

Serial: 171283

IN THE SUPREME COURT OF MISSISSIPPI
No. 89-R-99012-SCT

*IN THE MATTER OF REVISING
THE EXAMINATION FOR ADMISSION
TO THE MISSISSIPPI BAR*

ORDER

This matter is before the Court, *en banc*, on petition of the Mississippi Board of Bar Admissions seeking our approval of certain proposed amendments respecting the examination one must pass as a prerequisite for admission to the Mississippi Bar, and the Court, having considered the same, does hereby order:

The Board's request to reduce the overall length of the bar examination to two consecutive days of testing is granted. The total testing time for the Mississippi Bar Examination shall be thirteen and one-half hours, which shall not include the Multistate Professional Responsibility Examination that is separately administered during the second or third year of law school.

SO ORDERED, this the 23rd day of August, 2011.

/s/ James W. Kitchens
JAMES W. KITCHENS, JUSTICE

CONCURRING: WALLER, C.J., CARLSON AND DICKINSON, P.JJ., LAMAR, KITCHENS, PIERCE AND KING, JJ.

RANDOLPH, J., DISSENTS WITH SEPARATE WRITTEN OPINION JOINED IN PART BY CHANDLER, J.

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RANDOLPH, JUSTICE, DISSENTING:

¶1. I dissent to today's order reducing the Mississippi Bar examination to two days, without endorsing the three-day examination presently in place. While all can agree that changes to the Mississippi Bar Exam are warranted, this Court should adopt no changes until such time as full and complete discussion and various viewpoints are presented to the Court en banc by the Mississippi Board of Bar Admissions (Board).

¶2. Based on a petition filed with this Court on July 25, 2011, the Board requests a two-day test. The petition reveals that the Board, over the last one and one-half years, has spent considerable time studying possible changes to the Mississippi Bar Exam. According to the petition, some members of the Board were in favor of keeping the three-day bar exam; some were in favor of shortening it to either a two or two and one-half day exam; and others were in favor of the Uniform Bar Exam.

¶3. The petition also states that the Board did not reach a consensus with respect to the length of the bar examination at that time. However, the Board subsequently voted unanimously to adopt the two-day exam. Since that time, a Board member has informed this Justice that the members were informed that this Court would find a two-and-one-half-day

exam unacceptable. The fact is that this Justice has never been asked, nor ever expressed an opinion regarding the length of the bar examination.

¶4. The petition filed indicated that the Board has engaged in rigorous debate regarding the length and contents of the exam; and well-reasoned and supported arguments of all options are available. Of paramount import to this Justice is that the Board offered some or all of its members the opportunity to meet with this Court to further discuss the Board's reasoning, should we so desire. I believe it is in the best interest of all that each of the Justices of this Court hear from, and ask questions of the full Board, in order that each Justice may make an informed decision.

¶5. A matter of particular concern to this Justice is Exhibit 2 to the petition. It reveals that the proposed structure adopted by today's order would require only three hours of examination on Mississippi law, a proposition which seems alarming at first blush. In the absence of either conclusive evidence to the contrary or opinions of the Board, based on sound reasoning and logic, I would opine that eight hours of examination on Mississippi law would be in the best interests of both prospective attorneys and the citizens of this state, prior to admission to practice law in this state.

¶6. Therefore, I find that no changes should be adopted until a presentation is made by the Board before this Court, en banc. For these reasons, I dissent to today's order.

CHANDLER, J., JOINS THIS OPINION IN PART.

CHANDLER, JUSTICE, DISSENTING:

¶7. At the present time, Mississippi administers a three-day examination for admission to the bar. Before this Court is a petition by the Board of Bar Admissions to reduce the testing period from three days to two. I believe this Court's grant of the petition is premature. While it is a laudable goal to reduce an unnecessarily lengthy testing period, this Court first should determine, with specificity, what we are attempting to measure before deciding how to measure it and what length the test should be. The Board's petition indicates that the Board has rigorously studied the impact of changes to the testing period, but fails to set out what the bar examination purports to measure, and what a reduction of the testing period will accomplish toward those goals. The petition fails to set out any testing objectives the Board wishes to accomplish by reducing the testing period.

¶8. The petition indicates that the Board is prepared to meet with this Court to discuss its reasoning in adopting the recommendation to reduce the testing time. In my opinion, this Court acts prematurely by granting the petition on its face without examining any studies, documentation, expert opinions, or other information which would explain whether a reduced testing period would further the bar examination's ability to measure an individual's readiness to practice law in the State of Mississippi. I agree with Justice Randolph that this Court should reserve its ruling on the matter pending a presentation by the Board; however, I believe more than one presentation is likely necessary for this Court to gain a thorough understanding of all relevant information. I also note that the petition is lacking because it fails to address whether the substantial cost of sitting for the bar examination will be reduced

based on the reduced testing period and the inevitable reduction in the number of questions to be administered.

¶9. For these reasons, I respectfully dissent to today's order.

RANDOLPH, J., JOINS THIS OPINION.