



## SUPREME COURT OF GEORGIA

**FILED**

Administrative Minutes  
November 9, 2023

Thérèse S. Barnes  
Clerk/Court Executive  
SUPREME COURT OF GEORGIA

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

### IN RE: PROVISIONAL ADMISSION TO THE PRACTICE OF LAW IN GEORGIA.

It is hereby ordered that Part XVI (A) (Provisional Admission for Recent Law School Graduates) of the Rules of the Supreme Court of Georgia be amended and that Part XVI (B) (Provisional Admission for Military Spouses), be approved, such that the spouse of an active service member assigned to a military installation within Georgia may be eligible for temporary admission to the practice of law in Georgia. The rules, effective January 1, 2024, will read as follows:

#### **XVI (A). PROVISIONAL ADMISSION FOR RECENT LAW SCHOOL GRADUATES**

**Rule 97. Eligibility.** A recent law school graduate, when under the supervision of a qualified attorney admitted to the practice of law in Georgia, as described in Rules 100 and 102, may be provisionally admitted to practice law in this State. A recent law school graduate is eligible for such provisional admission if that person:

- (1) graduated within the last 12 months from a law school accredited by the American Bar Association;
- (2) is certified as fit to practice law by the Board to Determine Fitness of Bar Applicants;

(3) is certified by the dean or the dean's designee of the law school from which the student graduated as competent to practice law under supervision; and

(4) has not failed a bar examination in any jurisdiction.

**Rule 98. Application Procedure.** The following procedures must be followed for an eligible law school graduate to obtain provisional admission:

(1) The recent law school graduate must submit an application to the Office of Bar Admissions on a form to be issued by the Board of Bar Examiners. That Board may also set a reasonable fee to be submitted to the Office of Bar Admissions. The application shall include an acknowledgement by the applicant that, upon provisional admission, the applicant is subject to the terms of Part XVI of these Rules and the Georgia Rules of Professional Conduct, and that the applicant is subject to the concurrent jurisdiction of the Board of Bar Examiners, the Board to Determine Fitness of Bar Applicants, the State Bar of Georgia, and this Court. The applicant shall also acknowledge that any violation of Part XVI of these Rules or any of the Georgia Rules of Professional Conduct may subject the applicant to discipline by the State Bar of Georgia or this Court and to the suspension or revocation of that applicant's certification of fitness by the Board to Determine Fitness of Bar Applicants.

(2) Upon a determination by the Board of Bar Examiners that an applicant is eligible for provisional admission under Part XVI of these Rules, the Office of Bar Admissions shall issue a certificate of provisional admission to the applicant.

(3) When the Office of Bar Admissions issues a certificate of provisional admission to an applicant, it shall also issue a written oath in the following form:

“I swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and as an attorney and counselor provisionally admitted to the practice of law in this State in accordance with the Georgia Rules of Professional Conduct and Part XVI of the Rules of this Court, and I further swear that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God.”

The applicant shall promptly execute the written oath and provide it to the Office of Bar Admissions.

(4) After executing the written oath under Section (3) of this Rule, the applicant shall register as a provisional lawyer with the State Bar of Georgia and pay such reasonable fee as the State Bar may require for the registration of persons provisionally admitted to the practice of law under Part XVI. Such fee shall not exceed the amount of annual membership dues for inactive members of the State Bar. At the time of registration, the applicant shall submit to the State Bar of Georgia the declaration of a lawyer qualified under Rules 100 and 102 of Part XVI to supervise such applicant, attesting that the lawyer is eligible, willing, and able to supervise such applicant and acknowledging the obligations of a supervising lawyer under Rule 102.

**Rule 99. Authorization to Engage in the Practice of Law.** Except as limited by Rule 100, a recent law school graduate provisionally admitted to the practice of law under Part XVI may engage in the practice of law, including by, but not limited to, appearing in courts of record, arbitration proceedings, and other judicial and quasi-judicial proceedings, drafting pleadings and other legal documents and instruments, representing clients in settlement discussions and other negotiations, and providing counsel to clients consistent with the practice of law in Georgia.

**Rule 100. Limitations to the Practice of Law.** The following limits shall apply to the practice of law by recent law school graduates who have been provisionally admitted under Part XVI:

(1) At all times, a person provisionally admitted to the practice of law under Part XVI shall be supervised in the practice of law by a lawyer who has been admitted to the practice of law in Georgia for no less than five years, who is an active member of the State Bar of Georgia in good standing, and who has never been the subject of public discipline.

(2) Persons provisionally admitted to the practice of law under Part XVI shall expressly disclose to each of their clients at the outset of the representation that they are provisionally admitted to the practice of law and that they may only practice under supervision. Such provisional lawyers also shall provide to each client in writing the name, mailing address, telephone number, and bar number of the lawyer supervising their representation of the client.

(3) Any pleadings or other papers filed in any court by a person provisionally admitted to the practice of law under Part XVI shall expressly disclose that the person is provisionally admitted to the practice of law and shall include the name, mailing address, telephone number, and bar number of the supervising lawyer.

(4) When persons provisionally admitted to the practice of law under Part XVI appear in any court, they shall expressly disclose to the judge that they are provisionally admitted to the practice of law, and the judge may exercise discretion to require the personal attendance of the supervising lawyer.

(5) A person provisionally admitted to the practice of law under Part XVI may appear in this Court or the Court of Appeals only by leave of court.

**Rule 101. Duration.** A recent law school graduate's provisional admission under Part XVI shall expire in the following ways:

(1) If not terminated or suspended sooner as provided in Sections (2) and (3) of this Rule, the provisional admission shall expire 30 days after the release of the results of the second Georgia bar examination that takes place after the provisional lawyer graduated from law school.

(2) The provisions of Section (1) of this Rule notwithstanding, a provisional admission shall be suspended automatically and immediately if the provisional lawyer's certification of fitness is revoked or suspended by the Board to Determine Fitness of Bar Applicants, or upon the date that the provisional lawyer is notified by the Office of Bar Admissions that they failed to pass a Georgia bar examination.

(3) The provisions of Section (1) of this Rule notwithstanding, this Court shall have the authority to revoke or suspend any provisional admission for good cause shown upon the motion of the State Bar of Georgia or the Board of Bar Examiners.

Without limiting the foregoing provision, this Court shall also have the authority to revoke or suspend a provisional admission upon a showing that the person provisionally admitted has violated Rule 99 or Rule 100 of Part XVI or has violated any of the Georgia Rules of Professional Conduct.

**Rule 102. Obligations of Supervising Lawyers.** By undertaking to supervise a person provisionally admitted to the practice of law pursuant to Part XVI, a supervising lawyer is required:

(1) to exercise supervisory authority over the person provisionally admitted to the practice of law and to assume supervisory responsibility for their representation of clients consistent with Rule

5.1 of the Georgia Rules of Professional Conduct, but leaving the determination of whether the personal attendance of the supervising lawyer is required at a particular proceeding to the discretion of the supervising lawyer and any officer presiding over that proceeding;

(2) to be prepared to assume personal responsibility for the representation of clients of the person provisionally admitted to the practice of law in the event that the provisional admission expires or is suspended by any event other than the full admission of such person to the practice of law;

(3) to promptly notify the State Bar of Georgia and the Board of Bar Examiners and to withdraw supervision under Section (4) of this Rule, if the supervising lawyer determines that provisional lawyer is not competent to practice law, has violated any provision of Rule 99 or Rule 100 of Part XVI, or has violated any of the Georgia Rules of Professional Conduct; and

(4) to notify the State Bar of Georgia in writing of their withdrawal of supervision if the supervising lawyer becomes ineligible, unwilling, or unable to continue to supervise the provisional lawyer. Upon a withdrawal of supervision, the provisional lawyer must immediately cease the practice of law until a substitute declaration by another lawyer who is eligible, willing, and able to supervise such person is submitted to the State Bar.

If a person provisionally admitted under Part XVI is employed by an office or law firm in which more than one lawyer is eligible, willing, and able to serve as a supervising lawyer, only one such supervising lawyer is required to submit the declaration described in Rule 98, Section (4) of Rule 98 to the State Bar of Georgia. Such supervising lawyer may thereafter delegate the duty of supervision to other eligible, willing, and able supervising lawyers employed in the same office or law firm.

## **XVI (B). PROVISIONAL ADMISSION FOR MILITARY SPOUSES**

### **Rule 103. Application procedures and termination events.**

(1) Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active duty servicemember of the United States Uniformed Services, as defined by the United States Department of Defense, who is currently assigned to a post in Georgia—or if assigned to a post outside the United States was most recently assigned in the United States to a post in Georgia—(herein defined as a “Military Spouse”) may obtain a provisional license to practice law in this State pursuant to the terms of this Rule.

(2) The Military Spouse must file a Petition to Determine Eligibility for Admission on Motion without Examination and the accompanying Fitness Application, as described in Part C of the Rules Governing Admission to the Practice of Law in Georgia. The Military Spouse must meet all of the eligibility requirements listed therein, except that the Military Spouse need not show that she or he has been primarily engaged in the active practice of law for five of the last seven years.

(3) If the Board of Bar Examiners approves the Petition and the Board to Determine Fitness of Bar Applicants has certified the Military Spouse as fit to practice law in this State, the Military Spouse will receive a Certificate of Eligibility for Provisional Admission to the Practice of Law as a Military Spouse and must then follow the procedures specified in Part B, Sections 14-17 of the Rules Governing Admission to the Practice of Law in Georgia to be sworn in.

(4) Upon registration with the State Bar of Georgia, the Military Spouse will be designated as a Provisional Lawyer, entitled to all the privileges and subject to all the obligations of active members of the State Bar, including all ethical, legal, and continuing legal education obligations and the disciplinary jurisdiction of the State Bar of Georgia.

(5) Provisional Admission under this Rule will automatically terminate 180 days after any of the following events:

(a) the lawyer's spouse retires or otherwise separates from the Uniformed Services or is reassigned on military orders to a permanent duty station in the United States but outside Georgia;

(b) the lawyer ceases to be the spouse of an active-duty member of the Uniformed Services;

(c) the lawyer relocates permanently to another jurisdiction for reasons other than the spouse's reassignment on military orders;

(d) the lawyer takes and fails the bar examination in Georgia; or

(e) the lawyer fails to meet any of the annual licensing requirements for Georgia lawyers.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk