

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

**PRACTICE OF LAW**

**SCR 3.500 Restoration to membership**

(1) No former member who has withdrawn under Rule 3.480, or who has been suspended for failure to pay dues as provided by Rule 3.050, or who has failed to pay dues for such period of time as to warrant suspension under that Rule, or who has been suspended for failure to comply with the continuing legal education requirements as provided by Rule 3.661, and such status has prevailed for less than a period of five (5) years can be restored to membership unless the former member, applies for restoration by completing forms provided by the Director, to include a certification from the KBA that there is no pending disciplinary matter, tendering a fee of \$250.00, and payment of dues for the current year and all back years, unless he/she has been in withdrawal status by order of the Court. In cases where a suspension or withdrawal has prevailed for five (5) years or less and the restoration application is referred to the Character and Fitness Committee, a fee of \$250.00 shall be made payable to the Kentucky Office of Bar Admissions.

Upon receipt of such application and payments, the Director shall refer the application to the Continuing Legal Education Commission for certification under Rule 3.675 within thirty (30) days of the referral. The Continuing Legal Education Commission shall make its certification which shall be added to the record in the restoration proceeding. The Director shall in turn advise each member of the Board and furnish them all pertinent information available.

(a) The Board shall, within thirty (30) days of review of the information, make its recommendation to the Court for approval of an entry of an order restoring the Applicant or

(b) Refer the matter to the Committee for proceedings under Rule 2.040 and SCR 2.011. The Committee's recommendation shall be made to the Board for its action and recommendation to the Court.

(c) As to any Applicants, including those who have been suspended for failure to pay dues or failure to meet continuing legal education requirements, the mere submission of the application for restoration and tendering the required fee shall not automatically restore the privilege of practicing law, and such suspension or withdrawal shall remain in force pending entry of the order of the Court restoring the Applicant.

(2) No former member who has withdrawn or has been suspended for failure to pay dues or has been suspended for failure to meet continuing legal education requirements, and such status has prevailed for five (5) or more years, can be restored to membership unless the former member applies, for restoration by completing forms provided by the Director, which shall include a certification from the KBA that there is no pending disciplinary matter, and tendering payment of \$500.00. If the former member has been suspended for nonpayment of bar dues or CLE non-compliance he/she shall also tender payment for current dues and all back dues. The application shall then be referred to the Committee for proceedings under Rule 2.040 and SCR 2.100 and to the Continuing Legal Education Commission for certification under Rule 3.675. An additional fee of \$500.00 shall be made payable to the Kentucky Office of Bar Admissions.

The Committee shall make its recommendation to the Board.

(3) If the Committee recommends approval of the application and the Board concurs, and the status of suspension has prevailed for five (5) or more years, then the application shall be referred to the Board of Bar Examiners, which Board shall administer a written examination which shall cover the subject of ethics and five (5) of the subjects listed in SCR 2.080(1). A general average of 75% or higher shall be deemed a passing score on the written examination. The fees required by Rules 2.022 and 2.023 shall be paid prior to taking the examination.

If an Applicant passes an examination, such fact shall be certified to the Court and the Director, together with a recommendation that the Applicant be readmitted to membership. Upon this certification, the Director shall forward the file to the Court to consider whether to restore the Applicant. If the Applicant fails to pass an examination, the Board of Bar Examiners shall certify the fact of failure to the Court and the Director. Upon certification that Applicant failed to pass, the Director shall forward the file to the Court for entry of an order denying the Applicant for restoration.

The provisions of Rules 2.015 and 2.080 shall apply where not inconsistent.

(4) If the Committee recommends disapproval of the application referred to in paragraph (2) after its hearing, then the application shall be referred to the Board for review. The Applicant and the KBA may file briefs and an oral argument may be held at the request of either party. If, after such consideration, the Board concurs in disapproval of the application, its findings and recommendation shall be filed with the Clerk, and the Applicant and the Committee shall be notified of this decision by the Director. The Applicant shall be sent notice by certified mail, return receipt requested, at his/her bar roster address.

For a period of twenty (20) days after the Clerk shall have mailed said notice, the Applicant may petition the Court for a review of the action of the Board.

Should the Board or the Court reverse the disapproval recommendation of the Committee, then the file shall be referred to the Board of Bar Examiners for procedure under paragraph (3).

(5) All costs incurred in excess of the filing fee shall be paid by the Applicant. A cash or corporate surety bond in the amount of \$2500.00 to secure costs to be incurred shall be posted with the Office of Bar Admissions upon the filing of the application.

(6) The burden of proof is on the Applicant to establish his/her present qualifications to practice law in Kentucky.

(7) If the Committee and Board recommend approval of restoration on conditions, as provided in SCR 2.042, or approval with such additional conditions as the Board may recommend, the Court may include such conditions in any order of restoration.

HISTORY: Amended by Order 2009-12, eff. 1-1-2010; prior amendments eff. 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