

## **ADMISSION BY MOTION APPLICATION - ELIGIBILITY BASED ON PRACTICE** **INSTRUCTIONS/FEES/CHECKLIST**

*Refer to Rule 7.A. of the North Dakota Admission to Practice Rules*

### **APPLICATION PROCESS OVERVIEW**

The Board uses the services of the National Conference of Bar Examiners (NCBE) to assist in conducting an applicant's character and fitness investigation. This is a very brief overview of the application process.

1. Applicant completes the application online, uploads supporting documents, and pays the appropriate investigation and application fees. Applicant should encourage personal references and former and present employers to promptly respond to requests from the NCBE.
2. Applicant will receive a confirmation email from the Board when the application has been accepted for processing. Sometimes a request for further information will be made by the Board staff. Promptly respond to any request for absent or additional documentation.
3. Applicant may receive correspondence directly from NCBE requesting additional information.
4. Motion applications take *approximately* 4-7 months to process, but can take longer.

### **FEES**

\$400 - **Application fee** payable to the State Board of Law Examiners only by check or money order (no credit cards accepted). Application fees are not refundable.

Character and fitness **investigation fee** payable to the National Conference of Bar Examiners. Please see the NCBE Fee Schedule at: <https://www.ncbex.org/character-and-fitness/north-dakota-fee-schedule/>

The fees payable to the NCBE and the Board of Law Examiners must be paid separately.

### **REMEMBER WHEN COMPLETING YOUR APPLICATION:**

**It is your responsibility to read and follow all instructions carefully. Failure to comply with any instructions may result in rejection of your application.**

- \* Each question on the application must be answered completely. Give complete addresses, including emails, street names and numbers, city, state, and postal zip codes.
- \* The primary email address you list on your NCBE character and fitness application is the email at which the Board of Law Examiners will contact you. Make sure you are always checking the *primary* email address you provided for communications from the Board.
- \* Criminal matters - include all adult charges – whether or not they were expunged. Upload the officer's report, complaint, and disposition of charges to your NCBE account.
- \* Civil Lawsuits – upload the complaint and disposition documents to your NCBE account.
- \* **Two of the six required personal references must be clients not related to you by blood or marriage. Please indicate which two references are clients by noting "client" behind their name. If you cannot identify two client references, you must explain why by affidavit.**

## CHECKLIST - BY PRACTICE

**Please note that the Application form is completed online through the NCBE website. However, additional documents and an application fee are required to be filed directly with our office. Your application is not considered received until the application fee and the documents listed below are received at the Board's office. Please carefully follow the checklist below or your application may be rejected.**

- ☐ [Application](#). The application must be completed online through the NCBE website. All supporting documents referenced in your application must be uploaded into your NCBE account.

All items listed below are required to be **mailed** to the Board of Law Examiners as part of your application (delivery address below).

- ☐ A copy of this checklist affirmatively checking off that each item is included in your application packet or has been requested.
- ☐ \$400 application fee paid by check or money order to the Board of Law Examiners.
- ☐ Acknowledgment of Complete Application. The Acknowledgment form must be printed, signed, and mailed to the Board of Law Examiners. (Electronic or physical signature is accepted.)
  - \* The Acknowledgment form is a linked document within the Completion Checklist in your NCBE Account. Log into your NCBE account. Select "Character & Fitness" and the application in question. In the "Actions" column, select "View Checklist".
- ☐ 2" x 2" recent color photograph
- ☐ One executed original "Motion Petition" form [\[Petition form\]](#)
- ☐ One executed original North Dakota release form. [\[ND Release\]](#)
- ☐ Certificate of admission and good standing from the state jurisdiction(s) where admitted.
- ☐ Certificate from the state disciplinary authority in each jurisdiction where the applicant is admitted disclosing all pending or prior disciplinary proceedings (public and private) against the applicant's license to practice or affirming there have been no such proceedings.
- ☐ The affidavits delineated in Rule 7(A)(2), Admission to Practice Rules.  
*(Information required to be attested to by applicant may be combined into a single document. In lieu of a notarized affidavit, an unsworn declaration may be used if it follows substantially the form set forth in N.D.C.C. 31-15-05.)*
  - ☐ Affidavit identifying all jurisdictions where applicant has applied for admission and the final decision of the admitting authority in each jurisdiction.
  - ☐ Affidavit disclosing the place or places in the other state or states or District of Columbia where the applicant has practiced law.
  - ☐ Provide the name and mailing address of a judge who has presided in a court before which the applicant has practiced law. If the judge is amenable to receiving communications by email, please provide an email address.

- If the nature of your practice is transactional and you are not able to provide a judge reference, you can provide the name of a judge you know on a personal basis who can attest to your character and fitness. Please provide his/her name, email, and mailing address. If not, please provide the name, email, and mailing address of an attorney who is familiar with your work, preferably one who was on the opposing side in one of your transactional matters.
- Verification of 12 hours of approved or approvable course work in Continuing Legal Education, one of which shall be in ethics, earned in the 36 months immediately preceding filing of an application for admission. See Admission to Practice [Rule 7\(C\)](#). Verification must be in affidavit form and include or attach a CLE transcript containing the name of each course attended, the sponsoring agency, a brief description of each course, location, date held, and number of credits earned. Submitting an application with deficiencies in CLE hours may result in rejection of your application.
- Affidavits from two attorneys (not within your own law firm) attesting to your character and fitness.
- An affidavit addressing the following:
  1. Whether you have read Rule 5.5 of the North Dakota Rules of Professional Conduct;
  2. Whether you currently or have ever worked as a lawyer in North Dakota;
  3. Do you currently or have you ever had a law office in North Dakota;
  4. Whether, on behalf of any other person or entity, you have drafted deeds, mortgages, or other legal instruments associated with the transfer and/or encumbrances of title to North Dakota real property;
  5. Whether, on behalf of any other person or entity, you have examined title information and/or rendered opinions concerning the validity of title to North Dakota real property;
  6. Whether, on behalf of any other person or entity, you have given advice concerning documentation necessary to cure a cloud on the title to North Dakota real property; and
  7. Whether, on behalf of any other person or entity, you have given advice or drafted documents concerning or regarding North Dakota law.

## **AMENDMENTS**

**It is your responsibility to update your application during its pendency.** To do so, log into your [NCBE Account](#) and select Amend Application.

Retain a copy of your application for your records as requests for a copy will involve a copying charge.

Mail completed application packet to:

State Board of Law Examiners  
Judicial Wing, 1st Fl  
600 E Boulevard Ave.  
Bismarck, ND 58505-0530

Email: [barexaminers@ndcourts.gov](mailto:barexaminers@ndcourts.gov)

Phone: 701-328-4201

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