



# IN THE SUPREME COURT OF ALABAMA

April 30, 2026

## ORDER

It is the Constitutional responsibility of this Court to supervise the education, admission, and discipline of members of the Bar in the State of Alabama. Over the last several months, the Court has considered amending Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar. In doing so, the Court considered the following:

- a. Whether to reduce or end those rules' reliance on the accreditation of law schools by the American Bar Association and, if so, what alternatives should be considered.
- b. Whether to reduce the number of times an applicant may be allowed to sit for the Alabama Bar examination.

Following additional study, the Court drafted proposed amendments to Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar. The Court then invited comments from the Alabama Board of Bar Examiners on the proposed amendments.

After considering the comments received from the Alabama Board of Bar Examiners, the Court made additional amendments to Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar. Those additional amendments have now been approved by the Court.

IT IS THEREFORE ORDERED that Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar, be amended to read in accordance with Appendix A and Appendix B, respectively, to this order;

IT IS FURTHER ORDERED that the amendments of Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar, are effective January 1, 2027, and will also govern who is eligible to sit for the Alabama Bar examination beginning in February 2027;



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

IT IS FURTHER ORDERED that the computation of the number of times that an applicant has attempted the Alabama Bar examination will begin with any attempts in July 2026 or thereafter. This computation will be a lifetime, cumulative total. Any attempts before July 2026 will not be considered in this computation.

IT IS FURTHER ORDERED that the Court reserves the right to alter or amend this order or these rules at any time, with or without notice, as it deems necessary.

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar:

**"Note from the reporter of decisions:** The order amending Rule III and Rule IV, Rules Governing Admission to the Alabama State Bar, effective January 1, 2027, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_ So. 3d."

**Stewart, C.J., and Shaw, Wise, Bryan, Sellers, Cook, McCool, and Parker, JJ., concur.**

**Mendheim, J., concurs in part and dissents in part, with opinion.**

**Witness my hand and seal this 30th day of April, 2026.**

*Megan B. Rhodeseck*

**Clerk of Court,  
Supreme Court of Alabama**

**FILED  
April 30, 2026  
Clerk of Court  
Supreme Court of Alabama**



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

MENDHEIM, Justice (concurring in part and dissenting in part).

I concur with the adoption of the amendments to Rule III and Rule IV of the Rules Governing Admission to the Alabama State Bar, except for the amendment to Rule IV.E, as to which I dissent. I disagree with what will essentially be an absolute restriction on the number of times that an applicant may take the bar examination. Among the states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, less than 10 jurisdictions have a hard limit like Rule IV.E. Considerably more jurisdictions permit an applicant to request permission to take the bar examination again after he or she has failed the examination a stated number of times, and well over a majority of jurisdictions (including Alabama until the adoption of this amendment to Rule IV.E) have no restriction on the number of times that an applicant may take the bar examination. Thus, well over two-thirds of the pertinent jurisdictions have seen no need to enact a rule like Rule IV.E.

I have seen no evidence that would support Alabama's joining the minority of jurisdictions on this issue. Other than raw passage-rate numbers and general applicant statistics, such as which law school



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

respective applicants attended and the number of times applicants previously had taken the bar examination, no objective evidence has been submitted to the Court on this issue. The available statistics indicate that graduates from accredited law schools attached to universities have a much higher likelihood of passing the bar examination the first time it is taken as compared to graduates of other law schools. But a primary concern for me is that not all applicants can attend a fully accredited law school that is part of a university, whether for lack of financial resources, having to work to support themselves and their families while attending law school at night or on the weekends, or other legitimate reasons. And though the reason an applicant fails the bar examination may be lack of ability, there are a plethora of reasons an applicant might fail, such as poor test-taking skills, personal-life issues, lack of preparation, or physical and/or mental-health issues, whether of a temporary or more permanent nature.

I am not convinced that an applicant who may have prematurely taken the bar examination several times should be forever precluded from correcting his or her issues and again taking the examination.



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

Instead, the legal profession and the public would be better served by permitting an applicant to request permission to again take the bar examination after he or she has reached the stated limit, perhaps even a limit lower than the limit that has been adopted. As in other jurisdictions, the Court and the Bar could establish appropriate guidelines for making and reviewing such requests, including consideration of an applicant's personal circumstances, the applicant's physical or mental-health issues, how close the applicant's previous scores were to passing, and the specific efforts the applicant has made to increase the likelihood of passing should he or she be permitted to again take the examination. Respectfully, I have not heard a single convincing reason why the better course for Alabama is to join the small minority of jurisdictions that have restrictions resembling the amendment to Rule IV.E.



# IN THE SUPREME COURT OF ALABAMA

April 30, 2026

## APPENDIX A

### **Rule III. Persons Entitled to Admission Without Examination**

**A. Reciprocity.** No person shall be admitted to the Alabama State Bar without examination except as follows:

(1) An applicant who meets the requirements of Rule III.A(1)(a)-(k) may, without examination, be admitted to the practice of law in Alabama. The applicant shall

(a) have been admitted to practice law in another state, territory, or the District of Columbia;

(b) hold a first professional degree in law (J.D. or L.L.B.) from a law school that is or may be approved pursuant to Rule IV.B(1), (2), or (3);

(c) have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the six years immediately preceding the date upon which the application is filed;

(d) establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, or in which he or she was or is domiciled and admitted before seeking admission here, would allow attorneys from Alabama a similar accommodation as set forth in this rule;

(e) establish that the applicant is currently a member in good standing in all jurisdictions where he or she is admitted;

(f) establish that the applicant is not currently



# IN THE SUPREME COURT OF ALABAMA

April 30, 2026

subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(g) establish that the applicant possesses the character and fitness to practice law as determined by the Committee on Character and Fitness under Rule V;

(h) establish that the applicant has not, within the 10 years prior to making application, taken and failed the Alabama Bar examination;

(i) be a permanent resident of the State of Alabama at the time of application or certify his or her intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in this State. The "primary practice of law" shall mean at least 75% of the time devoted to the practice of law will be conducted in this State;

(j) have taken and achieved a score of 75 or better on the Multistate Professional Responsibility Examination (MPRE); and

(k) have complied with the requirements of Rule I and paid the fee prescribed in item (4) of the Fee Schedule (see Appendix).

(2) For the purposes of this rule, the "active practice of law" under Rule III.A(1)(c) shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted to practice; however, in no event shall activities listed under Rule III.A(2)(e) and (f) that were performed within Alabama in advance of Bar admission here be accepted toward the durational requirement:



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

(a) Representation of one or more clients in the practice of law;

(b) Service as a lawyer with a local, state, territorial, or federal agency, including military service;

(c) Teaching law at a law school that is or may be approved pursuant to Rule IV.B(1), (2), or (3);

(d) Service as a judge in a federal, state, territorial, or local court of record;

(e) Service as a judicial law clerk; or

(f) Service as corporate counsel.

(3) For the purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

(4) Teachers in a law school situated in this State, as identified in Rule IV.B(1), who have been full-time teachers at said law school for a period of not less than three consecutive calendar years prior to the date of their application and who satisfy the requirements of Rule III.A(1)(a), (b), and (d)-(k) may be admitted to the practice of law in Alabama. All such applicants shall give proof of the qualifications prescribed herein, which shall be certified to by the dean of the law school at which they teach.

(5) Pursuant to 50 U.S.C. § 4025a, a service member in the United States Uniformed Services, as defined by the United States Department of Defense, who is serving on military orders for duty within this State of more than 180 days (that is, Permanent Change



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

of Station (PCS) orders or Temporary Duty (TDY or TEMDU) orders for a period of more than 180 days, or the equivalent thereto) or the spouse of such a service member may be admitted to the practice of law in Alabama pursuant to this rule, but need not satisfy the requirements of Rule III.A(1)(c) and (d). All such applicants shall give proof of the qualifications prescribed herein.

(6) If the applicant is found to satisfy all the requirements of this rule, the Secretary shall certify such fact to the Board of Commissioners and to the clerk of the Alabama Supreme Court.

**B. Application and Fees.** The Secretary is authorized and empowered to prepare the necessary forms of application and affidavits to effectuate the purpose of this rule. Those who seek admission under provisions of this rule must make application for admission to practice law, as other applicants are required to do by these Rules and any associated regulations. Any fee required with an application filed pursuant to this rule shall be nonrefundable.



# IN THE SUPREME COURT OF ALABAMA

April 30, 2026

## APPENDIX B

### **Rule IV. Persons Entitled to Admission by Examination**

**A. General Requirements.** Any person who is at least 19 years of age and who has complied with the requirements of Rule I is entitled to be examined for admission to the Alabama State Bar, at any examination held as prescribed by these Rules, upon proof that he or she has complied with the education requirements set out in this rule.

**B. Education Requirements.** An applicant shall make proof of legal study by filing with the Secretary a certificate or certificates from the dean or deans of one or more law schools, from which it shall appear that the applicant has completed legal study conforming to and fulfilling one of the following:

(1) That the applicant graduated from one of the following law schools:

- (a) University of Alabama School of Law;
- (b) Cumberland School of Law at Samford University;
- (c) Jones School of Law of Faulkner University;
- (d) Birmingham School of Law; or
- (e) Miles Law School.

(2) That the applicant graduated from a law school located outside the State of Alabama, but within the United States or one of its territories, whose graduates are eligible to take the bar examination of the state, territory, or District of Columbia in which the law school is located and also satisfies the following requirements:



# IN THE SUPREME COURT OF ALABAMA

April 30, 2026

(a) That the applicant has pursued and satisfactorily completed, as a resident student, a course of law studies that extended for at least 3 academic years of at least 30 weeks each; and

(b) That the applicant has satisfied the requirements of Rule IV.C(2), if applicable.

(3) That the applicant graduated from a law school located outside the United States and its territories if one of the following is satisfied:

(a) That the applicant has been admitted to the practice of law before the court of highest jurisdiction in a state or other jurisdiction within the United States and remains in good standing with such court;

(b) That the applicant (i) has obtained a graduate degree from a law school within the United States that has a program that is based upon the laws of the United States and has been approved pursuant to Rule IV.B(1) or (2) and (ii) has pursued and satisfactorily completed, as a resident student, that course of law studies for at least one, 30-week academic year; or

(c) That the applicant has either submitted an application establishing, or the Bar has previously determined, that the law school from which he or she has graduated provided an education that is substantially equivalent to the education provided by the law schools listed in Rule IV.B(1) or (2).

## **C. Law Schools Not Previously Eligible.**

(1) If the applicant has graduated from a law school from



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

another jurisdiction that has not previously had students qualify to take the examination for admission to the Alabama State Bar, the Bar may have up to 180 days to complete its investigation into whether the applicant satisfies the requirements of Rule IV.B(2) or (3).

(2) If the applicant has graduated from a law school identified in Rule IV.B(2) and the law school has not previously had students qualify to take the examination for admission to the Alabama State Bar and the jurisdiction where the law school is located imposes any additional educational or examination requirements upon graduates of the law school to be eligible to take its bar examination, the applicant must demonstrate that he or she has satisfied those additional requirements.

**D. Certification of Eligibility.** If the applicant is entitled to take the examination, the Secretary shall issue to such applicant a certificate substantially as follows:

The Committee on Character and Fitness of the Alabama State Bar does hereby certify that \_\_\_\_\_, who has satisfied the applicable requirements of the Rules Governing Admission to the Alabama State Bar, is entitled to take the examination for admission to the Alabama State Bar to be administered on \_\_\_\_\_ at \_\_\_\_\_.

By: \_\_\_\_\_  
Secretary, Board of Commissioners  
Alabama State Bar

Such certification shall be presented and verified before such applicant enters upon the examination, and the Board of Bar Examiners shall not examine any applicant by whom such certificate has not been presented and verified. The Secretary, upon issuing or refusing to issue the said certificate, shall preserve in his or her office a record of the fact



## IN THE SUPREME COURT OF ALABAMA

April 30, 2026

that such certificate was or was not issued and the date of such action, and shall preserve in his or her office said application with the papers attached thereto and other records in connection with the said application, all of which shall be kept on file until the examination is completed, report made thereon, and pending application finally disposed of. If an applicant is not admitted to the practice of law, the application and all other papers in connection therewith shall be kept on file in the Secretary's office for reference in connection with any future application for admission to the Bar or for investigation and examination of the record by any person entitled thereto.

**E. Limitations on Examinations.** An applicant may take the examination for admission to the Alabama State Bar five (5) times. The Bar may waive this prohibition for individual applicants if: (1) the applicant did not complete a prior examination or (2) the applicant or an immediate family member experienced a medical emergency during or immediately before an examination.