

**(h) Admission on Motion.**

1. An applicant who meets the requirements of (A) through (H) of this paragraph (h)(1) may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

- A. have been admitted by bar examination to practice law in another jurisdiction allowing for admission of licensed Arizona lawyers on a basis equivalent to this rule;
- B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;
- 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 seven years immediately preceding the date upon which the application is filed;
- D. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;
- E. establish that the applicant is currently a member in good standing in all jurisdictions where 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; and
- G. establish that the applicant possesses the character and fitness to practice law in this jurisdiction.
- H. submit evidence of successful completion of the course on Arizona law described in paragraph (h)(5) of this rule.

2. For the purposes of this rule, the "active practice of law" 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 (2)(E) and (F) that were performed in advance of bar admission in the jurisdiction to which application is being made 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, 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.

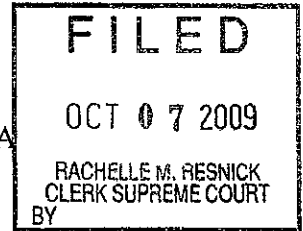
3. For the purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

4. An applicant who has failed a bar examination administered in this jurisdiction within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. Before being admitted on motion, the applicant must complete a course on Arizona law, the content and method of delivery of which shall be approved by the supreme court.

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )

ADMISSION TO THE PRACTICE )  
OF LAW ON MOTION AND )  
APPLICATION FEES )  
\_\_\_\_\_ )

Administrative Order  
No. 2009 - 102

In September 2008, the Court adopted Rule 38(h), Rules of the Supreme Court, providing for Admission on Motion. Additional direction on implementing Rule 38(h), definition of the criteria for Admission on Motion to the practice of law in Arizona and establishment of application fees is necessary for an efficient application process, applicant understanding, and consistency and uniformity in administration of Admission on Motion.

Therefore, pursuant to Rules 33 through 38 of the Arizona Rules of the Supreme Court, as amended, and Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED adopting the following provisions pertaining to Admission on Motion and the Schedule of Fees in "Attachment A":

A. Applicability.

1. This Order applies to all applicants applying for Admission on Motion pursuant to Rule 38(h).
2. Individuals who were previously admitted to the practice of law in Arizona are not eligible for Admission on Motion pursuant to Rule 38(h).

B. Active Practice of Law.

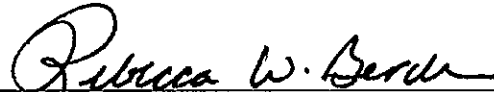
1. Admission on Motion requires an applicant to claim the "active practice of law" for a period of five of the past seven years preceding application. The "active practice of law" is further defined to require that at all times in the durational period the applicant has:
  - a. Held a law license in "active" status;
  - b. Spent one thousand (1,000) hours or more per year engaged in the practice of law, for each of the required five years in the durational period, and

- c. Derived at least fifty percent (50%) of non-investment income from the practice of law.
  2. Applicants employed as corporate counsel in Arizona who have no other supporting active practice do not meet the requirement of “active practice of law” for work rendered as corporate counsel while not licensed or registered in Arizona.
  3. Service as full-time law school faculty pursuant to Rule 38(h)(2)(C) qualifies as the “active practice of law.”
- C. Reciprocal Jurisdictions. The Court shall approve and the Administrative Office of the Courts shall maintain a list of jurisdictions considered “reciprocal” to Arizona, and shall post the list publicly on the Supreme Court website. The Court may modify the list of reciprocal jurisdictions based upon recognition and rule changes in other jurisdictions. The status of reciprocal jurisdictions will be considered current as of the date of receipt of application for admission on motion and “reciprocal” status of jurisdiction determined as of that date.
- D. Applicability of Rules.
  1. The provisions of Rule 37(b) and Rule 37(c) pertaining to the oath of admission and retention and confidentiality of records shall apply to applicants for Admission on Motion, except that applicants shall take the oath of admission within five years from the date of the application. The provisions of Rule 37(e) pertaining to immunity from civil suit for the Court, Committee on Character and Fitness and staff, employees and agents shall apply to Admission on Motion.
  2. All provisions of Rule 36, Rules of the Supreme Court, except for Rule 36(e)(6)(C) pertaining to conditional admission, shall apply to applicants for Admission on Motion.
- E. Application and Fees.
  1. Applicants are eligible to apply for Admission on Motion beginning January 4, 2010 and shall apply using the online application process, unless the applicant claims a special need that prevents the applicant from submitting an electronic application.
  2. An applicant for Admission on Motion shall complete and submit an application and an affidavit describing the applicant’s active practice of law for the durational period.
  3. An applicant shall pay an Admission on Motion application fee as specified in “Attachment A.” There shall be no refund of the Admission on Motion application fee for any reason, including denial of admission, withdrawal of the

application, or failure to pursue admission after application, regardless of the date of notification by the applicant. Credit for the fees paid by applicants who withdraw or fail to pursue admission after application will be applied to the applicant for two years from the date of the original application.

Dated this 7th day of October, 2009.

FOR THE COURT:

A handwritten signature in cursive script that reads "Rebecca W. Berch". The signature is written in black ink and is positioned above a horizontal line.

REBECCA WHITE BERCH  
Chief Justice

**“ATTACHMENT A”  
SCHEDULE OF FEES  
FOR ADMISSION ON MOTION**

**EFFECTIVE JANUARY 4, 2010**

<b>FORM</b>	<b>FEE</b>
Application Fee	\$1800

The Application Fee includes all fees for admission including the certification investigation, fitness investigation, the required course on Arizona law and the administrative fee. The administrative fee includes the Administrative Office of the Courts fee, Clerk of the Court filing fee and the State Bar/Bench fee. Dues for State Bar membership are assessed separately.

**OTHER FEES**

	<b>FEE</b>
NSF Fee	\$ 40