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Rule VII. Application For License

Application for license to practice law, except for good cause shown, must be filed within one year from the date of recommendation; otherwise the applicant must submit to an examination by the State Board of Law Examiners for further recommendation.

A. LICENSE FEE. An annual license fee as set by the Court, from time to time, shall be imposed upon each attorney actively licensed to practice law in this State. The fee shall be paid annually to the Clerk of the Arkansas Supreme Court. The amount shall be payable January 1 of each year, and must be paid not later than March 1 of each year. Funds thus realized shall be used as ordered by the Supreme Court of the State of Arkansas. Attorneys licensed in this State who have transferred to voluntary inactive status pursuant to Section 25 A.(7) of the Procedures of the Arkansas Supreme Court Regulating Professional conduct of Attorneys at law, or its successor provision, shall pay fifty percent (50%) of the fee required of actively licensed attorneys.

B. LICENSE DENIED. No person shall be admitted to practice law in this State who has been disbarred or suspended from the practice of law in any other state, unless good cause is shown.

C. SUSPENSION FOR FAILURE TO PAY FEE.

(1) Failure to pay the annual license fee provided in subsection A of this Rule VII shall automatically suspend the delinquent lawyer as provided herein from the practice of law in Arkansas and result in the imposition of additional penalties. The annual license fee and late-payment penalties shall be established from time to time by the Court by per curiam orders.

(2) All notices required to be sent by the Supreme Court Clerk under this Rule shall be sent by regular mail to the address of record for each licensed attorney on file with the Clerk.

(3) All required submissions to the Clerk's office under this Rule shall be deemed to be dated and submitted as of the date of receipt in the Clerk's office in Little Rock.

(4) The Clerk shall send each attorney a notice in December stating that the annual license fee is due on January 1; that the fee is delinquent if not paid by March 1, resulting in a penalty \$100; that if the fee and penalty are not paid by April 1 an additional penalty of \$100 will be imposed; that the attorney's license shall be automatically suspended if the license fee and all penalties due are not paid in full by April 15 or the next business day for the Clerk's office if the Clerk's office is closed on April 15 and that the delinquent attorney shall be listed as being in a suspended-license status in a per curiam order issued by the Supreme Court after April 15.

(5) After March 1, the Clerk shall send another notice to all attorneys not yet having paid their license fee that they are delinquent and owe a penalty of \$100; such notice shall also contain the same information included in the December notice.

(6) On or about April 1, the Clerk shall send a third and final notice to all attorneys not yet having paid their license fee that they are delinquent and a second penalty of \$100; such notice shall also contain the same information included in the December notice.

(7) The final deadline for payment of the license fee and all penalties shall be April 15 or the next business day for the Clerk's office if the Clerk's office is closed on April 15.

(8) The names of all delinquent attorneys shall be listed by the Clerk in a per curiam order (the "April 16 per curiam") presented to the Court as soon as practicable after April 15. All attorneys named therein shall be ineligible thereafter to practice law in the courts of the State of Arkansas until reinstated as provided in this Rule. The Clerk shall promptly post a copy of the per curiam on the court's website, send a copy of the per curiam to all state and federal judges in Arkansas by mail or email, and mail a copy to each attorney named in the per curiam.

(9) For any attorney paying in full the license fee and all penalties due after April 16, the Clerk shall issue receipt for payment in such form that receipt shall act as proof of good standing of the attorney until such time as the per curiam order is issued by the Clerk.

(10) The critical license-renewal dates are:

- a. January 1 License fee due
- b. March 2 Delinquency occurs and late-payment penalty of \$100 imposed
- c. April 2 Additional late payment penalty of \$100 imposed
- d. April 15 or the next business day for the Clerk's office if the Clerk's office is closed on April 15
Final deadline to pay license fee and penalties
- e. April 16 The April 16 per curiam order shall issue listing those attorneys suspended for license fee and penalties not paid by April 15 or the next business day for the Clerk's office if the Clerk's office is closed on April 15.

(11) Any attorney who believes his or her name is listed in the April 16 per curiam order by mistake may appeal administratively by providing evidence of the mistake to the Clerk. Any appeal to the Clerk shall be accompanied by full tender to the Clerk of the license fee and all penalties in issue. Any appeal to the Clerk under this Rule shall not be docketed as a case before the Supreme Court, but shall be treated as an administrative matter with the Clerk acting on behalf of the Court.

(12) The Clerk will notify the attorney if the Clerk agrees that a mistake was made. If the Clerk determines that there was a mistake and that the license fee and any penalty due was timely paid, the matter will be concluded. Any excess payment received by the Clerk shall be

refunded to the attorney within thirty (30) days of the Clerk's determination, and the Clerk shall submit to the Court a per curiam order to amend the April 16 per curiam order to remove that attorney's name, whereupon the attorney shall be reinstated retroactively to March 1 of the year in question.

(13) If the Clerk concludes that there was no mistake, the Clerk shall notify the attorney. The attorney may then petition the Supreme Court, paying the standard filing fee, asking that the Court review the attorney's allegations of a mistake which resulted in the attorney being listed as delinquent and having his or her license suspended in the April 16 per curiam order. Any such appeal shall be docketed as a civil case before the Court and be accompanied by the standard filing fee for a civil appeal. A briefing schedule shall be issued by the Clerk with the attorney briefing first, followed by the Clerk briefing. If the Court grants relief and orders reinstatement to March 1, any excess payment of license fee and penalties received by the Clerk shall be refunded to the attorney within thirty (30) days of the Court's order.

(14) An attorney may also appeal administratively based on a claim of serious and excusable circumstance following the process in subsections (11), (12), and (13).

(15) Filing any administrative appeal or a petition for reinstatement shall automatically result in a stay of the license suspension from the date of filing until final action on the appeal or petition.

(16) Delinquency status in a given year dates from March 2 of the year in which the fees are due.

(17) Any time after April 15 of the first year and before a delinquency of three years, upon payment of all license fees and penalties and a reinstatement filing fee of \$100, the Clerk shall issue a per curiam order in the name of the Court reinstating the attorney to good standing and listing the attorney's name in the category of those reinstated since the previous per curiam order on the same subject.

(18) If a delinquency is for more than three (3) consecutive years, application to the Board of Law Examiners for reinstatement must be made by the suspended attorney on a form supplied by the Executive Secretary of the Board and accompanied by a tender of all unpaid license fees and penalties and a Board reinstatement fee of \$100.

(19) Periodically, the Clerk shall submit to the Court a proposed per curiam listing all attorneys whose names shall be removed from the April 16 per curiam listing of attorneys suspended. The per curiam shall consist of two categories and listings of attorneys. Category One shall list all attorneys who are still in suspended-license status for nonpayment of license fee and penalties. Category Two shall list all attorneys who have been returned to paid status since the last per curiam order on the status of license fees. In the next per curiam after an attorney's name first appears in Category Two, that attorney's name shall be deleted from the per curiam.

(20) The late penalties set out in this Rule shall not apply to any attorney whose license (a) has been placed in inactive status by the Committee on Professional Conduct or (b) is the age 65 or older and who certifies that his or her primary source of income does not derive from the practice of law.

(21) This Rule shall be effective for license fees due for the year 2015, and shall not be

applied retroactively to any previous year.

(22) All deadlines imposed by this rule shall be subject to the extension of time for deadlines occurring on a day when the Clerk's office is closed, as provided in Rule 9 of the Rules of Appellate Procedure--Civil.

D. REINSTATEMENT. An application for reinstatement pursuant to C(2) of this Section for non-payment of dues for more than three (3) years shall be accompanied by the payment of an application fee of \$100.00 which shall be payable to the Board. All applications for reinstatement will be referred to the Board in accord with Rule XIII of these rules for investigation and recommendation and the taking of a new examination may be required by the Board.

E. PUBLIC RECORDS. It shall be the duty of the Clerk to maintain a public record of licensed attorneys in the state of Arkansas and a list of all attorneys no longer licensed and the reason therefore, e.g., deceased, suspended, disbarred, surrender of license, inactive, delinquency of fee, disabled or retired.

F. At the time of licensure, the new admittee shall provide a mailing address to the Clerk of this Court. The address on record with the Clerk shall constitute the address for service by mail. Attorneys shall be responsible for informing the Clerk in writing and within a reasonable time of any change of such address.

G. ATTORNEY OATH OF ADMISSION. The following oath shall be administered to and signed by members of the Arkansas Bar:

State of Arkansas)

In the Supreme Court)

To the Honorable, the Supreme Court of Arkansas:

Your petitioner prays to be licensed as an Attorney-at-Law.

I DO SOLEMNLY SWEAR OR AFFIRM:

I will support the Constitution of the United States and the Constitution of the State of Arkansas, and I will faithfully perform the duties of attorney at law.

I will maintain the respect and courtesy due to courts of justice, judicial officers, and those who assist them.

I will, to the best of my ability, abide by the Arkansas Rules of Professional Conduct and any other standards of ethics proclaimed by the courts, and in doubtful cases I will attempt to abide by the spirit of those ethical rules and precepts of honor and fair play.

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.

I will not reject, from any consideration personal to myself, the cause of the impoverished, the defenseless, or the oppressed.

I will endeavor always to advance the cause of justice and to defend and to keep

inviolate the rights of all persons whose trust is conferred upon me as an attorney at law.

ATTORNEY SIGNATURE

Sworn to and subscribed before me this _____ day of
_____, 2_____.

OFFICIAL AUTHORIZED TO ADMINISTER OATH

History Text:

(237 Ark. 977, January 1963; amended by Per Curiam May 18, 1992; amended by Per Curiam May 3, 1993; amended by Per Curiam June 17, 2004; amended by Per Curiam February 2, 2006; amended and effective by Per Curiam February 23, 2012; amended and effective November 20, 2014)

Associated Court Rules:

Rules Governing Admission to the Bar

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