

Serial: 119774

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99012-SCT

FILED

DEC 16 2004

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

***IN RE: RULES GOVERNING
ADMISSION TO THE MISSISSIPPI BAR***

CORRECTING ORDER

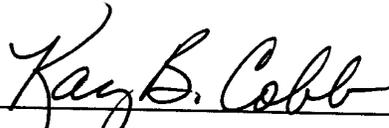
On December 9, 2004, this Court handed down its order which, *inter alia*, amended Rule IX (4) (c) of the Rules Governing Admission to the Mississippi Bar. Due to a scrivener's error, Exhibit "C" to that order failed to reflect the deletion of the first sentence of the second paragraph of Rule IX (4)(c). This order is entered for the limited purpose of correcting that error and correctly restating the action of the Court. The order is, therefore, amended and corrected to read as follows:

This matter is before the Court en banc on petition of the Board of Bar Admissions seeking amendments to the Rules Governing Admission to the Mississippi Bar. Having considered the petition, the Court finds that the amendments proposed will promote the fair and efficient administration of justice and that the petition should be granted.

IT IS THEREFORE ORDERED that Rule III, Sections 2.A. and 3, are amended as set forth in Exhibit "A" hereto; the existing Rule IV, Section 7, is deleted, and Sections 8 and 9 are renumbered as set forth in Exhibit "B" hereto; Rule IX, Section 4.C., is amended as set forth in Exhibit "C" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 13th day of December, 2004.



KAY B. COBB, PRESIDING JUSTICE,
FOR THE COURT

DIAZ, EASLEY, AND GRAVES, JJ., NOT PARTICIPATING.

EXHIBIT "A" TO ORDER

**RULES GOVERNING ADMISSIONS TO THE
MISSISSIPPI BAR**

RULE III. APPLICATION FOR REGISTRATION AS A LAW STUDENT

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Section 2. Registration as a Law Student.

A. Except as otherwise hereinafter provided, every person who intends to apply for admission to the Bar through the general bar examination under Rule IX must file with the Board an Application for Registration as a Law Student. The said application must be filed on or before October 1st ~~within six (6) months~~ after completion of two (2) semesters of law school, or the equivalent thereof. Said application for registration shall be accompanied by a fee of \$100.00. (Money order, certified check or cash only). All documents required by the Law Student Application form must be received by the Board within sixty (60) days following the filing of the Application, or such Law Student Application shall be deemed withdrawn and no further action will be taken thereon until the Application is refiled and late filing fees prescribed in Rule III, Section 3, or Rule IV, Section 3 or Section 4, as the case may be, have been paid.

B. The filing of a law student application does not constitute the filing of an examination application. An examination application must be filed in addition to the law student application. See Rule IV, Section 2.

[Effective November 1, 1991; amended effective December 9, 2004 to provide a specific date for filing application.]

Section 3. Late Registration as a Law Student.

Any person who does not comply with Section 2(a) above shall be permitted to file a late law student application upon payment of a late registration fee of \$300.00: provided, however, that the completed application must be filed with the Board on or before March ~~April~~ 1st preceding the February examination deadline, or on or before August ~~September~~ 1st preceding the July examination filing deadline. Such applications shall be considered after those filed under Section 2 above. (Money order, certified check or cash only.)

[Effective November 1, 1991; amended effective December 9, 2004 to change the filing deadline.]

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EXHIBIT "B" TO ORDER

RULES GOVERNING ADMISSIONS TO THE MISSISSIPPI BAR

RULE IV. EXAMINATION APPLICATIONS

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~~Section 7. Re-examination in Excess of Three.~~

~~An applicant who has unsuccessfully taken the Mississippi Bar Examination three (3) times shall not be eligible for re-examination until he has:~~

~~A. Studied at least 520 hours preceding the examination for which he is petitioning under the personal supervision of a member in good standing of the Mississippi Bar who has actively practiced in the state at least five (5) years, which course shall be conducted in the following manner: Before beginning such course of study, applicant shall register the name of the supervising attorney with the Board. During the course of study, the supervising attorney shall submit bimonthly reports to the Board. The first report shall give a summary of the applicant's progress to date and set forth the supervising attorney's plan of instruction and study. The plan shall include the subjects of study, period of study, examinations to be administered by the supervising attorney, and such other relevant information to show a comprehensive program of study directed to improve the applicant's performance on the Mississippi Bar Examination. Each subsequent bimonthly report shall report progress in accordance with the plan. Bimonthly reports shall include a statement of the number of hours by subject the student studied law each week. The report must show the number of hours the supervising attorney devoted to instruction and the nature of the instruction, the pages or chapter numbers and the titles of the books and other materials studied, scores and copies of the monthly written questions and answers of the student and a statement of the academic progress of the student. Mere work in a law office shall not be considered a course of study of law within the meaning of this Rule. Upon completion of at least 520 hours of study, and at least thirty (30) days before the examination for which the applicant proposed to sit, the supervising attorney shall submit a final report to the Board, showing the subjects and hours scheduled and certifying his determination that the applicant's knowledge and understanding of each subject is now sufficient that it is reasonable to expect the applicant to achieve a passing grade on the Mississippi Bar Examination, or~~

~~— B. Successfully completed or audited at least twelve (12) additional semester hours of regular law school courses relevant to subjects covered by the Mississippi Bar Examination at a law school provisionally or fully approved by the American Bar~~

~~Association. (A certificate must be issued by the law school stating that the applicant has attended these classes).~~

~~Satisfaction of one of the two above listed requirements shall permit the applicant to retake the Mississippi Bar Examination on one (1) additional occasion. To be eligible for further re-examination, the applicant must comply with the requirements of either (A) or (B) between each unsuccessful examination and his next re-examination.~~

[Effective November 1, 1991; former section 7 deleted effective December 9, 2004, removing the requirement of additional study after three unsuccessful attempts to pass the examination.]

Section 7 8. Deferment.

If after filing an exam application, an applicant finds he is unable to take the examination on the prescribed date, a written 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. Additional deferments shall require the payment of the filing fee of \$125.00 (money order, certified check or cash only). After more than one deferment, the Board may require re-investigation of the applicant's character and fitness. Failure on the part of an applicant to appear for an examination without first requesting deferment will result in the application being dismissed and the applicant will have to file a new application and pay the regular application fee for the subsequent examination.

[Effective November 1, 1991; section renumbered effective December 9, 2004.]

Section 8 9. Examination of Disbarred Attorneys

A disbarred attorney seeking reinstatement to the Mississippi Bar pursuant to Rule 12 of the Mississippi Rules of Discipline shall file with the Board of Bar Admissions an application to take the Mississippi Bar Examination on or before January 1st preceding the February examination for which such applicant proposes to sit or on or before June 1st preceding the July examination for which such applicant proposes to sit. The form of such applications shall be prescribed by the Board. The application must be accompanied by an examination fee of \$325.00 (money order, certified check, or cash only) payable to the Board of Bar Admissions. The Mississippi Bar Examination shall be administered and graded for such applicants in the same manner as for applicants for new admission. The results shall be reported to the applicant, to the Clerk of the Mississippi Supreme Court, and to the Board of Bar Commissioners. The same procedures and fees, where applicable, for deferrals, petitions for review, appeals, and re-examination applicable to applicants for

admission through the regular bar examination shall be applicable to applicants for examination under this Rule.

[Adopted effective December 31, 1992; amended effective August 24, 2000, for the February 2001 and subsequent examinations; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; section renumbered effective December 9, 2004.]

EXHIBIT "C" TO ORDER

**RULES GOVERNING ADMISSIONS TO THE
MISSISSIPPI BAR**

RULE IX. EXAMINATION

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Section 4. Time and Place of Examination.

A. Regular Bar Examination. The Board shall conduct a bar examination twice each year on dates to be set by the Board in February and July for the purpose of examining the applicants for license to practice law. (Until further order by the Board, the examination shall be administered on Monday, Tuesday and Wednesday of the week containing the last Wednesday in February and July.) Each examination shall be administered over a period of three consecutive days. One day of the examination will be devoted to the Multi-state Bar Examination (MBE) prepared by the National Conference of Bar Examiners and two days of the examination will consist of essay-type questions and/or written performance tests prepared by or at the direction of the Board or through the services of the National Conference of Bar Examiners.

Each applicant for admission under Rule IX at a particular administration of the Mississippi Bar Examination must take all portions of the essay and performance examination at that administration. Scores achieved on essay or performance-type questions at a previous administration may not be utilized or considered as part of an applicant's score on a subsequent administration.

B. Utilization of Previous MBE Scaled Score. An applicant who has taken the Multi-state Bar Examination (MBE) prepared by the National Conference of Bar Examiners, either in Mississippi or in another jurisdiction, within the immediately preceding 20-month period may elect to utilize the scaled score which he achieved on said previous administration of the MBE in lieu of retaking MBE during current Mississippi Bar Examination. Applicant's election to utilize MBE scaled score from a previous administration must be made in a written petition received by the Board not later than thirty (30) days before the Mississippi Bar Examination at which the applicant proposes to sit. Such petition shall state the date and place at which he took the MBE and the scaled score which he achieved. In the case of a request to utilize an MBE score from another administration of the MBE in a state other than Mississippi, the applicant must attach to his petition an authorization for the Board to obtain a certification of the MBE Scaled Score attained by the applicant from the Board of Bar Admissions (or equivalent agency) of the jurisdiction in which applicant sat for the subject MBE or from the National Conference of Bar Examiners. In the event that any change occurs in the procedure for preparation, grading or scaling of the MBE which, in the opinion of the Mississippi Board of Bar Admissions, renders impossible or inaccurate comparison of scaled

scores between different administrations of the MBE, the Board may terminate or modify the utilization of previous MBE scores.

C. Multi-state Professional Responsibility Examination. As a mandatory condition for admission to the Mississippi Bar by examination each applicant must achieve a scaled score of not less than 75 on the Multi-state Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners (NCBE). This score must be achieved on an administration of the MPRE within twenty-four (24) months before or within twelve (12) months after the date of administration of the Mississippi Bar Examination at which the applicant achieves a passing result. It shall be the responsibility of each applicant to register for and take the MPRE in the manner and at the time prescribed by the NCBE and to request that his scores be furnished by the NCBE to Mississippi Board of Bar Admissions. The MPRE may be taken before or after the administration of the Mississippi Bar Examination at which an applicant proposes to sit. However, applicants are strongly encouraged to take the MPRE before taking the Mississippi Bar Examination, since no applicant will receive a "certificate of eligibility for admission" until the Board receives the certification of the applicant's achieving the said minimum scaled score on the MPRE within the time period prescribed in this subpart.

~~However, those applicants who have within twenty-four (24) months preceding July 1, 2001 achieved a scaled score of not less than 70 shall be deemed to have passed the MPRE. Subject to this exception, the increased score and the requirement that the score must be achieved on administration of the MPRE within the above stated time span shall be effective as to Bar Examinations administered from and after July, 2001.~~

[Section 4A amended effective for Mississippi Bar Examinations administered in February 1992 and thereafter; Section 4B amended March 14, 1995 effective from and after July 1, 1995, but examinations administered February 1995 are to be scored according to existing rules and also by the rules in the March 14, 1995 order; amended effective April 24, 1997. Section 4C was further amended December 14, 2000 to increase the required scaled score from 70 to 75 and require that it be achieved within a stated time span; amended effective April 15, 2004; amended December 9, 2004 to delete transitional provision.]

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