

4/24/97

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R-99012

IN RE: PETITION FOR APPROVAL OF AMENDMENTS

TO THE RULES GOVERNING ADMISSION TO THE MISSISSIPPI

BAR

ORDER

This matter comes before the Court on petition for approval of amendments to the Rules governing admission to the Mississippi Bar by the Board of Bar Admissions. The Board seeks approval of amendments to Rules IX and X of the Rules governing admission to the Mississippi Bar which adopts the Multistate Performance Test as part of the Mississippi Bar Examination. The Court finds that the amendments are appropriate and the adoption of the Multistate Performance test will provide a better and more complete assessment of knowledge and skills of attorneys admitted to practice in Mississippi.

THEREFORE, IT IS ORDERED that petition for approval of amendments to the Rules governing admission to the Mississippi Bar by the Board of Bar Admissions is granted and Rule IX, Sections 4, 5, 8, and 9 and Rule X, Section 3, Paragraph 1, amended as set forth in Exhibit A to this order. The amendments shall be effective from and after February 1, 1998. The Clerk of the Supreme Court shall spread this order on the minutes of the Court; and, forward this order and Exhibit A to West Publishing Company for publication in the *Southern Reporter, Mississippi Cases*, the official reporter of decisions of this Court, and in Mississippi Rules of Court.

SO ORDERED this the _____ day of April, 1997.

FOR THE COURT:

DAN LEE, CHIEF JUSTICE

SULLIVAN, P.J., WOULD DENY.

EXHIBIT A

RULE IX. EXAMINATION.

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 Multistate 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.

Section 5. Subjects on the Examination.

The examination shall be based upon such of the following subjects as the Board shall determine:

- A. Administrative Law
- B. Contracts
- C. Business Organizations, including Corporations, Partnership, and Agency
- D. Criminal Law and Procedure
- E. Domestic Relations
- F. Evidence
- G. Federal Income Taxation
- H. Federal Jurisdiction and Rules of Civil Procedure
- I. Practice and Procedure of Mississippi Courts
- J. Professional Conduct and Ethics
- K. Real Property
- L. Torts
- M. Uniform Commercial Code
- N. Constitution of the United States and the State of Mississippi
- O. Wills, Estates, Trusts and Future Interests (including basic federal tax consequences)
- P. Conflict of Laws

Q. Bankruptcy

The Multistate Performance Test (MPT) will measure skills required for performance of legal tasks, such as (a) problem solving, (b) legal analysis and reasoning, (c) factual analysis, (d) communication, (e) organization and management of a legal task and (f) recognizing and resolving ethical dilemmas.

Prior to the examination the Board shall indicate to all applicants for a particular examination which subjects will be covered on the portion of the examination prepared by the Board and the order and time of the examination.

The contents of the Multistate Bar Examination (MBE), and Multistate Essay Examination (MEE), and Multistate Performance Test (MPT) shall be determined by the authorities preparing such examination.

Section 8. Grading of the Examination.

B. Standard for Grading. Essay and performance test questions will test the applicant's ability to reason logically, to analyze accurately legal problems, and to demonstrate a knowledge of the fundamental principles of law and their application, and to perform basic legal tasks. The grade of the paper shall be measured by the reasoning power as well as by the correctness or incorrectness of the answer.

Section 9. Passing Grade.

A. Answers to each of the essay examinations propounded by the Mississippi Board of Bar Admissions (hereinafter called, collectively, the "MSE") shall be assigned a score on a range of 0 to 100 points. Answers on each of the questions on the Multistate Essay Examination (hereinafter called the "MEE") and Multistate Performance Test ("MPT") shall be assigned a raw score on a range of 0 to 30 points. The Board shall have the right to make the final determination respecting all essay and performance test grades.

B. The applicant's score on each of the MSE examinations and on each question on the MEE and MPT shall be converted to the range of 0 to 200 points utilizing the MBE scaled scores of all applicants on the current Mississippi Bar Examination and the "Standard Deviation Method" described in *The Bar Examiners' Handbook* (3rd Edition, 1993 Supplement) at pp. 30:605-606, or such other standard statistical method as may be adopted by the Board. (The essay scores thus determined are hereinafter called "converted essay scores.")

C. The applicant's converted essay scores on all examinations on the MSE shall be averaged to determine the applicant's "Average Converted MSE Score." The applicant's converted essay scores on all questions on the MEE shall be averaged to determine the applicant's "Average Converted MEE Score." The applicant's converted scores on all questions on the MPT shall be averaged to determine the applicant's "Average Converted MPT score."

D. In order to pass the Mississippi Bar Examination, an applicant must achieve a combined score of 132 points (rounded to the nearest 0.1 point) on the entire examination, weighing the applicant's "Average Converted MSE Score" (determined under Item C above) as 45% 30% of the combined score, the applicant's "Average Converted MEE Score" (determined under Item C above) as 15% of

the combined score, the applicant's "Average Converted MPT Score" (determined under Item C above) as 15% of the combined score and the applicant's scaled score on the MBE as 40% of the combined score.

RULE X. REVIEW BEFORE THE BOARD.

Section 3. Content of Petition.

A Petition for Review shall be verified under oath by the applicant and shall designate the specific questions claimed to have been substantially misgraded. Requests for review shall be limited to particular questions on MSE examinations and on the MEE and MPT on which the applicant received a raw score of less than 75.0% of the maximum raw score points assigned to that question.