XXIX. SCR 3.504 Restoration to membership

New rule SCR 3.504 shall read:

1) A former member who has withdrawn from membership pursuant to SCR 3.480(1), or who was suspended for failure to pay dues as provided by SCR 3.050, or for failure to comply with the continuing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 as established by the Inquiry Commission pursuant to SCR 3.140(4) 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 Inquiry Commission for proceedings pursuant to SCR 3.502, et seq. If the matter is referred to the Inquiry Commission, the Applicant shall pay a fee as established by the Inquiry Commission pursuant to SCR 3.140(4) to the Kentucky Bar Association.

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 as established by the Inquiry
Commission pursuant to SCR 3.140(4) 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 Inquiry Commission for proceedings pursuant to SCR 3.502, et seq. An additional fee as established by the Inquiry Commission pursuant to SCR 3.140(4) shall be paid to the Kentucky Bar Association.

e) If, after review of the application pursuant to SCR 3.502, the Character and Fitness Committee recommends approval of the application after proceedings pursuant to SCR 3.502(6) and no appeal is taken to the Board of Governors, within 30 days the application shall be referred to the Disciplinary Clerk, who shall issue a notice of recommended approval 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. Any required fees 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. All fees required 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.

4) All costs incurred in excess of the filing fee shall be paid 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 Inquiry Commission or the Board of Governors recommends restoration of membership on conditions, such conditions may be imposed by the Board for an application processed by it under subsection (2)(d) of this rule, or by the Court in any order of restoration.

7) In the event of failure to comply with any conditions imposed by the Board or the Court upon restoration, the Office of Bar Counsel may:
   a) Request that the Board or the Court extend the term and impose additional condition(s); or
   b) Recommend to the Court revocation of the license to practice law.

XXX. Delete [SCR 3.505 Character and Fitness Committee; reinstatements]

SCR 3.505 shall be deleted in its entirety and replaced by new rules SCR 3.502 and SCR 3.503.

XXXI. Delete [SCR 3.510 Reinstatement in case of disciplinary suspension]

SCR 3.510 shall be deleted in its entirety and replaced by new rules SCR 3.501, SCR 3.502, and SCR 3.503.

XXXII. SCR 3.530 Ethics Committee and Unauthorized Practice Committee—advisory opinions—informal and formal

Sections 6 and 7 of SCR 3.530 shall read:

6) Any attorney licensed in Kentucky or admitted to practice law in another state who is in doubt as to the propriety of any course of conduct or act of any person or entity which may constitute the unauthorized practice of law in Kentucky may make a request in