

Rule 724

PROCEDURE FOLLOWING AN ADVERSE BOARD RULING

- (a) **Written Decision.** Following a character and fitness hearing, the Attorney Admissions office must serve a copy of the Board of Law Examiners' written decision on the applicant.
- (b) **Transcript.** The Attorney Admissions office must serve a copy of the hearing transcript on the applicant.
- (c) **Written Exceptions.** No later than 21 days after service of the transcript, the applicant may file with the Attorney Admissions office exceptions to the Board's written decision. Any part of the written decision not specifically challenged is deemed admitted.
- (d) **Board's Response.** The Board may respond no later than 21 days after the applicant files exceptions.
- (e) **Unchallenged Decision.** If the applicant fails to timely file written exceptions, the findings of fact and conclusions of law in the decision are deemed admitted and the Attorney Admissions office will submit the matter to the Supreme Court.
- (f) **Record.** The notice of hearing and response to the notice of hearing, the Board's written decision, the applicant's written exceptions and the Board's response, the hearing transcript, and all evidence admitted before the Board constitutes the record before the Supreme Court.
- (g) **No Oral Argument.** The Supreme Court will make its determination based on the record before the Board. The Court will not hold oral argument prior to entering its final order.
- (h) **Standard of Review.** The Supreme Court will accept the Board's factual findings if they are supported by substantial competent evidence. The Court will make the final determination of whether the applicant possesses the requisite character and fitness qualifications.
- (i) **Reapplication.** If the Supreme Court determines an applicant failed to establish the requisite character and fitness qualifications, the applicant may reapply for admission to the Kansas bar subject to the following provisions.
 - (1) **Time.** An applicant may not reapply in Kansas until three years after the date of the Supreme Court's final order.
 - (2) **Procedure.** After the admissions attorney conducts a full investigation, the Board will hold a hearing to consider the reapplication.
 - (3) **Additional Requirements.** In addition to the requirements under Rule 712, the applicant has the burden to establish the following by clear and convincing evidence:

- (A) sufficient time has elapsed since any misconduct that resulted in the denial of the previous application and the applicant has acknowledged the seriousness of the misconduct;
- (B) the applicant has received adequate treatment, counseling, or rehabilitation, if applicable;
- (C) the applicant has been an active and productive citizen since the denial of the previous application; and
- (D) the applicant has not engaged in the unauthorized practice of law.

[History: New rule adopted effective July 1, 2022.]