

**KENTUCKY BAR ASSOCIATION
RULES OF THE SUPREME COURT OF KENTUCKY**

PRACTICE OF LAW

SCR 3.500 Restoration to membership

(1) A former member who has withdrawn from membership pursuant to SCR 3.480(1), or who was suspended for failure to pay dues as provided by SCR 3.050, or for failure to comply with the continuing legal education requirements of SCR 3.645 may be restored to membership upon compliance with the conditions set forth in this rule. No application for restoration shall be effective until entry of an order of restoration by the Board of Governors or the Court, as provided herein. Until the entry of such an order, the suspension or withdrawal from membership remains in force.

(2) A former member whose withdrawal or suspension from membership has prevailed for less than 5 years may apply for restoration by:

(a) Submitting an application for restoration using the forms provided by the Director, with a fee of three hundred fifty dollars (\$350.00) and all applicable unpaid Bar Association dues; and

(b) Submitting with the application a certificate from the Office of Bar Counsel that the former member has no pending disciplinary matters; and

(c) Submitting with the application a certificate from the Director of Continuing Legal Education pursuant to SCR 3.685.

(d) Upon the filing of the foregoing items, the Office of Bar Counsel shall present the matter to the Board at its next meeting, or, if not contested, at any time by mail or electronic means. Within 30 days of its review of the complete application materials, the Board may restore the applicant to membership or refer the matter to the Character and Fitness Committee of the Kentucky Office of Bar Admissions for proceedings pursuant to SCR 2.040 and SCR 2.011, and subsequent review by the Supreme Court. If the matter is referred to the Character and Fitness Committee, the applicant shall pay a fee of \$450.00 to the Kentucky Office of Bar Admissions. Upon completion of its review, the Character and Fitness Committee shall submit its recommendation to the Board for its action and recommendation to the Court.

(3) A former member whose withdrawal or suspension from membership has prevailed for 5 years or longer may apply for restoration by:

(a) Submitting an application for restoration using the forms provided by the Director, with a fee of seven hundred fifty dollars (\$750.00) and all applicable unpaid Bar Association dues; and

(b) Submitting with the application a certificate from the Office of Bar Counsel that the former member has no pending disciplinary matters; and

(c) Submitting with the application a certificate from the Director of Continuing Legal Education pursuant to SCR 3.685.

(d) Upon the filing of the foregoing items, the Director shall refer the application to the Character and Fitness Committee of the Kentucky Office of Bar Admissions for proceedings pursuant to SCR 2.040 and SCR 2.011. An additional fee of \$750.00 shall be paid to the Kentucky Office of Bar Admissions. Upon completion of its review, the Character and Fitness Committee shall

submit its recommendation to the Board of Governors for its action and recommendation to the Court.

(e) If the Character and Fitness Committee recommends approval of the application and the Board concurs, the application shall be referred to the Board of Bar Examiners of the Kentucky Office of Bar Admissions, for the administration of a written examination which includes the subject of professional ethics and 5 of the subjects listed in SCR 2.080(1). A general average score of 75% or higher shall be deemed a passing score. Fees required by SCR 2.022, and SCR 2.023 shall be paid prior to taking the examination. As an alternative and upon referral from the Board of Governors, if the Applicant has practiced in a reciprocal jurisdiction after withdrawal pursuant to SCR 3.480 and meets all requirements of SCR 2.110, the Applicant may elect to have the Character and Fitness Committee consider an application for admission without examination under SCR 2.110. All fees required by that rule shall be paid prior to the processing of the application, instead of the fee referenced in subsection 3(d) of this rule.

If the Applicant passes the examination or is approved for admission without examination, such fact shall be certified to the Court and to the Director, together with a recommendation for the Applicant's restoration to membership. Upon this certification, the Disciplinary Clerk shall transmit the record to the Court for its consideration of the application for restoration. If the applicant fails the examination, the Board of Bar Examiners shall certify the fact of the failure to the Court and the Director. Upon that certification, the Disciplinary Clerk shall transmit the record to the Court for entry of an order denying restoration.

The provisions of SCR 2.015, SCR 2.080, and SCR 2.110 shall apply where not inconsistent with these provisions.

(f) If the Character and Fitness Committee recommends disapproval of the application, the matter shall be referred to the Board of Governors for its review. The Applicant and the KBA may file briefs and an oral argument may be held upon the request of either party. If, after its consideration, the Board concurs in the disapproval of the application, its findings and recommendation shall be filed with the Disciplinary Clerk, and the record shall be sent to the Clerk of the Supreme Court. Upon receipt of the record, the Clerk of the Supreme Court shall send notice of the filing by certified mail, return receipt requested, to the Applicant's bar roster address. Within twenty (20) days, the Applicant may petition the Court for review of the action of the Board. If the Court reverses the Board's disapproval of the application, it shall refer the matter to the Board of Bar Examiners for the procedure set forth above in paragraph 3(e).

(4) All costs incurred in excess of the filing fee shall be paid by the Applicant. Upon referral to the Character and Fitness Committee, if pursuing restoration through subsection (3)(d) of this rule, a cash or corporate surety bond in the amount of \$2500.00 to secure the costs to be incurred shall be paid to the Office of Bar Admissions by the Applicant.

(5) The burden of proof for establishing the Applicant's present qualifications to practice law in Kentucky is on the Applicant.

(6) If the Character and Fitness Committee or the Board of Governors recommends restoration of membership on conditions as provided in SCR 2.042, such conditions may be imposed by the Board, for application processed by it under subsection (2)(d) of this rule, or by the Court in any order of restoration.

HISTORY: Amended by Order 2017-18, eff. 1-1-2018; prior amendments eff. 1-1-2014 (Order 2013-15), 1-1-2014 (Order 2013-12), 3-1-12 (Order 2012-01), 1-1-10 (Order 2009-12), 1-1-07 (Order 2006-09), 1-1-04 (Order 2003-4), 2-1-00 (Order 99-1), 10-1-98 (Order 98-1), 3-1-98 (Order 97-3), 9-15-90 (Order 90-1), 1-1-89, 1-1-88, 1-1-86, 7-1-84, 4-1-82, 1-1-78, 7-2-71