



Office of Bar Admissions

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Archives and Records Commission



Office of Bar Admissions

The Office of Bar Admissions is authorized by KRS 21A.130. It was created in 1976, as the Board of Bar Examiners, to assist in the evaluation of applicants for admission to the practice of law. Its duties are listed in the Rules of the Supreme Court 2.000.

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Judicial Branch
Bar Admissions

Record Group
Number
0340

Series	Records Title and Description	Function and Use
00873	Admission by Examination and Without Examination Index Book	Closed series: This series documents much of the history of the Office. It includes minutes of meetings, terms of members, appointments by the Office, and disbursement of funds. In addition, it includes a listing of those applying for admission to the Bar by examination, dates and locations of examinations, results of examinations, applicants applying for admission to the Bar without examination, and investigative reports. The books were replaced by the Attorney Applicant/Licensee Card File (00874). The following provides the dates and some detail of each volume: Vol.1--June, 1918-1936--Minutes, Disbursement of Funds; Vol.2--1937-1944--Admissions to the Bar; Vol.3--1945-August, 1949--Admissions to the Bar; Vol.4--October, 1949-May, 1953--Admissions to the Bar without Examination; Vol.5--November, 1949-1966--Admissions to the Bar; Vol.6--1967-1970--Admissions to the Bar.
	Access Restrictions	SCR 2.008 - Character and fitness
	Contents	Series contains: Name of applicant; date and location of examination; results of examination; location in file by date of examination; date application is received; date referred for character reference, person referred to; final approval and date. Applicants applying for admission without examination, date of recommendation of the Office. Minutes of meetings of Court of Appeals and the Office; disbursement of funds, documentation of misconduct
	Retention and Disposition	Retain permanently in Agency
00874	Attorney Applicant/Licensee Card File - (Replaces the Admission by Examination and Without Examination Index Books (00873), after 1970)	This series documents the activity of the application process for those to be licensed to practice law in Kentucky. It is used primarily for verification purposes. It reflects the name and address of the applicant, filing date, approval date and, among others, the number of times an examination is taken and the results of each. It is referred to when another state bar licensing board inquires about an applicant that has applied for admission. This series was previously the Admission by Examination and Without Examination Index Books (00873). It includes a card documenting every individual that has placed an application with the Office, whether it was one licensed through examination, without examination, rejected, withdrawn, or limited.
	Access Restrictions	SCR 2.008 - Exam results
	Contents	Series contains: Name, address of applicant; date application filed; date application received; date of examination applying for; name of law school; social security number; fees paid; items to be submitted with application; date referred for approval; person referred to approval or denied date; date application withdrawn, date recommendation signed; examination results; dates examination taken; date admitted to Kentucky Bar
	Retention and Disposition	Retain permanently in Agency
00875	Master Folder of Bar Examinee (V)	This series documents the activities of each applicant to which a bar examination is to be or has been administered. As required in SCR 2.020, 2.040, 2.070, and 2.090, the file verifies that the applicant meets the requirements necessary to sit for the Kentucky Bar Examination. That is, an applicant has paid the required fees by the appropriate deadline, satisfied (and paid for) a background investigation conducted by the Character and Fitness Committee, completed degree requirements for a J.D. (Doctor of Jurisprudence) or equivalent professional degree from a law school approved by the American Bar Association or by the Association of American Law Schools, and taken the bar examination. The series is often referenced for results of background checks and examination results.
	Access Restrictions	SCR 2.008 - Character and fitness; exam scores
	Contents	Series contains: Dean certification for character and fitness; grades; examination correspondence; certificate fees; character and fitness approval letters; review of conference information and correspondence; application to sit for bar examination, character and fitness questionnaire; in-house investigation; pre-registration application; Multi-State Professional Responsibility Examination scores
	Retention and Disposition	Retain in Agency for two (2) years after completion of the bar examination and admission to the Kentucky Bar Association, transfer to Records Center and retain at Records Center for eight (8) years, destroy.

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Series	Records Title and Description	Function and Use
00876	Denied Application for Admission File	This series documents the applications of persons who have applied for admission to the Kentucky Bar Association and been denied by the Character and Fitness Committee. The applicants will neither sit for the bar examination or be admitted to the Bar. The series is inclusive of bar applications, pre-registration, motion, and limited practice applications. The Character and Fitness Committee is composed of three attorneys, appointed by the Supreme Court for terms of three years and until their successors are appointed. It is charged with the responsibility of determining the character and fitness, education and general qualifications of the applicants for admission to the Bar. It also renders advisory opinions to determine eligibility from a standpoint of character, based on facts submitted to it on a form provided by the Office. The Committee may conduct investigations in order to determine the character and fitness of a person seeking to perform legal services.
	Access Restrictions	SCR 2.008 - Character and fitness records
	Contents	Series contains: Application for admission; in-house investigation may include independent investigative reports; correspondence; dean's certification; test scores; fingerprint card; transcripts of hearings; certification of costs; driving records; medical and credit histories; recommendation of Character and Fitness Committee showing date denied. May also include Supreme Court Order showing date denied
	Retention and Disposition	Retain in Agency for two (2) years after date of denial; transfer to Records Center for three (3) years, destroy.
00877	Master Folder for Admission Without Examination (V)	This series documents the application activity for attorneys licensed in another state seeking admission and full licensure (versus limited practice) to the Kentucky Bar Association without sitting for the bar examination, in accordance with SCR 2.110. The files contain certificates from the state in which the attorneys are presently practicing, in order to verify that they have passed the bar examination; documentation that the attorneys have been admitted in said state and the date of admission; letter from a judge or clerk stating that the applicants have practiced law for the required number of years; and character affidavits. College and law school transcripts also are included. The applications are used to admit attorneys to the Kentucky Bar and are used for investigations by the Character and Fitness Committee for background information on the applicant.
	Access Restrictions	SCR 2.008 - Character and Fitness; exam scores
	Contents	Series contains: Application; letter from judge or clerk; character affidavits; certificate from state in which applicants were practicing law; college and law school transcripts; investigative information/reports; proof of good standing with state bar(s) where currently admitted; proof of five years of active practice of law from state with reciprocal agreement; Multi-State Professional Responsibility Examination score; transcripts of hearing and certification of costs
	Retention and Disposition	Retain in Agency for two (2) years after admission to the Kentucky Bar Association, transfer to Records Center for eight (8) years, destroy.
00879	Limited Practice Applicant File - (Includes approvals and rejections) (V)	This series documents an attorney's application for limited admission to practice law in Kentucky, and to verify the applicant's background determining his character and fitness eligibility and professional qualifications. Under the terms of SCR2.111, an attorney not a member of the Kentucky Bar Association who performs legal services for his employer, its parent, subsidiary, or affiliated entities, must file with the Clerk of the Supreme Court an application for a limited certificate of admission to practice law in Kentucky. It is valid as long as the applicant remains employed by the company or organization, and expires 30 days after the attorney ceases to be employed, or the case or legal business ends. If the attorney participates in the Defender or Legal Services Program, the license expires after 18 months.
	Access Restrictions	SCR 2.008 - Character and fitness report
	Contents	Series contains: Application for admission; character and fitness questionnaire and recommendation; correspondence; investigative reports with employer references, credit reports, law school transcripts, dean's certification of graduation from law school; certificate of admission from state applicant is licensed in; statement from employer verifying employment; statement from disciplinary agency stating no pending disciplinary action; Supreme Court statement notifying of approval or denial, date of admission
	Retention and Disposition	Retain in Agency for two (2) years after expiration of license; transfer to Records Center, retain at Records Center for three (3) years; destroy

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Series	Records Title and Description	Function and Use
00880	Ineligible Applicant File	This series documents applicants determined to be ineligible to practice law by the Supreme Court or the Character and Fitness Committee (which offers its recommendations to the Supreme Court). The primary candidates for this series are those that did not graduate from a law school approved by the American Bar Association or by the Association of American Law Schools. The series may soon include applicants who have taken and failed the bar examination after a limited number of times, if and when such a law becomes effective again. There has been a time when one could only take the bar examination three times, but no such law exists at this time in Kentucky.
	Access Restrictions	SCR 2.008 - Character and fitness records
	Contents	Series contains: Application; correspondence; petition to the Supreme Court; orders; character and fitness information
	Retention and Disposition	Retain in Agency for three (3) years after determination of ineligibility; destroy
04415	Withdrawn Application for Admission File - (Abeyance file)	This series documents the withdrawal of an applicant for admission to the Kentucky bar examination. The applicant has withdrawn either by request or by never completing all of the requirements necessary to sit for the Bar.
	Access Restrictions	SCR 2.008 - Character and fitness; exam scores
	Contents	Series contains: Application for admission; character and fitness questionnaire; in-house investigation; correspondence. May include character and fitness update application, investigative reports, memoranda, previous bar examination failure notices, re-application or re-certification forms
	Retention and Disposition	Retain in Agency for two (2) years; transfer to the State Records Center and retain at State Records Center for three (3) years; destroy.
04416	Reinstated Attorney's File (V)	This series documents the reinstatement process of an attorney to practice law who has been disbarred, suspended, or whose initial application has been withdrawn. As required in SCR 2.040, it documents the recommendations of the Character and Fitness Committee to the Kentucky Bar Association's Board of Governors. Various forms of misconduct will cause an attorney to be disbarred or temporarily suspended from the practice of law, such as violating the rules of professional conduct, the committing of a criminal act reflecting on one's honesty, improper influence of a government agency or official, or engaging in conduct involving fraud, deceit, or misrepresentation. The file reflects the results of a background investigation by the Office to determine rehabilitation from the problem(s) causing suspension or disbarment, and to determine if the applicant possesses the professional capabilities and moral character and fitness to be reinstated to the Bar. Upon approval by the Board of Governors, the Office conducts the appropriate re-examinations. Once the process is completed, recommendation is made to the Kentucky Supreme Court for reinstatement. For applications withdrawn or denied, see Withdrawn/Denied Reinstatement Application File (04417).
	Access Restrictions	SCR 2.008 - Character and fitness; exam scores
	Contents	Series contains: Application for reinstatement; character and fitness questionnaire, investigation, reports; transcripts of hearings; recommendation of Character and Fitness Committee; correspondence; possibly essay examination score and Multi-State Professional Responsibility Examination (MPRE) results; order certifying passage of examinations; order of reinstatement or denial
	Retention and Disposition	Retain in Agency the reinstated files four(4) years after order is approved; transfer to Records Center and retain at Records Center for six (6) years, destroy. Transfer denied or withdrawn files to the Withdrawn/Denied Reinstatement Application File (04417).

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Series	Records Title and Description	Function and Use
04417	Withdrawn/Denied Reinstatement Application File (V)	This series documents the process of a withdrawn, suspended, or disbarred attorney's application for reinstatement. The application has been denied by the Board of Governor's or has been withdrawn by the candidate for consideration in pursuing reinstatement. The series will reflect the background investigation if conducted, examine any rehabilitation from problems stemming from the suspension or disbarment, and determine if the applicant possesses the professional capabilities and moral character to be reinstated as a member of the Bar. Sometimes situations and conditions, i.e., financial, change or improve over a period of time and the Character & Fitness Committee will urge the applicant to re-apply at a later date when the possibility for reinstatement is higher. If the applicant is later approved and reinstated, the file is transferred to the Reinstated Attorney's File (04416).
	Access Restrictions	SCR 2.008 - Character and fitness report
	Contents	Series contains: Application for reinstatement; character and fitness questionnaire and report; in-house and/or independent investigation; correspondence; transcript of hearings; recommendation of Character and Fitness Committee denying reinstatement; certification of costs. May include Supreme Court order reflecting date application was withdrawn or denied
	Retention and Disposition	Retain in Agency three (3) years after review is completed; transfer to Records Center and retain at Records Center for twelve (12) years; destroy.
04418	Examination Booklet of Bar Examinees	This series documents the applicant's answers to the bar examination essays. To retain these for a period of time allows the agency to review the answers of examinees if they fail the exam and appeal to the Supreme Court, or in the event that an investigation is needed due to an applicant being suspected of cheating.
	Access Restrictions	SCR 2.008 - Examination scores
	Contents	Series contains applicant's essay examination booklet
	Retention and Disposition	Retain in Agency for one (1) year; destroy
04419	Eligibility Advisory Opinion File (V)	This series documents the response of the Character and Fitness Committee when an applicant needs an opinion regarding their eligibility to sit for the Kentucky bar examination or to be admitted to the Kentucky Bar from a standpoint of character. Under the terms of SCR 2.040 (3), the Committee is charged with the responsibility of determining the fitness and qualifications of applicants seeking admission to the Bar. The committee conducts a preliminary background investigation of the individual seeking the opinion, before rendering it's decision.
	Access Restrictions	SCR 2.008 - Character and fitness report
	Contents	Series contains: Request form or correspondence from applicant; court documents, criminal, medical or credit histories, and/or psychological evaluations; investigative memoranda or reports; opinion of the committee
	Retention and Disposition	Retain in Agency for five (5) years; destroy.
04436	Master Folder of the Bar Examination	This series documents the activities of each bar examination administered by the Office. Pursuant to SCR 2.040 (5) and 2.090, the file verifies that the applicants have been certified by the Character and Fitness Committee as eligible to sit for the examination, documents the bar examination questions, model answers, examination scores, and pass/fail percentages. It also identifies the applicants who pass or fail the examination, and the recommendation of the Office to admit those who passed.
	Access Restrictions	SCR 2.008 - Examination results
	Contents	Series contains: Examination questions; model answers; list of applicants; registration sheet; dean's certification of character and fitness; pass/fail list; grades; examination correspondence; certificate fees; character and fitness approval letters; Multi-State Bar examination scores; review conference information and correspondence; seating chart; order of the Board of the Supreme Court stating number and names passing bar, admitted to the bar, date of admission
	Retention and Disposition	Retain in Agency for two (2) years; transfer to the State Archives Center and retained permanently.