

27 NCAC 03 .0502 REQUIREMENTS FOR COMITY APPLICANTS

The Board in its discretion shall determine whether an attorney duly licensed to practice law in any state, or territory of the United States, or the District of Columbia, may be licensed to practice law in the State of North Carolina without written examination, other than the Multistate Professional Responsibility Examination; provided that such attorney's jurisdiction of licensure qualifies as a jurisdiction in comity with North Carolina, in that the conditions required by such state, or territory of the United States or the District of Columbia, for North Carolina attorneys to be licensed to practice law in that jurisdiction without written examination are not considered by the Board to be unduly or materially greater than the conditions required by the State of North Carolina for licensure to practice law without written examination in this State. A list of "approved jurisdictions", as determined by the Board pursuant to this rule, shall be available upon request. Any attorney at law duly admitted to practice in another state, or territory of the United States, or the District of Columbia, upon written application may, in the discretion of the Board, be licensed to practice law in the State of North Carolina without written examination provided each such applicant shall:

- (1) File with the Executive Director, upon such forms as may be supplied by the Board, a typed application. Such application shall require:
 - (a) That an applicant supplies full and complete information in regard to his background, including family, past residences, education, military, employment, credit status, whether he has been a party to any disciplinary or legal proceedings, whether currently mentally or emotionally impaired, references, and the nature of the applicant's practice of law.
 - (b) That the applicant furnishes the following documentation:
 - (i) Certificates of Moral Character from four individuals who know the applicant;
 - (ii) A recent photograph;
 - (iii) Two sets of clear fingerprints;
 - (iv) A certification of the Court of Last Resort from the jurisdiction from which the applicant is applying that: the applicant is currently licensed in the jurisdiction; the date of the applicant's licensure in the jurisdiction; the applicant was of good moral character when licensed by the jurisdiction; and the jurisdiction allows North Carolina attorneys to be admitted without examination;
 - (v) Transcripts from the applicant's undergraduate and graduate schools;
 - (vi) A copy of all applications for admission to the practice of law that the applicant has filed with any state, territory, or the District of Columbia;
 - (vii) A certificate of admission to the bar of any state, territory, or the District of Columbia;
 - (viii) A certificate from the proper court or body of every jurisdiction in which the applicant is licensed that he is in good standing, or that the applicant otherwise satisfies the Board that the applicant falls within the exception provided in Rule .0501(7)(b) of this Section, and not under pending charges of misconduct;
- (2) Pay to the Board with each application, a fee of two thousand dollars (\$2,000), no part of which may be refunded to (a) an applicant whose application is denied; or (b) an applicant who withdraws, unless the applicant has filed with the Board a written request to withdraw, in which event, the Board in its discretion may refund no more than one-half of the fee to the withdrawing applicant. However, when an application for admission by comity is received from an applicant who, in the opinion of the Executive Director after consideration with the Board Chair, is not eligible for consideration under the Rules, the applicant shall be so advised by written notice. Upon receipt of such notice, the applicant may elect in writing to withdraw the application, and provided the written election is received by the Board within 20 days from the date of the Board's written notice to the applicant, receive a refund of all fees paid.
- (3) Prove to the satisfaction of the Board that the applicant is duly licensed to practice law in one or more jurisdictions which are on the list of "approved jurisdictions," or should be on such list, as a comity jurisdiction within the language of the first paragraph of this Rule .0502; that the applicant has been, for at least four out of the six years immediately preceding the filing of this application with the Executive Director, actively and substantially engaged in the practice of law pursuant to the license to practice law from one or more jurisdictions relied upon by the applicant; and that the applicant has read the Rules of Professional Conduct promulgated by the North Carolina State Bar. Practice of law for the purposes of this rule when conducted pursuant to a license granted by another jurisdiction shall include the following activities, if performed in a jurisdiction in which

the applicant is admitted to practice law, or if performed in a jurisdiction that permits such activity by a licensed attorney not admitted to practice in that jurisdiction:

- (a) The practice of law as defined by G.S. 84-2.1; or
 - (b) Activities which would constitute the practice of law if done for the general public; or
 - (c) Legal service as house counsel for a person or other entity engaged in business; or
 - (d) Judicial service, service as a judicial law clerk, or other legal service in a court of record or other legal service with any local or state government or with the federal government; or
 - (e) Legal service with the United States, a state or federal territory, or any local governmental bodies or agencies, including military service; or
 - (f) A full-time faculty member in a law school approved by the Council of the North Carolina State Bar.
 - (g) For purposes of this rule, the active practice of law shall not include (a) work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which any person receiving the unauthorized service was located, or (b) the practice of law in any additional jurisdiction, pursuant to a license to practice law in that additional jurisdiction, and that additional jurisdiction is not an "approved jurisdiction" as determined by the Board pursuant to this rule.
- (4) Be in good standing in each State, territory of the United States, or the District of Columbia in which the applicant is or has been licensed to practice law and not under any charges of misconduct while the application is pending before the Board.
- (a) For purposes of this rule, an applicant is "in good standing" in a jurisdiction if:
 - (i) the applicant is an active member of the bar of the jurisdiction and the jurisdiction issues a certificate attesting to the applicant's good standing therein; or
 - (ii) the applicant was formerly a member of the bar of the jurisdiction and the jurisdiction certifies the applicant was in good standing at the time that the applicant ceased to be a member; and
 - (b) if the jurisdiction in which the applicant is inactive or was formerly a member will not certify the applicant's good standing solely because of the non-payment of dues, the Board, in its discretion, may waive such certification from that jurisdiction; however, the applicant must not only be in good standing, but also must be an active member of each jurisdiction upon which the applicant relies for admission by comity.
- (5) Be of good moral character and have satisfied the requirements of Section .0600 of this Chapter;
- (6) Meet the educational requirements of Section .0700 of this Chapter as hereinafter set out if first licensed to practice law after August 1971;
- (7) Not have taken and failed the written North Carolina Bar Examination within five years prior to the date of filing the applicant's comity application;
- (8) Have passed the Multistate Professional Responsibility Examination.

History Note: Authority G.S. 84-21; 84-24;
Eff. February 7, 2025.