

## **CHAPTER 27-11 ADMISSION TO BAR**

### **27-11-01. Practicing law and serving on courts of record without certificate of admission and without payment of annual license fee prohibited - Penalty.**

Except as otherwise provided by state law or supreme court rule, a person may not practice law, act as an attorney or counselor at law in this state, or commence, conduct, or defend in any court of record of this state, any action or proceeding in which the person is not a party concerned, nor may a person be qualified to serve on a court of record unless that person has:

1. Secured from the supreme court a certificate of admission to the bar of this state; and
2. Secured an annual license therefor from the state board of law examiners.

Any person who violates this section is guilty of a class A misdemeanor.

### **27-11-02. Power to admit vested in the supreme court.**

The power to admit persons to practice as attorneys and counselors at law in the courts of this state is vested in the supreme court.

### **27-11-03. Qualifications of applicants for admission to practice law.**

Repealed by S.L. 1983, ch. 82, § 154.

#### **27-11-03.1. Conviction not bar to certification - Exceptions.**

Conviction of an offense does not disqualify a person from a certificate of admission and licensure under this chapter unless the state board of law examiners and the supreme court determine that the offense has a direct bearing upon a person's ability to serve the public as an attorney and counselor at law, or that the person, following conviction of any offense, is not sufficiently rehabilitated under section 12.1-33-02.1.

#### **27-11-04. Attorney's certificate of clerkship.**

Superseded.

#### **27-11-05. Applicants for admission to bar to be examined by state bar board - Exception.**

Repealed by S.L. 1983, ch. 82, § 154.

#### **27-11-06. State board of law examiners established - Appointment and qualifications of board members.**

The state board of law examiners consists of at least three but no more than five members appointed by the supreme court. At least three of the members of the board must be resident licensed members of the bar. Each board member must be appointed from a list of nominees submitted by the bar association of the state of North Dakota. The supreme court may return the list to the bar association for additional nominees. If the bar association nominates a member for reappointment, a list of nominees is not required unless requested by the supreme court.

#### **27-11-07. Oath of member of state board of law examiners.**

Each member of the state board of law examiners, within ten days after appointment, shall qualify by taking the oath provided for civil officers.

#### **27-11-08. Terms and removal of members of state board of law examiners.**

Members of the state board of law examiners must be appointed for a term of six years so arranged that one term expires on January first of every odd-numbered year. Any member of the board may be removed at the pleasure of the supreme court.

**27-11-09. Filling vacancies on state board of law examiners.**

If a vacancy in the membership of the state board of law examiners occurs by reason of the death, resignation, removal, or incapacity to serve of any member, a successor must be appointed by the supreme court for the unexpired portion of the term of such member.

**27-11-10. Officers of state board of law examiners.**

The state board of law examiners shall elect one of its members president, who holds office for a term of two years and until a successor is duly elected and qualified. The clerk of the supreme court must be ex officio secretary-treasurer of the board.

**27-11-11. Compensation of members of state board of law examiners.**

Each member of the state board of law examiners shall receive twenty-five dollars per day for the actual time devoted to official duties, and, in addition thereto, is entitled to receive the actual expenses incurred in attending to official duties while away from the member's place of residence.

**27-11-12. Compensation of secretary-treasurer of state board of law examiners.**

The secretary-treasurer of the state board of law examiners must be allowed such compensation for services and expenses as the board determines.

**27-11-13. Powers of state board of law examiners.**

The state board of law examiners may employ such assistants, purchase such supplies, and incur such expense as may be necessary to carry out the duties imposed upon it, but expenditures may not exceed the moneys in the state bar fund. It possesses such other powers and duties relating to the admission of applicants to the bar as prescribed by state law or the supreme court.

**27-11-14. Payment of compensation and expenditures of state board of law examiners.**

All claims for compensation of members and officers of the state board of law examiners and all claims for expenditures made by the board must be submitted to the office of management and budget on sworn vouchers as required by law and must be paid by the state treasurer out of the state bar fund.

**27-11-15. Records to be kept by state board of law examiners.**

The state board of law examiners shall keep a record of all of its proceedings and a record of all applications for admission and admissions to the bar of this state and shall enroll in a book to be kept for this purpose the name of each person admitted to practice in this state as an attorney at law.

**27-11-16. Examinations for admission to bar conducted by state bar board - Nature of examinations.**

Repealed by S.L. 1983, ch. 82, § 154.

**27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees.**

The state board of law examiners is entitled to receive a fee to be determined by the board with the approval of the supreme court of an amount not to exceed one hundred fifty dollars from each applicant for admission to the bar of this state who submits to examination by the board and a fee to be determined by the board with the approval of the supreme court of an amount not to exceed four hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with state law or supreme court rule. All fees received must be deposited and disbursed in accordance with section 54-44-12.

**27-11-18. Board to report results of examinations and recommendations to supreme court.**

Repealed by S.L. 1983, ch. 82, § 154.

**27-11-19. Supreme court to order issuance of certificate of admission.**

The supreme court, after receiving and considering the state board of law examiners' report of the results of an examination of applicants for admission to the bar of this state and the recommendations of the board, shall enter an order authorizing the issuance of certificates of admission to the bar to those applicants the court considers entitled to admission. The issuance of the certificates is dependent upon the taking of the oath and pledge of office by the applicants at the time and place the order provides.

**27-11-20. Oath and pledge to be taken by applicants admitted to the bar.**

Each applicant for admission to the bar of this state, upon being admitted to practice as an attorney and counselor at law, shall take, in open court, the oath prescribed in section 4 of article XI of the Constitution of North Dakota, and such additional oath or pledge as the supreme court may require.

**27-11-21. Certificate of admission - When issued - Contents.**

Each applicant admitted to the bar of this state shall receive a certificate of admission. Such certificate must be issued in the name of the supreme court of the state of North Dakota, must certify that the person named therein has been duly admitted as an attorney and counselor of such court, and as such is authorized to appear in the same and in all other courts of this state, must be signed by the clerk of the supreme court, and must bear the seal of such court.

**27-11-22. Annual licenses to practice law and to serve on certain courts - Requirement - Issuance - Fees.**

A person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law, or who is to serve as a judge of a court of record, must secure an annual license from the state board of law examiners on or before January first of each year. The secretary-treasurer of the board shall issue the license upon compliance with the rules adopted or approved by the supreme court to assure the professional competence of attorneys, and upon payment of a fee established by the state bar association at its annual meeting, by a majority vote of its members in attendance at the meeting, not to exceed four hundred dollars. The license is valid for the calendar year for which it is issued. Issuance of an annual license to practice law may not be conditioned upon payment of any surcharge, assessment, or fee in excess of the maximum fee established by this section. This section does not prohibit imposition of a reasonable fee for filing and processing reports of compliance with continuing education requirements.

**27-11-23. Fees from annual licenses to be deposited in state bar fund.**

The secretary-treasurer of the state board of law examiners shall deposit and disburse all fees and moneys collected by the board in accordance with section 54-44-12.

**27-11-24. Expenditure of state bar fund.**

Moneys in the state bar fund must be used to pay:

1. The bar association of the state of North Dakota the sum required to be paid under section 27-12-04;
2. The compensation and expenses allowed by law to each member and to the secretary-treasurer of the state board of law examiners;
3. The expenses incurred by the state board of law examiners in conducting examinations of applicants for admission to the bar of this state and expenses of the board or a grievance committee of the supreme court in investigating charges warranting the suspension or disbarment of members of the bar, or in prosecutions brought and conducted before the supreme court for the discipline of such members;

4. The expenses incurred by the bar association of the state of North Dakota in conducting investigations and prosecutions of proceedings instituted for the purpose of protecting the public and the bar of North Dakota against unauthorized practice by corporations, limited liability companies, or persons not licensed to practice law; and
5. The necessary expenses of conducting and supplying the offices of the state board of law examiners.

**27-11-25. Attorneys admitted in other states admitted without examination.**

Repealed by S.L. 1983, ch. 82, § 154.

**27-11-26. Procedure and proof required for admission without examination.**

Repealed by S.L. 1983, ch. 82, § 154.

**27-11-27. When foreign attorneys may practice in this state.**

Repealed by S.L. 1983, ch. 82, § 154.