

Serial: 161298

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99012-SCT

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

ORDER

This matter is before the Court en banc on the petition filed by the Mississippi Board of Bar Admissions to amend the Rules Governing Admission to the Mississippi Bar. After due consideration, the Court finds that the amendments of the Rules as set forth in Exhibit “A” will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED the Rules Governing Admission to the Mississippi Bar are amended as set forth in Exhibit “A” hereto. This amendment is effective on July 1, 2010.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this the 17th day of March, 2010.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR.,
CHIEF JUSTICE

EXHIBIT "A"

**RULES GOVERNING ADMISSION TO THE
MISSISSIPPI BAR
Adopted by the Board of Bar Admissions and
Approved by the Mississippi Supreme Court**

**Adopted November 1, 1979
Including Amendments Through
March 29, 2010**

MISSISSIPPI BOARD OF BAR ADMISSIONS

**Post Office Box 1449
Jackson, Mississippi 39215-1449**

**Gartin Justice Building
450 High Street
Second Floor
Jackson, Mississippi 39201**

**PHONE # (601) 576-4620
FAX # (601) 576-4730**

RULE I. DEFINITIONS AND INTERPRETATIONS.

Section 3. Headquarters.

The office of the Board shall be located at the Gartin Justice Building, 450 High Street, Second Floor, Jackson, Mississippi 39201. The mailing address of the Board is P.O. Box 1449, Jackson, Mississippi, 39215-1449.

RULE II. BOARD OF BAR ADMISSIONS.

Section 3. General Powers.

The Board shall have the power:

- A.** To promulgate necessary Rules for the administration of their duties, subject to the approval of the Chief Justice of the Court, and to promulgate operating regulations and procedures, consistent therewith, as the Board deems necessary and proper to carry out the administration of their duties.

- C.** To require the payment by each applicant of such reasonable fees as prescribed by the Rules adopted by the Board and approved by the Chief Justice of the Court. All fees collected by the Board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State Treasury in a special fund to the credit of said Board.

RULE II. BOARD OF BAR ADMISSIONS.

Section 9. Quorum.

The Board shall act upon each application at a special or regular meeting of the Board at which a quorum is present. A special or regular meeting may be conducted in person, via telephone or conference call or in such other manner as allows for the presence of a quorum, provided that each member of the Board is given at least twenty-four hour's actual notice of the meeting or executes a waiver of notice and consent to such a meeting. Actual notice of the meeting may be given by telephone, telefax, email or any other means reasonably calculated to assure that the members have actual notice of the meeting. Attendance of a Member without objection constitutes waiver of notice and consent to such meeting. A quorum shall consist of a majority of the members. Action on any matter at the meeting of the Board may be taken by a majority of a quorum. The Board may act upon any matter without a meeting by a written poll conducted by the Chairman. Action taken upon such a poll may be taken only upon majority vote of the entire Board. The action of the Board taken by written poll shall be placed in the minutes of the Board at its next meeting.

RULE III. APPLICATION FOR REGISTRATION AS A LAW STUDENT

Section 1. Application Forms.

Law student applications, examination applications and all other forms used in the admissions process shall be in a form approved by the Board. There shall be a fee of \$25.00 for the official application forms (money order, certified check or cash only). Applications are available on-line at www.mssc.state.ms.us/baradmissions.

No application shall be accepted which is not filed on official forms and which is not accompanied by the full amount of fees due. Payment of fees shall be made to "Board of Bar Admissions". (Money order, certified check or cash only). **ALL FEES AND OTHER MONIES PAID TO THE BOARD ARE NOT REFUNDABLE IN WHOLE OR IN PART.**

Applications must be COMPLETE (must include all required attachments) at time of filing and must include an executed authorization and release to enable the Board to obtain information concerning applicant from third persons.

The applicant must give a full and direct response to all inquiries on the Application and furnish all additional documents required by the Application.

The answers contained in any Application shall be made under oath. The duty to make a true and complete response shall be considered as continuing from the date of the filing of the Application until the date upon which the applicant is admitted to the Bar. If, at any time after the filing of any Application and before the applicant is admitted to the Bar, any answer or portion of any answer ceases to be fully true and complete or fairly requires supplementation, the applicant shall notify the Board through the Bar Admissions Administrator immediately in writing. As soon as reasonably possible after so notifying the Board, the applicant shall provide such information, documents, and disclosures as are necessary to make the Application fully true and correct. Upon receipt of such notice or supplementation from applicant, or from other sources, the Board may, in its discretion, require further information, investigation, or hearings as it may deem appropriate under the circumstances and may defer consideration of the application until a subsequent bar examination.

An applicant may request, in writing, a certified copy of his or her own completed Application Form filed with the Board under Rule III or Rule IV. The fee for obtaining a certified copy of a filed Application Form shall be \$25.00 (money order, certified check, or cash only.)

RULE IV. EXAMINATION APPLICATIONS.

Section 2. Examination Applications for Applicants Who Have Filed Law Student Registrations.

Those applicants who have previously registered as law students under Rule III, Section 2(A) and those law students who previously registered late under Rule III, Section 3, must file with the Board an Application for Admission by Examination, designating the examination for which applicant desires to sit. Each Application for Admission by Examination must be accompanied by a fee of \$525.00, which shall be in addition to registration fees due under Rule III, Sections 2(A) and 3. (Money order, certified check or cash only.) Application must be filed with the Board on or before September 1st preceding the February examination for which applicant wishes to sit, or on or before February 1st preceding the July examination for which applicant wishes to sit.

Any law student who has not filed a law student application under Rule III, Section 2(A) or 3, must file the Application for Admission by Examination under Rule IV, Section 3 below.

RULE V. DISCLOSURE AND CONFIDENTIALITY OF INFORMATION

Section 4. Records

A. This Section establishes the rules and procedures governing the inspection, copying, and/or reproduction of any Public Records, as defined by the Mississippi Public Records Act of 1983, *Miss. Code Ann. §25-61-1, et seq.*, (1972, as amended), (the “Act”), in the possession of the Mississippi Board of Bar Admissions (Board) which are required or allowed to be examined and copied as Public Records under said Act, subject to any exemptions or exceptions thereto.

B. The following non-inclusive list of records of the Board are not Public Records and will not be made available, to-wit:

- (1) Applications for licensure;
- (2) Records concerning an applicant’s character and fitness;
- (3) Test questions and answers/analyses unless previously made public by the Board;
- (4) Recommendations concerning an applicant from any source;
- (5) Bar examination answers and scores of applicants;
- (6) Those items exempted from inspection and production by *Miss. Code Ann. §9-1-38* (1972, as amended), and including, but not limited to, the internal communications between or among Board members, or between or among Board members and the staff or employees of the Board, or between or among members of the staff or employees of the Board concerning any application for admission or any matter defined herein as not being a Public Record. This Section 4 shall also apply to the notes or other memoranda prepared by or for the use of Members of the Board in regard to any application for admission or any matter defined herein as not a Public Record. (For the purposes of this Section 4, members of the Committee on Character & Fitness and special counsel to said Committee shall be treated as Members of the Board.);
- (7) Personnel records exempted under *Miss. Code Ann. §25-1-100* (1972, as amended);
- (8) Attorneys’ work product exempted under *Miss. Code Ann. §25-1-102* (1972, as amended);

- (9) Academic records exempted under *Miss. Code Ann.* §37-11-51 (1972, as amended);
- (10) Criminal investigation records exempted under *Miss. Code Ann.* §§45-29-1 and 3 (1972, as amended);
- (11) Licensure application and examination records exempted under *Miss. Code Ann.* §73-52-1 (1972, as amended);
- (12) Commercial and financial information exempted under *Miss. Code Ann.* §79-23-1 (1972, as amended); and
- (13) Any other record or records which are confidential, privileged or otherwise exempt pursuant to these Rules or the laws of the State of Mississippi or the United States, or any records which the Board has declared confidential as a condition to obtaining them.

C. All requests shall be in writing describing the information sought with sufficient specificity that the Board is able to determine the precise information requested.

D. The Board shall respond to a request for access to records within fourteen (14) working days of the receipt of such request.

E. If any record, requested as provided for herein, cannot be produced for any reason, the Board shall provide a written response with the specific reasons therefor.

F. Upon compliance with the other provisions of this Rule:

- (1) Public Records of the Board will be available for inspection and copying during regular business hours (8:00 a.m.-5:00 p.m.), Monday through Friday, by prior appointment made at least three (3) business days in advance unless otherwise authorized by the Board;
- (2) All inspection, copying or reproduction shall be done in the office of the Board or such other place or in such other manner as designated by the Board, and all copying and reproduction shall be performed by employees of the Board or designees of the Board;
- (3) Copies of records will be made available according to the following schedule of charges:

Retrieval of records (on-site)	\$10.00
Retrieval of records (off-site)	\$15.00
Regular Copying of printed material (per page)	\$0.50

Copying from bound volumes or records (per page)	\$2.00
Printing of electronically maintained records (per page)	\$1.00
Minimum Copy/Printing Charge	\$1.00
Certification of Record (per record)	\$25.00
Fax Transmission Fee (per fax, 5 page maximum)	\$5.00
Email Transmission Fee (per record)	\$1.00
Postage, delivery charges (e.g., FedEx, UPS)	Actual charges + \$5.00

For each Public Record produced the requesting party shall pay the applicable retrieval fee, together with all applicable copying charges and transmission or delivery charges per the above schedule. For any services rendered other than those listed in the schedule above, the requesting party shall pay the cost of providing such services as determined by the Board.

- (4) No services will be provided until payment in full of the estimated costs of providing the services is made. Any charges in excess of the estimate shall be made in full at or prior to the time of delivery.

RULE IX. EXAMINATION.

Section 7. Mode of Examination.

H. Special Testing Accommodations. The Board, in its sole discretion, may direct that the Bar Examination be administered to applicants with disabilities in a fair and reasonable manner, but different from the manner by which it is administered to other applicants. An applicant with a disability who desires a special procedure for administration of the Examination shall so petition the Board at the time of filing his application, setting out the basis for the request and the type of special procedure which would be appropriate for his situation. Medical documentation must be submitted with the request.

RULE X. REVIEW BEFORE THE BOARD.

Section 1. Request for Copies of Examination.

A failing applicant may request in writing from the Board, within thirty (30) days after the results of the examination have been made public, copies of the questions, his answers and model answers or analysis of the question used in grading the examination, which shall be provided to the applicant at his expense. A request for the copies shall be accompanied by a fee of \$75.00 (money order, certified check, or cash only). In regard to the Multistate Bar Examination, the Board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the Board.

RULE XIV. EFFECTIVE DATE.

The effective date of these Rules shall be November 1, 1979, and as amended through March 29, 2010.