or agency. Once this statement is received, the court or administrative agency shall issue an order granting or denying the application. A copy of each order granting or denying an application shall be mailed by the local counsel to the Alabama State Bar at its Montgomery, Alabama, office.

Pro bono applications need not be accompanied by a filing fee and must be filed no later than the first occasion on which pro bono counsel files any pleading or paper with the court or otherwise personally appears. No hearing on a pro bono application is required. No statement from the Bar is required for pro bono applicants, but a copy of the verified application still must be filed with the Bar.

E. Form of Application. The application required by this rule for a foreign attorney other than pro bono counsel shall be on a form approved by the Alabama State Bar and shall state: (1) the applicant's residence; (2) the court or courts to which the applicant has been admitted to practice and the date or dates of admission; (3) that the applicant is a member in good standing of such court or courts (with such exceptions as may be the case); (4) that the applicant is not currently suspended or disbarred from practice in any court (stating exceptions); (5) the title of the court and cause in which the applicant or any member of the firm of attorneys with which the applicant is associated has filed an application for admission as counsel under this rule in this State in the preceding three years, the date of each application, and whether it was granted; (6) the name, address, and telephone number of local counsel who is attorney of record; and (7) the name of each party and the name and address of counsel of record who appeared for that party. The applicant shall also provide such other information and statements as may be called for by the form. A separate application form has been approved for pro bono counsel.

The application forms for foreign attorneys wishing to appear pro hac vice, including the form for pro bono counsel, may be obtained from PHV Admissions, Alabama State Bar, P.O. Box 671, Montgomery, AL 36101 (334-269-1515), or from the Alabama State Bar's Web site: www.alabar.org or by e-mailing the PHV Admissions at PHV@alabar.org.

Before any application is granted, in cases where local counsel is required, local counsel must appear as attorney of record in the particular cause or must consent in writing to the association.

The granting or denial of an application for admission as counsel pursuant to this rule is discretionary with the court or administrative agency before which the application is made. A trial or appellate court may, in a particular proceeding pending before it, deny an application for admission as pro bono counsel pursuant to this rule only where the applicant's conduct as a lawyer, including conduct in proceedings in Alabama in which the applicant has appeared pro hac vice and conduct in other jurisdictions in which the lawyer has practiced, raises reasonable doubt that the lawyer will comply with the Alabama Rules of Professional Conduct and other rules and law governing the conduct of lawyers who appear before the courts of Alabama.

Absent special circumstances, repeated appearances by any person or firm of attorneys, other than pro bono counsel, pursuant to this rule shall be cause for denial of an application. In any case, other than a pro bono case, where the foreign attorney has entered an appearance pro hac vice in 5 cases within the preceding 12 months, the court or administrative agency shall examine the foreign attorney to establish good cause for according such privilege, including facts or circumstances affecting the personal or financial welfare of the client and not the attorney. Such facts may include, but are not limited to, the following: (1) a showing that the cause involves a complex field of law in which the foreign attorney is a specialist, (2) a long-standing attorney-client relationship, (3) lack of local counsel with expertise in the field involved, (4) the existence of legal questions involving the law of a jurisdiction in which the foreign attorney regularly practices, or (5) the need for extensive discovery proceedings in the foreign jurisdiction.

In the event the action or cause is transferred from one court or administrative agency of this State to another or in the event the action is appealed, a foreign attorney authorized to appear in the cause while it was pending before the first court or administrative agency shall be deemed admitted to the court or agency to which the cause has been transferred or appealed; provided, however, that the court or agency having jurisdiction over the transferred or appealed cause may, for good cause, revoke the authority of the foreign attorney to appear. (See Section F, "Appearance Before an Appellate Court.")

F. Appearance Before an Appellate Court. Upon filing an appearance in a matter in an appellate court of this State (i.e., the Supreme Court, the Court of Civil Appeals, or the Court of Criminal Appeals), a foreign attorney previously admitted to appear in the matter before a trial court or administrative agency shall furnish to the clerk of the appellate court proof of the previous admission, along with a certification by the foreign attorney that the admission has not been rescinded.

If the appearance before the appellate court is to be the foreign attorney's first appearance in the matter, then admission shall be by motion to the appellate court, and the motion shall be supported by a certificate of good standing from the bar of another United States jurisdiction.

Any foreign attorney moving for admission to appear before an appellate court of this State, other than pro bono counsel, shall be required to associate local counsel, whose name, address, and telephone number shall be included in the foreign attorney's motion for admission. Although local counsel is not required to be an active participant in the matter, the foreign attorney is required, in the motion for admission pro hac vice, or in the initial filing in the appellate court (in the event the foreign attorney has been previously admitted in the matter by a trial court or an administrative agency), to designate which attorney shall be lead counsel for purposes of service in the manner prescribed in the Alabama Rules of Appellate Procedure. On proper motion, and for good cause shown, the appellate court may waive the required association of local counsel. In pro bono cases, the required association of local counsel shall be waived.

A foreign attorney admitted to practice in a matter before the Court of Criminal Appeals or the Court of Civil Appeals is deemed admitted in any subsequent proceedings in that same matter before the Supreme Court.

At any time, for good cause shown, and on the application of any party, the previous order admitting the foreign attorney to practice in a matter may be reviewed and/or rescinded, without hearing, by the appellate court before which the matter is then pending.

G. Annual Certification. Any foreign attorney admitted in accordance with this rule on or after October 1, 2020, shall submit an annual certification for each case in which the attorney has been admitted. The annual certification shall be on a form approved by the Alabama State Bar and shall require information sufficient to show compliance with this rule or to show that the foreign attorney is no longer an attorney of record in the case for which the attorney was admitted pro hac vice. Each annual certification shall be received by the Alabama State Bar on or before March 1 and shall be accompanied by a nonrefundable fee of \$100.00.

H. Quarterly Report. The executive director of the Alabama State Bar shall prepare a quarterly report listing all applications filed during that quarter and during the preceding 12 months and listing the names of the applicants and indicating as to each application whether the application was granted or denied. The report shall be transmitted to the clerk of each circuit and district court, each circuit and district judge, the clerk of the Supreme Court, and such other persons as the Board of Commissioners directs.

I. Suspension or Disbarment Terminates Permission to Appear Pro Hac Vice. Suspension or Disbarment Terminates Permission to Appear Pro Hac Vice. Permission for a foreign attorney to appear pro hac vice under the provisions of this rule shall terminate upon that attorney's suspension or disbarment in any jurisdiction in which the foreign attorney has been admitted. The foreign attorney shall have the duty to promptly report to the court or administrative agency of this State before which the attorney is appearing any disciplinary action that has been taken against the attorney in any other jurisdiction.

In the event local counsel in a particular case is suspended or disbarred from the practice of law in the State of Alabama, the foreign attorney shall, before proceeding further in the pending cause, associate new counsel who is in good standing to practice law in the State of Alabama and shall file a verified notice thereof with the court or administrative agency of this State before which the foreign attorney is appearing.

J. Exceptions. Nothing in this rule shall be construed to prohibit any foreign attorney from appearing before any court or administrative agency of this State on his or her individual behalf in any civil or criminal matter. Foreign attorneys representing the United States Government shall be permitted to appear and to represent it in any matter in which it is interested, without the association of local counsel.

K. Enforcement. No clerk or filing officer of any administrative agency of this State shall accept for filing any pleadings or other documents from a foreign attorney who has not complied with the requirements of this rule. Any pleadings or other documents filed in violation hereof shall be stricken from the record upon the motion of any party or by the court or administrative agency sua sponte; provided, however, that in a pro bono case pleadings or other documents shall be accepted for filing from pro bono counsel who has submitted an application in accordance with the requirements of this rule.

The courts and administrative agencies of this State shall have the duty to enforce the provisions of this rule by denying violators the right to appear. If a foreign attorney engages in professional misconduct during the course of an appearance, the judge or the hearing officer of the administrative agency before which the attorney is appearing may revoke permission to appear pro hac vice and may cite the attorney for contempt. In addition, the judge or hearing officer shall refer the matter to the Disciplinary Commission of the Alabama State Bar for appropriate action.

Violation of this rule is deemed to be unlawful practice of law. The Alabama State Bar or its designated commissioners shall have the right to take appropriate action to enforce these Rules under the provisions of Ala. Code 1975, § 34-3-43. The provisions of this rule shall be cumulative to all other statutes and rules related to or dealing with the unauthorized practice of law within the State of Alabama.

[Amended eff. 6-19-92; Amended eff. 10-1-92; Amended 5-1-93, eff. 1-1-94; Amended eff. 9-19-2006; Amended eff. 5-2-2007; Amended 11-8-2007; Amended eff. 1-11-2013; Amended 7-21-2020, eff. 10-1-2020.]

Committee Comment to Amendment Effective September 19, 2006

Alabama courts have recognized that this State faces considerable challenges in providing adequate legal representation for indigent persons, particularly criminal defendants in postconviction proceedings. *Ex parte Jenkins*, [Ms. 1031313, April 8, 2005] _ So.2d _ (Ala.2005). In order to facilitate the provision of indigent defense services by foreign attorneys who volunteer to represent indigent defendants pro bono, this rule has been amended to omit certain requirements for the pro hac vice admission of pro bono counsel. In addition, the amendment authorizes the Alabama State Bar to report all information regarding any discipline imposed in the State against an attorney admitted pro hac vice to all jurisdictions in which the attorney is licensed to practice law.

Note from the reporter of decisions: The order amending Rule VII and Rule IX.G.(1), effective September 19, 2006, and adopting the Committee Comment to Rule VII and the verified application for admission of pro bono counsel is published in that volume of *Alabama Reporter* that contains Alabama cases from 939 So.2d.

Note from the reporter of decisions: The order amending Rule VII.D., Rules Governing Admission to the Alabama State Bar, effective May 2, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 955 So.2d.

Note from the reporter of decisions: The order amending Rule VII.D., Rules Governing Admission to the Alabama State Bar, effective November 8, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 972 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order adopting Rule VII.G and redesignating the following sections, effective October 1, 2020, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So.3d.

Rule VIII. Admission of Foreign Attorneys as Authorized House Counsel.

A. Purpose. This rule is intended to facilitate the relocation of persons employed by or to be employed by any "business organization," as that term is defined in this rule, who will undertake, in whole or in part, to provide legal services for such business organizations in Alabama. Notwithstanding the provisions of Rules I through VII, *supra*, this rule authorizes attorneys licensed to practice in jurisdictions other than Alabama to be permitted to undertake activities in Alabama while employed exclusively by a business organization without the requirement of taking and passing the Alabama Bar examination.

B. Definitions.

(1) *Authorized House Counsel.* "Authorized house counsel" shall be any person who:

(a) is not a member of the Alabama State Bar but is licensed to practice law in any state other than Alabama, a United States territory, or the District of Columbia and who is a member in good standing of the entity governing the practice of law in that state, United States territory, or the District of Columbia;

(b) is not subject to a disciplinary proceeding or outstanding order of reprimand, censure, or disbarment, permanent or temporary, for professional misconduct by the bar or courts of any jurisdiction at the time he or she applies for registration under this rule;

(c) has not been permanently denied admission to practice before the bar of any jurisdiction based upon character or fitness at the time he or she applies for registration under this rule;

(d) agrees to abide by the Alabama Rules of Professional Conduct and the Alabama Rules of Disciplinary Procedure, without limitation, and to submit, for disciplinary purposes, to the jurisdiction of the Disciplinary Board and the Disciplinary Commission of the Alabama State Bar and the Supreme Court of Alabama;

(e) is, on the date the person applies for registration under this rule, exclusively employed by a business organization located in the State of Alabama or relocating to the State of Alabama in furtherance of such employment within six months of such application under this rule and receives or shall receive compensation for activities performed for that business organization; and

(f) has registered pursuant to Rule VIII.D., *infra*.

(2) *Business Organization.* For the purpose of this rule, a "business organization" is a corporation, partnership, association, or other legal entity (taken together with its respective parents, subsidiaries, and affiliates) authorized to transact business in the State of Alabama that is not itself engaged in the practice of law or the rendering of legal services outside such organization, whether for a fee or otherwise, and does not charge or collect a fee, other than from entities constituting the business organization, for the representation or advice of authorized house counsel. For purposes of this rule, a "business organization" does not include a governmental entity, governmental subdivision, political subdivision, school board, or any other entity that has the authority to levy a tax.

C. Activities.

(1) *Authorized Activities.* For the purpose of this rule, a "business organization" is a corporation, partnership, association, or other legal entity (taken together with its respective parents, subsidiaries, and affiliates) authorized to transact business in the State of Alabama that is not itself engaged in the practice of law or the rendering of legal services outside such organization, whether for a fee or otherwise, and does not charge or collect a fee, other than from entities constituting the business organization, for the representation or advice of authorized house counsel. For purposes of this rule, a "business organization" does not include a governmental entity, governmental subdivision, political subdivision, school board, or any other entity that has the authority to levy a tax.

(2) *Disclosure.* In undertaking legal services permitted by subdivisions C(1)(b) or (c) of this rule, authorized house counsel shall disclose to the party with whom authorized house counsel is negotiating or to the administrative agency or commission, as the case may be, his or her capacity by written or printed communication. Such disclosure shall include the name of the business organization, the title or function of authorized house counsel, and a statement that authorized house counsel is not licensed to practice law in the State of Alabama; such disclosure shall be transmitted in a manner reasonably contemplated to create an awareness of authorized house counsel's status with respect to the relevant activity. In making the disclosure required by this subdivision, authorized house counsel shall not represent that they are members of the Alabama State Bar licensed to practice law in this State.

(3) *Limitation on Representation.* In no event shall the activities permitted under this rule include the individual or personal representation of any shareholder, owner, partner, officer, employee, servant, director, or agent of the business organization in any matter or transaction, or the giving of legal advice, unless otherwise permitted or authorized by law, code, or rule, or as may be permitted by Rule VIII.C(1).

(4) Authorized house counsel shall not express or render a legal judgment or opinion to be relied upon by any person or party other than in the course of representing the business organization by which authorized house counsel is employed.

D. Registration.

(1) *Filing with the Alabama State Bar.* An individual seeking to be certified as authorized house counsel under this rule shall file the following documents with the Alabama State Bar:

(a) a certificate from the entity governing the practice of law in each state, United States territory, or the District of Columbia in which the registrant is licensed to practice law certifying that the registrant:

(i) is a member in good standing of the entity, and

(ii) has a clear disciplinary record, as required by Rule VIII.B(1).

(b) a sworn statement by the registrant that the registrant:

(i) has read and is familiar with the Alabama Rules of Professional Conduct and the Alabama Rules of Disciplinary Procedure, as adopted by the Supreme Court of Alabama, and will abide by the provisions of those rules;

(ii) submits to the jurisdiction of the Alabama State Bar and the Supreme Court of Alabama for disciplinary purposes, and authorizes the Alabama State Bar to notify, or to receive notification from, the entity governing the practice of law in each state, United States territory, or the District of Columbia in which the registrant is licensed to practice law of any disciplinary action taken against the registrant;

(iii) is not subject to a disciplinary proceeding or outstanding order of reprimand, censure, or disbarment, permanent or temporary, for professional misconduct by the bar or courts of any jurisdiction;

(c) a certificate from a business organization certifying that it is qualified as a business organization as that term is defined in Rule VIII.B(2), that it is aware that the registrant is not licensed to practice law in the State of Alabama, and that it is not relying upon the Alabama State Bar in any manner in employing authorized house counsel;

(d) an appropriate registration application to the Alabama State Bar as promulgated by the Board of Commissioners; and

(e) a filing fee prescribed and set by the Board of Commissioners in an amount not to exceed the amount applicable for admission into the bar examination for an attorney licensed in a state other than Alabama.

(2) *Review by the Alabama State Bar.* Upon receipt of the items set forth in Rule VIII.D(1), the Alabama State Bar shall review the items for compliance with this rule. Any application not meeting the requirements of this rule shall be returned to the applicant. Grounds for return include, but are not limited to, a certificate lacking all the information required by Rule VIII.D(1), a certification from an entity that does not qualify as a business organization as defined by this rule, and failure to remit a correct filing fee.

(3) *Certification by Alabama Supreme Court.* After reviewing an application for registration as authorized house counsel and determining that he or she has complied with the provisions of Rule VIII.D(1), the Alabama State Bar shall file with the clerk of the Supreme Court of Alabama (a) the name and address of the registrant and (b) a request that the registrant be certified as authorized house counsel for the business organization. For a registrant employed in Alabama at the time the Bar's request is approved, permission for authorized house counsel to perform services under this rule shall become effective upon approval of the request for certification by the clerk of the Supreme Court of Alabama. If the registrant is not yet in Alabama, the date authorized house counsel is permitted to perform services under this rule shall be the effective date of the registrant's employment in Alabama, but not later than six months from the filing of the items required to be filed by Rule VIII.D(1).

(4) *Annual Renewal.* The registration required by this rule shall be annual, in a manner consistent with the registration applicable to an attorney licensed to practice in the State of Alabama, including payment of the annual fee equal in amount to the occupational license fee; provided, however, such renewal shall include a statement that the registrant remains in good standing in all states, United States territories, or the District of Columbia in which authorized house counsel is licensed and that he or she is not subject to any disciplinary proceedings in any jurisdiction.

E. Termination or Withdrawal of Registration.

(1) *Cessation of Authorization to Perform Services.* Authorization of authorized house counsel to perform services permitted under this rule shall cease upon the earliest of the following events:

(a) termination of employment with the business organization for which registration was filed; provided, however, if authorized house counsel shall begin employment with another business organization within 30 days of the termination, authorization to perform services under this rule for the other business organization shall continue upon authorized house counsel's filing with the Alabama State Bar the certificate described in Rule VIII.D(1)(c) as it pertains to the business organization by which authorized house counsel is then employed.

(b) withdrawal of certification by the business organization;

(c) withdrawal of registration by authorized house counsel;

(d) the relocation of authorized house counsel outside Alabama for a period greater than 160 days;

(e) authorized house counsel's disbarment or suspension from the practice of law by a court or other authorized disciplinary agency of another state, United States territory, the District of Columbia, or by a federal court; or

(f) failure of authorized house counsel to comply with any applicable provision of this rule.

Notice of the occurrence of one of the events set forth in Rule VIII.E(1)(a)-(f), or of a new certificate as provided by Rule VIII.E(1)(a), must be filed with the Alabama State Bar by authorized house counsel within 30 days after such action. Authorized house counsel who has been disbarred or suspended from the practice of law by a court or other authorized disciplinary agency of another state, United States territory, the District of Columbia, or by a federal court shall, within 30 days after the effective date of his or her disbarment or suspension, file with the Alabama State Bar a copy of the order or judgment effecting the disbarment or suspension. Failure to provide such notice by authorized house counsel shall be a basis for discipline pursuant to the Alabama Rules of Disciplinary Procedure.

(2) *Notice of Withdrawal of Authorization.* Upon receipt of the notice required by Rule VIII.E(1), the Alabama State Bar shall mail a notice of revocation of authority to perform services to authorized house counsel and the business organization employing authorized house counsel.

(3) *Reapplication.* Nothing herein shall prevent an individual previously registered as authorized house counsel from re-registering as authorized house counsel as set forth in Rule VIII.D.

F. Discipline - Termination of Authorization. In addition to any appropriate discipline imposed by the Alabama State Bar, the Disciplinary Commission of the Alabama State Bar may, at any time, temporarily or permanently terminate the registration of authorized house counsel.

[Adopted eff. 10-27-2005; Amended eff. 9-19-2006; Amended eff. 1-11-2013.]

Note from the reporter of decisions: The order adopting Rule IX, Rules Governing Admission to the Alabama State Bar, effective October 27, 2005, is published in that volume of *Alabama Reporter* that contains Alabama cases from 912 So.2d.

Note from the reporter of decisions: The order amending Rule VII and Rule IX.G.(1), effective September 19, 2006, and adopting the Committee Comment to Rule VII and the verified application for admission of pro bono counsel is published in that volume of *Alabama Reporter* that contains Alabama cases from 939 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from So.3d.

Appendix. Fee Schedule.

(1) \$575.00, see Rule II.B(1) (applicants who have never made application to the bar of any jurisdiction).

(2) \$575.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule II.B(2) (any applicant who has previously made application to the bar of any other jurisdiction and foreign-education or foreign-practicing-attorney applicants).

(3) \$575.00, see Rule II.E (reapplications).

(4) \$875.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule III. A(1)(k) (out-of-state attorneys qualifying for reciprocity pay costs associated with such investigation).

(5) \$875.00 and costs associated with a character and fitness investigation conducted by the NCBE, see Rule VI(B).C(6) (UBE-score transfer applicants).

[Amended eff. 9-25-2006; Amended eff. 1-11-2013; Amended eff. 1-19-2017; Amended 10-5-2018.]

Note from the reporter of decisions: The order amending Rule III and the Fee Schedule, Rules Governing Admission to the Alabama State Bar, effective September 25, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 939 So.2d.

Note from the reporter of decisions: The order amending the Rules Governing Admission to the Alabama State Bar is published in that volume of *Alabama Reporter* that contains Alabama cases from 104 So.3d.

Note from the reporter of decisions: The order amending Rule I, Rule II, Rule III, Rule V, Rule VI(B), and Appendix, effective January 19, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 205 So.3d.

Note from the reporter of decisions: The order amending Rule II, Rule III, Rule IV, Rule V, Rule VI(B), and Appendix, effective October 5, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from _ So.3d.

Appendix III: Examination Results by Alabama Public Education Institutions

February 2022

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	4	4	100%
Faulkner University	4	2	50%
Samford University	3	2	67%
Non-Accredited			
Birmingham School of Law	34	15	44%
Miles College	2	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	5	4	80%
Faulkner University	20	5	25%
Samford University	30	16	53%
Non-Accredited			
Birmingham School of Law	102	13	13%
Miles College	22	0	0%

July 2022

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	85	79	93%
Faulkner University	32	22	69%
Samford University	118	105	89%
Non-Accredited			
Birmingham School of Law	24	5	21%
Miles College	3	1	33%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	1	1	100%
Faulkner University	16	2	13%
Samford University	12	4	33%
Non-Accredited			
Birmingham School of Law	98	5	5%
Miles College	32	1	3%

Calendar Year 2022	Number Taken	Number Passed	% Passed
Totals	647	286	44%

February 2023

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	3	3	100%
Faulkner University	5	4	80%
Samford University	7	2	29%
Non-Accredited			
Birmingham School of Law	51	23	45%
Miles College	4	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	4	3	75%
Faulkner University	19	8	42%
Samford University	22	11	50%
Non-Accredited			
Birmingham School of Law	88	7	8%
Miles College	29	2	7%

July 2023

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	66	62	94%
Faulkner University	27	19	70%
Samford University	96	79	82%
Non-Accredited			
Birmingham School of Law	24	3	13%
Miles College	1	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	3	1	33%
Faulkner University	10	3	30%
Samford University	10	2	20%
Non-Accredited			
Birmingham School of Law	105	9	9%
Miles College	28	1	4%

Calendar Year 2023	Number Taken	Number Passed	% Passed
Totals	602	242	40%

February 2024

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	1	1	100%
Faulkner University	2	1	50%
Samford University	6	4	67%
Non-Accredited			
Birmingham School of Law	51	24	47%
Miles College	2	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	6	4	67%
Faulkner University	13	2	15%
Samford University	18	8	44%
Non-Accredited			
Birmingham School of Law	89	9	10%
Miles College	25	1	4%

July 2024

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	80	74	93%
Faulkner University	49	42	86%
Samford University	112	91	81%
Non-Accredited			
Birmingham School of Law	41	13	32%
Miles College	1	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	3	1	33%
Faulkner University	13	3	23%
Samford University	14	5	36%
Non-Accredited			
Birmingham School of Law	113	14	12%
Miles College	22	0	0%

Calendar Year 2024	Number Taken	Number Passed	% Passed
Totals	661	297	45%

February 2025

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	4	4	100%
Faulkner University	3	3	100%
Samford University	9	7	78%
Non-Accredited			
Birmingham School of Law	63	21	33%
Miles College	4	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	5	1	20%
Faulkner University	11	3	27%
Samford University	20	9	45%
Non-Accredited			
Birmingham School of Law	122	14	11%
Miles College	21	0	0%

July 2025

First-Time Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	86	82	95%
Faulkner University	48	34	71%
Samford University	109	96	88%
Non-Accredited			
Birmingham School of Law	26	0	0%
Miles College	4	0	0%

Repeat Examinees			
Accredited	Number Taken	Number Passed	% Passed
University of Alabama	2	0	0%
Faulkner University	11	3	27%
Samford University	20	8	40%
Non-Accredited			
Birmingham School of Law	117	13	11%
Miles College	29	1	3%

Calendar Year 2025	Number Taken	Number Passed	% Passed
Totals	714	299	42%

Appendix IV: Board Members

Alabama State Bar

P.O. Box 671
Montgomery, AL 36101
(334) 269-1515



February 4, 2026

Rodney Wagstaff
Examiner of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104

Dear Mr. Wagstaff:

In connection with the legal compliance examination of the Board of Examiners on Admission to the Alabama State Bar, the following lists the name, expiration of term, and city of residence for each current Board member.

DANIEL JOHNSON, CHAIR Governance

Dothan
Term: 12/2024 – 12/2028

DAVID GLENN HYMER Governance

Birmingham
Term : 12/2024 – 12/2028

CHARLES JAMES, II Governance

Montgomery
Term: 12/2024-12/2028

SUSAN ELIZABETH KENNEDY, Governance

Birmingham
Term: 12/2024-12/2028

FORREST S. LATTA Governance

Mobile
Term: 12/2024-12/2028

TARA WALLER LOCKETT Governance

Daphne
Term: 12/2024 – 12/2028

CHRIS LOCKWOOD Governance

Huntsville
Term: 09/2025 – 12/2028

RODNEY BARGANIER Grading

Birmingham
7/2025 - 7/2029

Alabama State Bar

P.O. Box 671
Montgomery, AL 36101
(334) 269-1515



STANLEY BLACKMON **Grading**

Birmingham

Term: 7/2025-7/2029

JAMES A. BRADFORD **Grading**

Birmingham

7/2025-7/2029

GEORGE BULLS, II **Grading**

Tuskegee

Term: 7/2025-7/2029

LAURA LUCKE DECKER, **Grading**

Mountain Brook

Term: 10/2025 – 7/2029

EDGAR C. GENTLE **Grading**

Hoover

Term: 7/2025-7/2029

NIKA GHOLSTON **Grading**

Montgomery

Term: 7/2025-7/2029

MELANIE HOLLIMAN **Grading**

Pelham, AL 35124-1318

Term: 7/2025-7/2029

PATRICIA KEMP **Grading**

Mobile

Term: 7/2025-7/2029

WARREN C. MATTHEWS **Grading**

Montgomery, AL 36104

Term: 7/2025-7/2029

RENNIE MOODY **Grading**

Florence

Term: 7/2025-7/2029

Alabama State Bar

P.O. Box 671
Montgomery, AL 36101
(334) 269-1515



WILLIAM NICHOLS **Grading**

Dothan

Term: 7/2025-7/2029

LEE MCWORTER POPE **Grading**

Birmingham

Term: 7/2025-7/2029

KEISHA STOKES-HOUGH **Grading**

Montgomery

Term: 7/2025-7/2029

RILEY WOLFE **Grading**

Huntsville

Term: 7/2025-7/2029

KIA WOODS **Grading**

Huntsville

Term: 7/2025-7/2029

A handwritten signature in blue ink, reading "Terri Lovell".

Terri Lovell

Executive Director, Alabama State Bar