

Del Ciampo, Joseph

3-6-18

From: Petruzzelli, Lori
Sent: Friday, November 09, 2018 10:55 AM
To: Del Ciampo, Joseph **RC ID # 2018-004 e**
Subject: FW: Fee Waivers
Attachments: 2016 WAIVER DELEGATION POLICY.docx; 50 State Survey Bar Exam Fee Waiver.docx

Hi, Joe,

Attach please find my fifty state survey on fee waivers and refunds of bar exam fees. I have also attached an email from the Bar Examiner in Texas and information on the Texas fee waiver for indigent applicants.

In summary, the following states have some type of fee waiver policy or rule:

- Massachusetts
- Texas
- Ohio (by petition to the court and for veterans)
- Rhode Island (by petition)
- Vermont (in theory by petition)
- Wisconsin (for veterans)
- Minnesota (in theory by petition)

From this list, I can draw the conclusion that half of the New England states have at least some mechanism for waiving fees for indigent applicants. Only Massachusetts and Texas have clearly developed policies for indigent applicants.

As far as refunds:

- Some states have no refunds for any reason
- Some states have partial refunds
- Some states have refunds that are rarely granted and only on motion to the court
- Some states transfer the full bar exam payment to a later exam for certain circumstances
- Some states transfer a partial bar exam payment to a later exam for certain circumstances
- California has the most detailed standards for refunds under an array of circumstances (see chart attached)

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From: Susan Henricks [<mailto:Susan.Henricks@ble.texas.gov>]
Sent: Monday, October 29, 2018 5:25 PM
To: Petruzzelli, Lori
Subject: Fee Waivers

Ms. Petruzzelli:

The BLE has a policy on fee waivers adopted by the Board that I apply to consideration of requests to waive fees.

A copy of the waiver delegation policy is attached.

We require the applicant seeking a fee waiver to submit a completed Income and Expense form with any related documentation, such as evidence of public assistance.

We require the applicant to provide two years of tax returns, their most recent paystub and their spouse's paystub. In some cases, we may request specific documentation. In the first half of this year, through May 31, (no examination applications are received between May 1 and July 1) 45 fee waivers were considered. Thirty (30) of the 45 requests were granted in whole or in part. Two were withdrawn and 13 were denied. Late fees are rarely waived.

The income and expense form may be found on our website at <https://ble.texas.gov/getpdfform.action?id=1462>.

I hope you find this information helpful.

Sincerely,

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BOARD OF LAW EXAMINERS
WAIVER DELEGATION POLICY

INTRODUCTION

Rule 20 of the Rules Governing Admission to the Bar of Texas authorizes the Board to waive application of the rules “for good cause shown” and to delegate its duties to the staff.

Specifically, Rule 20(e) provides that “(t)he Board is given discretion in the interpretation and application of these Rules. For good cause shown to the satisfaction of the Board, upon written request, waivers of specific requirements described in these Rules may be granted, unless it appears there from that no exceptions are contemplated by the Supreme Court.” Rule 20(g) authorizes the Board to “delegate its duties to a panel of the Board or to the staff, as necessary and where not prohibited by law; provided however that the Board shall not delegate to staff its authority to make final determinations that an Applicant or Declarant lacks the requisite good moral character and fitness.”

The Texas Sunset Advisory Commission Staff has recommended that the Board delegate decision making on “routine” waiver requests to the Executive Director to increase efficiency.¹ The Board most frequently receives requests to waive the Supreme Court Rules on the deadlines for filing applications to take the Texas Bar Exam and on payment of required fees. Of the more than 100 waiver requests received annually, the Sunset Advisory Commission staff identified these two types of waiver requests as the most “routine.” Because Board panels meet no more often than monthly, decisions on these routine requests must be delayed for up to 30 days and require significant staff time to prepare meeting notifications and materials for Board panel members to review at public meetings.

PROPOSED GUIDELINES

Because Rule 20(e) requires “good cause” to be shown to support waiver of any rule, the staff proposes the following guidelines for determination by the Executive Director of routine requests to waive filing deadlines and fees:

- A. Requests to waive filing deadlines:
 - 1. Good Cause may be shown by evidence of something more than forgetfulness, failure to read the rules or to investigate requirements for admission to the Bar, inattention to the rules, or other conscious indifference.

¹ Staff Report, Sunset Advisory Commission on Board of Law Examiners, 2016-2017, 85th Legislature, P. 54.

2. Examples of Good Cause may include physical or mental disability caused by illness, extreme family emergency or impossibility of compliance for any reason beyond the applicant's control such as a natural disaster or intervening acts of a third party.

B. Requests to waive payment of required fees:

1. Good Cause may be shown by evidence of indigence due to circumstances other than voluntary, willful unemployment or student status.
2. Examples of good cause may include inability to work due to illness or disability, adverse circumstances such as natural disaster or financial loss caused by accident or injury beyond the applicant's control such as casualty loss or intervening acts of a third party and unsuccessful attempts to borrow funds to pay fees.
3. Applicants seeking waiver of fee payment requirements must submit a fully completed sworn financial status form with supporting documentation.
4. Applicants seeking fee waiver must fully and accurately disclose all sources of income, including spousal income and assets, cash or checking accounts, dependents, debts and monthly expenses.
5. Board staff shall not be obligated to advise applicants regarding deficiencies in the form or content of applications for waivers or supporting documentation submitted to the Board, but shall direct applicants to comply with guidelines for staff determination of waiver requests.

C. Evidence of good cause:

1. Evidence of good cause should be in the form of potentially admissible evidence accompanied by a sworn statement or certification to show authenticity or reliability.
2. Redacted copies of medical records, invoices, explanation of benefits on insurance claims, accident reports, loan applications, correspondence with potential lenders or employers, authenticated with public seal or affidavit of the applicant or third party should be submitted with the waiver request
3. Board staff shall not be obligated to advise applicants regarding deficiencies in the form or content of applications for waivers or supporting documentation submitted to the Board, but shall direct applicants to comply with guidelines for staff determination of waiver requests.

D. Exceptions

1. Should it appear to the Executive Director, for any reason, that a request to waive filing deadlines or fee payments should not be considered as "routine," the request shall be set for consideration before a panel of the Board, at the next available date, subject to requirements for notice of a public meeting.

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
ALABAMA	<p>ALL APPLICATION FEES ARE NON-REFUNDABLE.</p> <p>An applicant who withdraws from a bar exam may carry forward the application fee to the next bar exam only. An applicant who has carried forward an application fee from a previous application will be responsible for paying the difference between the carried forward fee and the current fee. See Rule II (G)</p>	No response; email
ALASKA	<p>Rule 3. Section 5. If an applicant fails to meet the requirements of Rule 2, or to take a bar examination, no refund shall be made unless the application shall be withdrawn within 10 days following notice of its receipt by the Board in which event the application fee, less a reasonable cancellation fee, shall be refunded.</p>	No response; email
ARIZONA	<p>The Court also does not have a refund provision in the rules. However, after verified review of documentation supplied by the applicant regarding a significant medical or extraordinary circumstance (i.e. duty reassignment for military personnel); our office may (with Director approval) offer a one-time transfer of those fees to the next subsequent examination. On a specific case by case basis, the Court has allowed a refund in very rare circumstances such as a terminal illness diagnosis.</p> <p>Rule 37 (d): (d) Refund of Fees.</p> <p>1. An applicant who submits an application for admission by Arizona uniform bar examination and who has paid the fees required by these rules and thereafter withdraws</p>	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>the application or fails to appear for the examination applied for, shall be entitled to a partial refund or credit of the fees paid, as established by the Court, provided the applicant notifies the Committee in writing no later than the filing deadline for that examination as set by the Court. No part of the fees paid to the National Conference of Bar Examiners is refundable.</p> <p>2. Applicants for admission on motion and applicants for admission based on transfer of uniform bar examination score shall not receive a refund of the application fee for any reason, including denial of admission, withdrawal of the application, or failure to pursue admission after application, regardless of the date the applicant notifies the Committee. Credit for the fees paid by an applicant who withdraws or fails to pursue admission after application will be applied to any application made by the applicant for two (2) years from the date of the original application</p>	
ARKANSAS	<p>We do not have any Court Rules regarding refund of exam fees. The Board's policy is to review the requests on a situation by situation basis. If the medical emergency occurs within a week of the Exam, and there is medical documentation establishing it, the Board will consider transferring the fee to the next Exam but at no time do they refund the fee.</p>	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
CALIFORNIA	<p>California has several provisions regarding refunds. This is the provision that appears to be most relevant to the inquiry at hand:</p> <p>Death or physical incapacity</p> <p>Refunds in the amount of 95 percent of all fees paid in conjunction with the subject examination will be made according to the following schedule for those situations wherein any of the following prevents an applicant from taking the First-Year Law Students' Examination or the California Bar Examination. In the case of physical incapacity, the refund will be made only in instances of severe unavoidable and incapacitating circumstances. Documentation relative to death or physical incapacity must accompany any request for refund according to the following schedule.</p> <p>1. Death, serious or disabling injury of a member of the applicant's immediate family that occurred after submittal of an application for the examination but prior to the administration of the subject examination and which death, illness or injury is certified on the Committee's form or verified through the provision of a copy of the death certificate;</p>	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>2. Applicant's serious disabling illness or injury or debilitating condition that occurred after submittal of an application for the examination but prior to the administration of the subject examination and which illness or injury or condition is certified on the Committee's form under penalty of perjury; and,</p> <p>3. Calamitous occurrences involving the applicant such as loss of freedom due to terrorist acts or disorientation due to fire, flood or other severe disaster over which the applicant had no control and the existence of which had not terminated 30 days or less prior to the administration of the subject examination.</p> <p>See http://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/Refund-of-Fees-Policy for more information</p>	
COLORADO	<p>The Office of Attorney Admissions has a policy to handle situations on a case-by-case basis in determining if a withdrawal from the bar examination warrants a refund. Yes, we would require sufficient documentation to issue a refund. Often times, in place of a refund, a credit is carried over if someone is planning to sit for a future exam. Colorado does not have a rule or regulation regarding withdrawals from the bar examination.</p>	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
CONNECTICUT	Art. III-3. An applicant who withdraws his or her application to take the bar examination at least 30 days prior to the examination shall be entitled to a fee credit of \$125. Withdrawals for medical reasons accompanied by a doctor's certificate shall be entitled to a fee credit of \$125 if received within ten days after the examination. Any fee credits to which a withdrawing applicant may be entitled must be applied toward either of the next two succeeding examinations. All withdrawals must be in writing, addressed to the administrative director and are effective on the date received by the administrative director.	No
DELAWARE	Rule 5 (b): Fees. A timely application shall be accompanied by a non-refundable application fee From Bar Examiner re: refunds: We do not have a rule, however applicants who can demonstrate good cause for withdrawing may petition the Board to request that their fee be applied to the exam the following year.	No
DISTRICT OF COLUMBIA	No response, email pending	
FLORIDA	Rule 2-23. Application Fees. All fees are set by order of the Supreme Court of Florida and are subject to change by published order of the court. The total application fee is due and payable to the Florida Board of Bar Examiners by the applicant when filing the Bar	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	Application, the Registrant Bar Application, or the Supplement to Registrant Bar Application, and no application will be considered complete without the full fee. Any fee paid by an applicant or registrant will not be refunded.	
GEORGIA	A refund of the Bar Examination fee will be made if an Applicant is found to be ineligible to write the examination. Further, an Applicant whose written withdrawal is received in the Office of Bar Admissions not less than fourteen (14) days prior to the date of an examination is entitled to a refund of 50% of the \$350.00 Bar Examination fee only. The NCBE charges and Laptop fee are non-refundable.	No response; phone message
HAWAII	Section 2.3. Fees. The applicant shall pay the filing and character report fees when the application is submitted. The filing fee is non-refundable and nontransferable. The Clerk shall reject without prejudice any application that is not accompanied by the fee unless the Supreme Court, by prior order, has waived the fee.	No response; email pending
IDAHO	Rule 203 (c) (3): No Refunds. No refund, in whole or in part, shall be made of any fee. RULE 219. Deferment. (a) Deferment. An Applicant who is unable to take the bar examination after filing an Application may submit a written request for deferment to the next scheduled bar	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>examination date, provided:</p> <p>(1) The deferment request must be received by the Executive Director no later than the first day of the currently scheduled bar examination and be accompanied by a \$100 filing fee;</p> <p>(2) The Applicant must submit a supplemental application form before the late Application deadline under Rule 203 for the next scheduled bar examination. An Applicant whose supplemental application form is incomplete shall not take the next bar examination; and</p> <p>(3) No deferment shall be granted if the Applicant has appeared for a character and fitness examination.</p> <p>(b) Failure to Take Bar Examination. An Applicant who receives a deferment but fails to take the next scheduled bar examination shall be required to file a new Application and pay the required fee.</p> <p>(c) Failure to Appear for Bar Examination. A deferment shall not be permitted after the bar examination begins.</p>	
ILLINOIS	<p>Rule 706 (j) Payment of Fees. All fees are nonrefundable and shall be paid in advance by credit or debit card, certified check, cashier's check or money order payable to the Board of Admissions to the Bar. Fees of an applicant who does not appear for an examination shall not be transferred to a succeeding examination</p>	<p>Rules do not contemplate a fee waiver.</p>
INDIANA	<p>Rule 15 provides in relevant part: If an applicant whose application has been approved and processed fails to</p>	<p>Indiana does not have a provision to waive fees. We do refund ½ of the</p>

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	take the examination first following its approval, such applicant shall have the privilege of having that application held in abeyance and of taking the next regularly scheduled examination given by the Board without payment of any additional fee. Any applicant whose application has been approved and processed who fails to take that examination, or the next following examination, shall have that application dismissed. The applicant will be entitled to a refund of one-half (1/2) of the fee paid.	filing fee if they withdraw their application and do not take the exam
IOWA	We do not have a formal rule in place authorizing a refund of exam fees if an applicant withdraws due to a medical emergency. Iowa Court Rule 31.6 provides that the fee is not refundable and cannot be applied to a subsequent application. However, if there was a certified medical emergency, we would advise the applicant to petition the court for a waiver of the portion of the rule making the fee nonrefundable and nontransferable.	No
KANSAS	Rule 31.6 Fee is not refundable	No
	Rule 704 (d) Any applicant who is unable to take a bar examination due to active military service may receive a refund of the application processing fee, on request.	
KENTUCKY	There are no refunds of applications fees.	No response; email
LOUISIANA	All fees are non-refundable and non-transferable except as follows:	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<ul style="list-style-type: none"> • A member of the military who is called to service after submitting fees may request a refund. . . . • The Committee on Bar Admissions may, for good cause shown, permit Bar Examination Application Fees (sections II, and III, above) to be transferred once to a subsequent administration of the bar exam if the applicant requests the transfer in a writing received by the Committee no later than five (5) business days before the first day of the bar exam for which the applicant originally applied; the Committee on Bar Admissions may request the applicant provide documentation to aid in its consideration of good cause. An applicant whose request is denied by the Committee on Bar Admissions may petition the Court for review of that denial. 	
MAINE	Fees are nonrefundable. MBAR 6(d); If you do not take the examination, the Board will issue a credit for the examination fee paid. The Board will carry this credit for the next four (4) administrations of the examination. Applicants must submit an Application for Reexamination and pay an administrative fee of \$100.00 in order to use the credit balance. MBAR Rule 6(d).	No
MARYLAND	1. Yes, our rules specifically permit the applicant to request that their examination fee be deferred for good cause if they withdraw from the exam. We never refund	No. Maryland's Rules have no provision for a fee waiver for hardship. We interpret the <i>Kimmer</i> case to say

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	any money, only defer to a future exam session. 2. For applicants who withdraw with notice in advance of the exam, we liberally defer the entire fee to the next exam session. For applicants who are absent from the exam without notice and then retroactively ask for a deferral, we require documentation of the particular circumstances that cause the absence (medical record, police accident report, etc.)	that you don't have a right to take a particular exam of your choosing if you fail meet all of the filing requirements, including paying the exam fee. [See https://caselaw.findlaw.com/md-court-of-appeals/1388993.html] We have a good cause procedure for late filings and I might allow a late filing if someone had trouble getting the money together and had a good explanation, but I don't allow anyone to file without paying.
MASSACHUSETTS	Bar admission fees are non-refundable and non-transferable. If you are absent from the bar exam, you will be required to submit a re-application and pay all applicable fees in order to sit for a subsequent bar exam. Questions regarding fees must be directed to the Clerk's Office.	Yes; fees can be waived by order of court. Affidavit required: https://www.mass.gov/files/documents/2017/09/01/affidavitofindigency.pdf
MICHIGAN	Rule 2(A)-1. Filing Deadlines and Fees . . . All fees are nonrefundable.	No. Rule 7. Exceptions An applicant may ask the Board to waive any requirement except the payment of fees. The applicant must demonstrate why the request should be granted.
MINNESOTA	Minnesota has two provisions that may be applicable. If an applicant withdraws 15 or more days before the exam, the applicant receives a refund of \$150 (from the	The Board has considered requests for waiver of application fees, but to date has not granted a request to waive the

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>\$500 timely application fee for individuals who have not been admitted in another jurisdiction for more than 6 months) or \$300 (from the \$950 timely application fee for lawyers admitted for more than 6 months). The applicant also receives a refund of the \$100 exam soft fee. The applicant does not receive a refund of the \$150 late filing fee if they file after the timely filing deadline.</p> <p>Applicants who have a medical emergency may carry over to the next exam by payment of a \$50 fee. There are no other carryovers.</p> <p>I. Refunds of Fees: An applicant who submits a written request to withdraw a bar examination application 15 or more days before the examination for which the applicant applied shall receive a refund in the amount of:</p> <p>(1) \$150, if the fee paid was in an amount specified by either Rule 12B or Rule 12E;</p> <p>(2) \$300, if the fee paid was in an amount specified by Rule 12C.</p> <p>No other requests for refund will be granted.</p> <p>J. Carry-over of Fees.</p> <p>(1) Applicants Ineligible Under Rule 7 (Admission Without Examination). The fee of an applicant declared ineligible under Rule 7 (Admission Without Examination)</p>	<p>fee and does not have a provision in the Rules to do so.</p>

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>shall, upon the applicant's written request, be applied to</p> <p>(a) An examination held within the succeeding 15 months; or</p> <p>(b) An application made under Rules 8, 9, or 10.</p> <p>The written request must be received by the Board within 30 days of notice of the denial. No other carry-over of fees, other than those provided for in the following paragraph, shall be granted.</p> <p>(2) Medical Emergencies. An applicant who is unable to take the examination due to a medical emergency and who notifies the Board in writing or by telephone prior to the start of the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing, received in the Board office no later than 14 days following the examination, and be accompanied by written documentation of the medical emergency. The applicant shall submit a fee of \$50 when reapplying for the next examination.</p>	
MISSISSIPPI	<p>No. Rule III, Section 1, of the Rules Governing Admission to the Mississippi Bar states, in part, "ALL FEES AND OTHER MONIES PAID TO THE BOARD ARE NOT REFUNDABLE IN WHOLE OR IN PART."</p> <p>Rule IV, Section 7, provides in relevant part: If after filing an exam application, an applicant finds he is unable to take the examination on the prescribed date, a written</p>	<p>Mississippi has not waived the bar examination fee or any other fee for indigent applicants.</p>

Fifty State Survey of Bar Exam Fee Refund or Waiver

	Fifty State Survey of Bar Exam Fee Refund or Waiver	
State	Refundable?	Fee Waiver?
	<p>request shall be submitted to the board for a deferment to the subsequent exam period. One deferment will be granted an applicant without the filing of a new application or payment of additional fees. . . .</p> <p>From Bar Examiner: Although Rule III, Section 1, of the Rules Governing Admission to the Mississippi Bar states, in part, "ALL FEES AND OTHER MONIES PAID TO THE BOARD ARE NOT REFUNDABLE IN WHOLE OR IN PART." I recall many years ago that a man had applied to sit for our bar exam and prior to the bar exam he was diagnosed with end-stage cancer and was only give a few months to live and the Board refunded his bar exam fees.</p>	
MISSOURI	<p>Rule 8.07 (a)- nonrefundable; Regulation 3: 3. Upon written notice to the board postmarked or received no later than 5:00 p.m. on the day before the examination applied for, an applicant may postpone taking the examination applied for and carry forward the application fee one time to the next scheduled examination. The applicant shall pay a postponement fee as set out in the prescribed fee schedule, within ten (10) days of submitting written notice of postponement. Except for extraordinary circumstances and good cause shown, an applicant who does not submit timely written notice of postponement shall be required to pay the prescribed</p>	<p>No. Missouri rules do not provide authority for the board to waive bar examination fees for any reason</p>

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	application fee in full in order to sit for any future examination. By allowing an applicant to postpone taking the examination, the board does not waive, alter, or extend any provisions of Rule 8. See https://www.mble.org/fee-schedule for postponement fees	
MONTANA	Rule I. G. Montana bar admission fees must be paid to the Montana Supreme Court Bar Admissions Administrator at the State Bar of Montana. The Montana application fee is nonrefundable and may not be credited for any reason, including but not limited to denial of admission, withdrawal of the application, or failure to pursue admission after application, regardless of the date of notification by the applicant or the Bar Admissions Administrator.	No, Montana has no stipulations regarding the waiver of fees at all.
NEBRASKA	<p>Examination:</p> <ol style="list-style-type: none"> 1. If an applicant has registered for the Bar Examination and withdraws less than 30 days before the date of the examination, only the portion of the fee charged for the MPT, MBE and MEE may be refunded. 2. If applicant provides written notice of withdrawal from the exam at least 30 days before the exam, a written request may be made in writing to the Nebraska State Bar Commission to allow fees paid to be held over to the next available Bar Examination. If the Commission approves fees to be held over, a new application, along 	No

Fifty State Survey of Bar Exam Fee Refund or Waiver		
State	Refundable?	Fee Waiver?
	<p>with new finger print cards are necessary for re-application.</p> <p>Motion:</p> <p>No refund is available for motion applicants who withdraw or are denied admission.</p>	
NEVADA	<p>Rule 54: non-refundable</p> <p>We [do not] offer any refunds or transfers for any reason if an applicant is unable to sit for the Bar Exam after they have submitted their online application and paid the appropriate exam fees.</p>	No
NEW HAMPSHIRE	<p>Administrative Rule 42. VIII.b.</p> <p>Non-refundable; If an applicant to take the bar examination notifies the board at least thirty days before the date of the bar examination that he or she will not take the bar examination for which he or she applied, and wishes to take the immediately subsequent administration of the bar examination, the applicant shall be required to pay an administrative fee in an amount set by the board, but shall not be required to pay an additional bar examination application fee or submit a new application. The applicant is also required to notify</p>	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

	Fifty State Survey of Bar Exam Fee Refund or Waiver	
State	Refundable?	Fee Waiver?
	the board in writing on or before the application deadline for the subsequent examination of any changes to the applicant's petition and questionnaire for admission.	
NEW JERSEY	Application fees are non-refundable	No
NEW MEXICO	<p>Rule 15-105 (b): Application fees and costs are not refundable and will be applied toward the expenses of the board, including appropriate investigation by the National Conference of Bar Examiners.</p> <p>From the Bar Examiner: We also don't have a provision that allows for refunds, even when there is a documented medical emergency. I believe there has been at least one appeal to the Supreme Court on this issue (from before my time here) and my understanding is that the Court declined to make an exception to the rule barring refunds. What we do allow is for the applicant to make a one-time deferral, during which his or her fee is placed on hold until he or she is ready to reapply.</p>	No. New Mexico does not waive fees for indigent applicants.
NEW YORK	The application fee is non-refundable except in extremely limited circumstances. If there are extenuating circumstances causing you to withdraw, you may request a credit. All such requests must be received in the Board's office within 30 days of the exam from which you withdrew. All such requests must be in writing and accompanied by appropriate supporting documentation.	No

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
	<p>The reason for the withdrawal and the supporting documentation will be reviewed by the Board to determine if there is a valid basis to credit the fee. If you applied on-line and paid your fee by credit card, you may be held responsible for any penalties incurred by the Board should you cancel the credit card charge for any reason.</p> <p>See also 6000.9, regarding attendance and withdrawal, which provides in relevant part: "4) An application made pursuant to this subsection must be made by November 15 for a February examination and by April 15 for a July examination. Applications received after the application deadline will be considered for the next administration of the examination. Applications must be in the form of an affidavit which shall set forth the applicant's name, age, residence address, email address, phone number, the facts which caused each prior instance of withdrawal or failure to appear, the facts which support the request to re-apply, and a prayer for relief. Where available, supporting documentation, such as medical documentation, police reports, death notices, letters from employers, etc., must be included. Relief under this subsection shall be granted in the sole discretion of the Board. . . ."</p>	

Fifty State Survey of Bar Exam Fee Refund or Waiver

State	Refundable?	Fee Waiver?
NORTH CAROLINA	<p>.0405 Refund of Fees</p> <p>Except as herein provided, no part of the fee required by Rule .0404(1) or (2) of this Chapter shall be refunded to the applicant unless the applicant shall file with the Executive Director a written request to withdraw as an applicant, not later than the 15th day of June preceding the July written bar examination and not later than the 15th day of January preceding the February written bar examination, in which event not more than one-half of the applicable fee may be refunded to the applicant at the discretion of the Board. No portion of any late fee will be refunded.</p> <p>However, when an application for admission by examination is received from an applicant who, in the opinion of the Executive Director after consultation with the Board Chair, is not eligible for consideration under the Rules, the applicant shall be so advised by written notice. Upon receipt of such notice, the applicant may elect in writing to withdraw the application; and, provided the written election is received by the Board within twenty (20) days from</p>	<p>No. North Carolina does not waive fees. The fees are written into our rules, which [are] mandated by the Supreme Court. Our office does not have the authority to waive a rule. Occasionally, we will defer a person's payment to the very next exam. We only do this in extreme circumstances.</p>

Fifty State Survey of Bar Exam Fee Refund or Waiver

	Fifty State Survey of Bar Exam Fee Refund or Waiver	
State	Refundable?	Fee Waiver?
	the date of the Board's written notice to the applicant, receive a refund of all fees paid.	
NORTH DAKOTA	The Board's policy is not to refund fees. In the case of a medical emergency, we will transfer a fee to the next immediate exam. If they do not sit for the next immediate exam, they do not receive a refund and will have to pay the application fee for any subsequent exam applications.	No
OHIO	Section 14. Admissions Fund. (A) The fees collected under this rule, the fees charged and collected by the Court for admissions-related services, and the fees collected under Rules II, IX, XI, and XII of the Supreme Court Rules for the Government of the Bar shall constitute the Admissions Fund. All application fees assessed under this rule and Gov. Bar R. II, IX, XI, and XII shall be nonrefundable and payable to the Supreme Court of Ohio by certified check or money order.	Applicants can petition the court for a waiver, although they cannot recall anyone ever using it. Waiver for Veterans: If you are a veteran with GI benefits, you may qualify for reimbursement of the fee you pay to the Supreme Court to take the Ohio Bar Examination. For information about reimbursement benefits and to find out if you are eligible, visit the GI Bill Web site and click on "Education Benefit Programs."
OKLAHOMA	Rule 7 non-refundable	No response; email
OREGON	Rule 4.10 provides in relevant part: (7) If an applicant withdraws his or her application, the applicant shall be entitled to a partial refund of the	No; fees are never waived

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State	Refundable?	Fee Waiver?
	<p>application fees only as follows:</p> <p>(a) The applicant must request in writing that the application be withdrawn;</p> <p>(b) If the application withdrawal is received by the Board on or before the Tuesday before the first day of the examination, one-half of the application fee specified in subsection (1) of this rule will be refunded;</p> <p>(c) If the application withdrawal is received by the Board after the deadline specified in section (7)(b) of this rule, no refund will be made;</p> <p>(d) An applicant other than an examination applicant shall be entitled to a refund of one-half of the application fee set forth in Rule 4.10(1) if a written request for withdrawal of his or her application is received by the Board within sixty (60) days of the Board's receipt of the application.</p> <p>(8) In no event shall any portion of the fees specified in subsections (2), (3) and (4) of this rule be refunded.</p>	
PENNSYLVANIA	<p>There Are No Refunds or Transfers of Applications and/or fees.</p> <p>Withdrawals From the Bar Examination</p> <p>There are no withdrawals prior to the bar examination. All qualified applicants will be scheduled to sit for the examination, and test materials will be available at the</p>	No

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State	Refundable?	Fee Waiver?
	<p>test site you selected on your application. If you do not sit for the examination, you will receive a letter after the administration of the examination changing your status to withdrawn. If you reapply for a future administration of the bar examination, it is not considered a character and fitness issue if you withdrew from a previous examination. Please note that there are no refunds or transfers of applications and/or fees. Application forms from prior examinations may not be used. Additionally, copies of applications are not acceptable and will be returned. If the new application does not meet the applicable filing deadline, the applicant will not be permitted to sit for the bar examination.</p>	
RHODE ISLAND	<p>Board of Bar Examiners Rule 2.B. iii. All fees are nonrefundable.</p>	<p>We do not have indigent waivers per say. However, we do have a waiver provision in the Rhode Island Supreme Court Rules (Rule 6) which states, "Upon petition, for good cause shown, the Board, in its discretion, may waive compliance with any of the foregoing rules for any applicant seeking admission on examination and by transfer of a Uniform Bar Examination score if the Board it finds that such waiver will not be detrimental to the public interest." Also, the Board of Bar</p>

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State	Refundable?	Fee Waiver?
		<p>Examiners Rules of Practice has a waiver provision. Board Rule 4 states, "Requests for waivers pursuant to Article II, Rule 6 will only be granted for good cause. Carelessness, inattention, or willful disregard of the Supreme Court Rules or these Rules of Practice does not constitute good cause. Waiver requests shall be accompanied by affidavit(s) setting forth the facts to support the request. The Board shall determine whether the request for waiver warrants a hearing or can be determined upon written submissions. Motions for rehearing or reconsideration of Board decisions on requests for waivers are discouraged. Pursuant to Article II, Rule 6, an applicant aggrieved by a denial of the board of his or her petition for a waiver may file a petition for review with the Court within thirty (30) days of the issuance of notice by the Board of such denial."</p> <p>Rule 6 and Rule 4 waivers are</p>

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State	Refundable?	Fee Waiver?
		considered by the Board on a case-by-case basis.
SOUTH CAROLINA	Rule 402 (d) (2) The non-refundable application fee shall be \$1,000. If the applicant has been admitted to practice law for more than one (1) year in another state, the District of Columbia, or another country at the time the application for admission is filed, the applicant shall pay an additional fee of \$750. If the application is withdrawn, the applicant shall not be entitled to a refund of the application fee(s) or to have the application fee(s) credited to a later application.	No
SOUTH DAKOTA	Rule 16-16-13 If an applicant fails to appear for the examination, the fee paid shall only be applied to the next scheduled combined Multistate Essay Examination which includes an Indian Law question and Multistate Performance Test, and/or to the Multistate Bar Examination.	No, and they have never been asked.
TENNESSEE	Sec. 11.03. Refunds. Fees are non-transferable and non-refundable, except that the fee for examination or re-examination may be refunded in part as provided in the schedule of fees adopted by the Board and approved by the Supreme Court, as provided in section 11.01 of this rule.	We do not do so routinely and have not been asked. It would require a petition to the Supreme Court as we are a self-funded agency and do not have discretion to waive the fee.
	Refund Policy <ul style="list-style-type: none"> Fees are NON-REFUNDABLE and NON- 	

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State	Refundable?	Fee Waiver?
	<p>TRANSFERABLE except that examination fees are refundable only to the extent provided below. Fees are due upon filing of an application. No step in the admissions process may be taken except upon payment of the fees required for that step. See Tenn. Sup. Ct. R. 7, §§ 11.01 -11.03</p> <ul style="list-style-type: none"> • Examination Fees: Non-transferable. Refund of \$150 if found ineligible to sit or if written notice of withdrawal received by FEBRUARY 1 for February exam or by JULY 1 for July exam. • No Refund if Notice of Withdrawal Received after February 1 for February Exam or July 1 for July Exam • NOTE: For exam fees, there is no credit given for previously paid fees net of any refund. The previously paid fee is an administrative fee for processing the application. 	
TEXAS	<p>Rule 18</p> <p>(b) No refund or transfer of fees will be made in the event of the withdrawal of any Declaration or Application, nor in the event a determination is made by the Board that the Applicant or Declarant does not meet the requirements imposed under these Rules.</p>	<p>Yes, Rule 18 (c): Any fee required under these Rules may be waived or lowered by the Board upon written request and proof of indigence.</p> <p>The BLE has a policy on fee waivers adopted by the Board that I apply to consideration of requests to waive</p>

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State	Refundable?	Fee Waiver?
		<p>fees.</p> <p>A copy of the waiver delegation policy is attached.</p> <p>We require the applicant seeking a fee waiver to submit a completed Income and Expense form with any related documentation, such as evidence of public assistance.</p> <p>We require the applicant to provide two years of tax returns, their most recent paystub and their spouse's paystub. In some cases, we may request specific documentation.</p> <p>In the first half of this year, through May 31, (no examination applications are received between May 1 and July 1) 45 fee waivers were considered. Thirty (30) of the 45 requests were granted in whole or in part. Two were withdrawn and 13 were denied. Late fees are rarely waived.</p>

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State	Refundable?	Fee Waiver?
		<p>The income and expense form may be found on our website at https://ble.texas.gov/getpdfform.action?id=1462.</p>
<p>UTAH</p>	<p>Rule 14-707 provides in relevant part: (d) Withdrawal of applications and refunds. To withdraw an application, written notice must be provided. If written notice of withdrawal is received by the Admissions Office 30 calendar days or more before the examination date, one-half of the filing fee shall be refunded, unless the Applicant withdraws after appearing before the Character and Fitness Committee or after the Bar has incurred nonrefundable expenses related to a test accommodation request. Late fees, computer fees, and the application fees of Applicants not taking the Bar Examination are nonrefundable.</p> <p>(e) Postponement of application. An Applicant may only postpone or transfer her or his application due to emergency circumstances or pursuant to Rule 14-708(b)(4)(A). Emergency transfers are subject to the following restrictions.</p> <p>(e)(1) The Applicant must provide a written request, including payment of the prescribed transfer fee, prior to the conclusion of the Bar Examination.</p>	<p>No</p>

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	Fifty State Survey of Bar Exam Fee Refund or Waiver	
State	Refundable?	Fee Waiver?
	<p>(e)(2) Proof of the emergency must be provided. The reasons for the transfer are limited to two circumstances:</p> <p>(e)(2)(A) a personal medical emergency, or</p> <p>(e)(2)(B) a death in the immediate family.</p> <p>(e)(3) The transferring Applicant must specify which future Bar Examination she or he plans to take. The exam must be taken within the next two scheduled Bar Examinations.</p> <p>(e)(4) The Applicant must provide an Updated Application by filing a Reapplication for Admission form, updating any information that has changed since the prior application was filed and a new criminal background check. The Reapplication for Admission form should be submitted by the initial application deadline of October 1 preceding the February Bar Examination and March 1 preceding the July Bar Examination. A Reapplication for Admission will be accepted up to 15 calendar days after the filing deadline if accompanied by the prescribed 15-day late fee. A Reapplication for Admission form will be accepted up to November 1 for the February Bar Examination if accompanied by the 30-day late fee and up to April 1 for</p>	

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State	Refundable?	Fee Waiver?
	the July Bar Examination if accompanied by the prescribed 30-day late fee.	
	(e)(5) An Applicant is entitled to one transfer only.	
VERMONT	<p>RULE 26. FEES; REFUNDS</p> <p>All required fees must be timely paid. Required fees are set by the Court Administrator and published on the Judiciary website. A request for a fee refund for a withdrawn application must be made to the Board in writing. The Board has discretion to grant a refund based on a showing of extraordinary circumstances. Any refund excludes a nonrefundable administrative fee.</p>	<p>Vermont does not have any rule or policy specifically providing for a fee waiver for admission to the bar on the basis of indigency, although in theory an applicant could petition the Board to exercise discretion in the matter. I have not seen that done, though.</p>
VIRGINIA	<p>IV.B. The application fee and the character and fitness fees shall be nonrefundable.</p> <p>SECTION VI: FILING AN APPLICATION BUT NOT TAKING THE EXAMINATION</p> <p>"An applicant who properly applies for an examination with the Office of the Secretary but fails to take the examination shall forfeit the application fee for that examination unless:</p> <p>A. By written notice to the Office of the Secretary such applicant requests that the application for examination on file be carried forward to an examination within one year of the date of the examination for which the original application was made.</p>	No

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State	Refundable?	Fee Waiver?
	<p>1. Such notice shall be received by the Office of the Secretary of the Board within thirty days of the date of the examination which the applicant missed; and</p> <p>2. The applicant shall thereafter timely file with the Office of the Secretary of the Board such documents as are necessary to update the application for the subsequent examination . . . (e) if the application fee for the examination has been increased since the examination for which the applicant did not appear, the amount of the difference in such fees.</p> <p>B. No portion of the application or carry-forward fees shall be refundable."</p>	
WASHINGTON	<p>22. Can I withdraw my application and receive a refund? For all applicants there is a \$300 non-refundable administrative processing fee. You must ask to withdraw an application at least 60 days prior to the date of the examination in order to receive a partial refund. The WSBA will issue a refund of the fee less the administrative fee. Any late filing fees paid and any investigation costs are nonrefundable. No refunds will be issued for withdrawals requested less than 60 days prior to the date of the exam.</p> <p>23. I am unable to sit for the exam; can I transfer my application to the next exam?</p> <p>No. Applications may not be deferred or transferred to future</p>	No

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State	Refundable?	Fee Waiver?
WEST VIRGINIA	exams. You must withdraw and reapply. Rule 3.1 (b): An applicant may withdraw his or her application, at any time, upon written request to the Board, but there shall be no refund of fees upon withdrawal. Failure to appear for an examination for which an applicant has registered to sit shall be deemed a withdrawal.	No
WISCONSIN	We would consider a partial waiver of exam fees for a medical emergency or would simply allow the applicant to defer to another test administration.	No. Veterans: In 2013, the Wisconsin Supreme Court established a fee waiver program for qualified veterans with regard to Wisconsin bar admission and examination fees along with other professional/occupational licensure fees. Eligibility for fee waivers is determined by the Wisconsin Department of Veterans Affairs. Visit http://dva.state.wi.us/Ben-FeeWaiver.asp (external link) for more information and to apply for an eligibility code. You must upload a copy of the email (.pdf format) containing your eligibility code in the Document upload section of the online admissions application. See SCR 40.145 Fee

Fifty State Survey of Bar Exam Fee Refund or Waiver

	Fifty State Survey of Bar Exam Fee Refund or Waiver	
State	Refundable?	Fee Waiver?
		<p>Waiver for Qualified Veterans, available at https://www.wicourts.gov/sc/rules/chap40.pdf</p>
WYOMING	<p>Rule 201 (b) provides in relevant part: Refunds will not be made in the event an applicant is found ineligible for admission by examination nor in the event of withdrawal of an application.</p> <p>Also Rule 105 precludes waivers of fees. Rule 105 provides: The Board may, for good cause shown by clear and convincing evidence, waive any rule or approval required from the Board which relates to the admission to the practice of law in Wyoming; provided, however, the Board shall not waive statutory requirements or filing fees, nor shall the Board waive the required passing scores on the MPRE or UBE. The decision of the Board not to waive any rule herein subject to waiver may be appealed to the Court.</p> <p>If an applicant filed an application and admission fee, only to face a health emergency which would preclude them from sitting for a particular administration of an exam, under Rule 201(c), they would be entitled to sit for the next UBBE without paying an additional fee. In essence, they are given two chances at the UBE for one admission fee. If they are still unable to sit, they would</p>	<p>All fees are paid directly to the Court and if I have an applicant that contacted me regarding a waiver of the fee or a refund, I would direct them to the Court.</p>

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State	Refundable?	Fee Waiver?
	have to put it before the Court for consideration. In the past, we have had several applicants submit a Motion to Withdraw Application and Refund Application Fee, but I could not find one that had been filed based on a medical problem.	

BOARD OF LAW EXAMINERS

WAIVER DELEGATION POLICY

INTRODUCTION

Rule 20 of the Rules Governing Admission to the Bar of Texas authorizes the Board to waive application of the rules “for good cause shown” and to delegate its duties to the staff.

Specifically, Rule 20(e) provides that “(t)he Board is given discretion in the interpretation and application of these Rules. For good cause shown to the satisfaction of the Board, upon written request, waivers of specific requirements described in these Rules may be granted, unless it appears there from that no exceptions are contemplated by the Supreme Court.” Rule 20(g) authorizes the Board to “delegate its duties to a panel of the Board or to the staff, as necessary and where not prohibited by law; provided however that the Board shall not delegate to staff its authority to make final determinations that an Applicant or Declarant lacks the requisite good moral character and fitness.”

The Texas Sunset Advisory Commission Staff has recommended that the Board delegate decision making on “routine” waiver requests to the Executive Director to increase efficiency.¹ The Board most frequently receives requests to waive the Supreme Court Rules on the deadlines for filing applications to take the Texas Bar Exam and on payment of required fees. Of the more than 100 waiver requests received annually, the Sunset Advisory Commission staff identified these two types of waiver requests as the most “routine.” Because Board panels meet no more often than monthly, decisions on these routine requests must be delayed for up to 30 days and require significant staff time to prepare meeting notifications and materials for Board panel members to review at public meetings.

PROPOSED GUIDELINES

Because Rule 20(e) requires “good cause” to be shown to support waiver of any rule, the staff proposes the following guidelines for determination by the Executive Director of routine requests to waive filing deadlines and fees:

A. Requests to waive filing deadlines:

1. Good Cause may be shown by evidence of something more than forgetfulness, failure to read the rules or to investigate requirements for admission to the Bar, inattention to the rules, or other conscious indifference.

¹ Staff Report, *Sunset Advisory Commission on Board of Law Examiners, 2016-2017, 85th Legislature*, p. 54.

2. Examples of Good Cause may include physical or mental disability caused by illness, extreme family emergency or impossibility of compliance for any reason beyond the applicant's control such as a natural disaster or intervening acts of a third party.

B. Requests to waive payment of required fees:

1. Good Cause may be shown by evidence of indigence due to circumstances other than voluntary, willful unemployment or student status.
2. Examples of good cause may include inability to work due to illness or disability, adverse circumstances such as natural disaster or financial loss caused by accident or injury beyond the applicant's control such as casualty loss or intervening acts of a third party and unsuccessful attempts to borrow funds to pay fees.
3. Applicants seeking waiver of fee payment requirements must submit a fully completed sworn financial status form with supporting documentation.
4. Applicants seeking fee waiver must fully and accurately disclose all sources of income, including spousal income and assets, cash or checking accounts, dependents, debts and monthly expenses.
5. Board staff shall not be obligated to advise applicants regarding deficiencies in the form or content of applications for waivers or supporting documentation submitted to the Board, but shall direct applicants to comply with guidelines for staff determination of waiver requests.

C. Evidence of good cause:

1. Evidence of good cause should be in the form of potentially admissible evidence accompanied by a sworn statement or certification to show authenticity or reliability.
2. Redacted copies of medical records, invoices, explanation of benefits on insurance claims, accident reports, loan applications, correspondence with potential lenders or employers, authenticated with public seal or affidavit of the applicant or third party should be submitted with the waiver request
3. Board staff shall not be obligated to advise applicants regarding deficiencies in the form or content of applications for waivers or supporting documentation submitted to the Board, but shall direct applicants to comply with guidelines for staff determination of waiver requests.

D. Exceptions

1. Should it appear to the Executive Director, for any reason, that a request to waive filing deadlines or fee payments should not be considered as "routine," the request shall be set for consideration before a panel of the Board, at the next available date, subject to requirements for notice of a public meeting.