

FAQs on the Order Establishing Special Authorization for the Temporary Supervised Practice of Law in Maryland

On August 28, 2020, the Court of Appeals of Maryland issued an [Administrative Order Establishing Special Authorization for the Temporary Supervised Practice of Law](#) (“the TSA Order”). These FAQs explain the processes for obtaining Temporary Special Authorization (“TSA”) under the TSA Order.

Who is eligible to receive a TSA?

- An applicant to the Maryland Bar who filed a Notice of Intent to Take the July 2020 UBE (now the October 2020 Remote Bar Exam) in Maryland that was not withdrawn prior to August 28, 2020 and who files an [Application for Temporary Special Authorization](#), as using the form linked below.

May an applicant apply for a TSA and take the October 2020 Remote Exam?

- No. Pursuant to the Order, filing an Application for TSA serves to automatically cause the applicant to be withdrawn from the October 2020 Remote Bar Exam.

May an applicant receive a refund of bar application fees if he or she files an application for TSA?

- No. An applicant filing an Application for TSA remains a bar applicant and, therefore, no fees will be refunded.
- SBLE will, however, defer the Notice of Intent fee for Applicants filing an Application for TSA to a future UBE in Maryland not later than the February 2022 exam session.

How does an individual become approved for a TSA?

- The applicant must file a completed [Application for Temporary Special Authorization](#) with the State Board of Law Examiners (SBLE) no later than 4:30pm on Monday, September 21, 2020.
 - The completed Application may be sent to SBLE by email to SBLE@mdcourts.gov or by mail to State Board of Law Examiners, Judiciary A-POD, 580 Taylor Avenue, Annapolis, MD 21401.
- The applicant is **NOT** required to have all eligibility criteria in place at the time of filing the Application with SBLE.
- Other than for filing the Application for TSA, there are no specific deadlines to meet the eligibility criteria for approval, however, the Court of Appeals will not approve any TSA until all eligible criteria are met.

When will the approved TSA go into effect?

- The Court of Appeals will begin to approve TSA applications on December 1, 2020 and any applicant who meets all TSA criteria by December 1, 2020 will be approved on that date or as soon after that date as the applicant completes the oath process described in the TSA Order.
- After December 1, 2020, the Court of Appeals will approve TSA Applications on a rolling basis for those applicants meeting all eligibility criteria.

What eligibility criteria must be met to be approved for the TSA?

- Pre-legal education pursuant to Md. Rule 19-201(a)(1) – All applicants whose Character Questionnaires and Notices of Intent were accepted by SBLE for filing have met this criterion.
- Legal education pursuant to Maryland Rule 19-201(a)(2)
 - Applicants are required to provide a law school transcript showing conferral of the JD degree by September 1, 2020 – current law school transcript status is displayed on applicants’ eBar “My Status” pages

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- Applicants who have not yet filed their law school transcript should do so promptly.
- No applicant will be cleared to the Court for approval of a TSA until SBLE receives the applicant's law school transcript or other satisfactory evidence that the applicant meets the legal education requirement. For more information on law school transcript requirements, visit the [Transcripts](#) page of the Board's website.
- Report a qualifying MPRE score pursuant to Md. Rules 19-201(a)(4), 19-213, and Board Rule 6.
 - MPRE status is recorded on the eBar "My Status" page, but MPRE status may not be accurate for applicants who have withdrawn from the exam due to filing an Application for TSA. SBLE will separately track MPRE status pursuant to the policies set forth above and below.
 - Pursuant to Board Rule 6, a qualifying MPRE score is an MPRE score of 85 or higher earned no earlier than three years prior to the date the applicant filed the Notice of Intent to Take the July 2020 UBE in Maryland.
 - For purposes of eligibility for a TSA:
 - If an applicant reported a qualifying MPRE score prior to timely filing an Application for TSA and is later approved for a TSA, SBLE will treat that MPRE score as a qualifying MPRE score throughout the pendency of the TSA and the applicant will be permitted to rely on that MPRE score as a qualifying MPRE score for purposes of filing a subsequent Notice of Intent for the February 2021, July 2021 or February 2022 UBE in Maryland, notwithstanding whether the MPRE score expires prior the applicant filing the subsequent Notice of Intent.
 - Similarly, if an applicant timely files an Application for TSA, and then reports a MPRE score that would have constituted a qualifying MPRE score based on the filing date of their previously filed Notice of Intent to Take the July 2020 UBE in Maryland, and is later approved for a TSA, SBLE will treat that MPRE score as a qualifying MPRE score throughout the pendency of the TSA and the applicant will be permitted to rely on that MPRE score as a qualifying MPRE score for purposes of filing a subsequent Notice of Intent for the February 2021, July 2021 or February 2022 UBE in Maryland, notwithstanding whether the MPRE score expires prior the applicant filing the subsequent Notice of Intent.
 - If, however, an applicant files an Application for TSA and is NOT later approved for TSA status (by reason of failing to meet one or more eligibility criteria) or if an applicant's approved TSA is terminated pursuant to any of the termination mechanisms listed in the Court's August 28 Order, other than by admission to the Maryland bar, the applicant will be required to report an MPRE score that constitutes a qualifying MPRE score at the time of filing any subsequent Notice of Intent to Take the UBE in Maryland or any Notice of Intent to Transfer a Qualifying UBE Score to Maryland.
- Complete the Maryland Law Component pursuant to Md. Rules 19-201(a)(5) and 19-212.
 - All applicants for the July 2020 UBE in Maryland have received the Maryland Law Component (MLC) Welcome Email.
 - Each week, SBLE automatically records compliance with the MLC for applicants completing the MLC the prior week.
 - MLC compliance status is displayed on the eBar "My Status" page.

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- If an applicant had completed the Maryland Law Component prior to timely filing an Application for TSA or if an applicant timely files an Application for TSA, and then completes the MLC, that MLC compliance will carry over for purposes of filing a subsequent Notice of Intent for the February 2021, July 2021 or February 2022 UBE in Maryland.
- Establish good moral character and fitness pursuant to Md. Rule 19-201(a)(6) and 19-204.
 - Pursuant to the TSA Order, this means being approved without a hearing by the Character Committee OR being approved by the Court after any hearing at the Character Committee, Board, or Court.
- File a completed [Declaration of Supervising Attorney](#).
 - Pursuant to the Court's August 28, 2020 Order, an attorney is eligible to be a Supervising Attorney if the attorney: (i) has been engaged in the active practice of law in Maryland for at least five years; (ii) is currently engaged in the active practice of law in Maryland; and (iii) is not the subject of any pending disciplinary matters in any jurisdiction at the time of the submission of the Declaration of Supervising Attorney and has not previously been suspended or disbarred in any jurisdiction.
 - The Supervising Attorney must employ the Applicant or must be an employee of a firm or entity that employs the Applicant.

When does an approved TSA end?

- The Court's August 28 Order establishing the TSA program specifies the circumstances under which a TSA will terminate.
- The TSA program is intended to provide a bridge for July 2020 applicants to overcome difficulties presented by the COVID-19 pandemic and concerns about being successful on the October 2020 Remote Bar Exam in Maryland.
- Where an applicant who was approved for TSA passes a bar exam in Maryland in February 2021, July 2021, or February 2022 or where an applicant who was approved for TSA files a Notice of Intent to Transfer a Qualifying UBE Score earned in another UBE jurisdiction prior to the February 2022 UBE in Maryland or where an applicant who was approved for TSA and who is a member of the bar of another U.S. jurisdiction accumulates the required professional experience and files a Petition for Admission Without Examination prior to the February 2022 UBE in Maryland, the TSA will terminate on the date the applicant takes the oath of admission to the Maryland bar.
- Other circumstances that will result in the termination of the TSA are:
 - When an applicant who was approved for TSA withdraws his or her designation as a person having such TSA in writing to the Board.
 - When the applicant's Supervising Attorney withdraws as Supervising Attorney, unless a substitute Supervising Attorney meeting the requirements of the TSA Order submits a Declaration of Supervising Attorney pursuant to paragraph 3 of the TSA Order.
 - This includes where the applicant's employment with the supervisor or supervisor's firm or other entity terminates voluntarily or involuntarily.
 - This also includes where the supervisor's employment with the firm or other entity employing the applicant terminates, unless a substitute supervising attorney with the firm or entity files a Declaration of Supervising Attorney.

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- The TSA will terminate if an applicant who was approved for TSA does not sit for all sessions of the February 2022 UBE in Maryland or does not file a Notice of Intent to Transfer a Qualifying UBE Score to Maryland pursuant to Maryland Rule 19-207 or a Petition for Admission Without Examination pursuant to Maryland Rule 19-216 prior to the first day of the February 2022 UBE in Maryland.
 - The Order requires the applicant to take the bar exam in Maryland no later than February 2022 or, if the applicant achieves a qualifying score on the UBE in another jurisdiction in February 2021 or July 2021, the applicant may transfer that qualifying score to Maryland prior to the first day of the February 2022 UBE in Maryland.
 - The Order authorizes the Board to extend the TSA for good cause to no later than the July 2022 UBE in Maryland.

What tasks may an applicant perform when working under an approved TSA?

- This question is specifically answered Paragraph 4 of the TSA Order – “Permitted Activities and Requirements.”

Further questions regarding the TSA Order may be directed to SBLE@mdcourts.gov