

**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 Petition filed by the Mississippi Board of Bar Admissions whereby the Bar seeks amendments to the Rules Governing Admission to the Mississippi Bar, increasing various fees associated with the bar examinations and other relief. This proposal also includes the amendment of Rule IX regarding the availability of scores to those taking bar examinations. Having considered the petition, the funding needs of the Board and the history of fees charged, the Court finds that such increases are justified, but only to the extent set forth in this order.

In addition to seeking these fee increases, the Board asks for the amendment of Rule VII, Section 5.B. to set the quorum for meetings of the Committee on Character and Fitness and its sub-committees, which amendment, upon study, is found to be appropriate.

The Board has also asked that Rule IX, Section 4.C. be amended increasing the required scaled score on the Multistate Professional Responsibility Examination. The Court has reserved ruling on this request for further consideration.

IT IS THEREFORE ORDERED that the Petition filed by the Mississippi Board of Bar Admission be and the same is hereby granted to the extent set forth herein, and the Rules Governing Admission to the Mississippi Bar are hereby amended as set forth in Exhibits "A" and "B" hereto. The Board's request for amendment to Rule IX, Section 4.C. seeking an increase in the required scaled score on the Multistate Professional Responsibility Examination is held for further consideration by the Court.

SO ORDERED, this the 24th day of August, 2000.

/s/ Fred L. Banks, Jr.

FRED L. BANKS, JR., PRESIDING JUSTICE

FOR THE COURT

PRATHER, C.J., NOT PARTICIPATING

**EXHIBIT "A"**

**RULE VIII**

## COMMITTEE ON CHARACTER AND FITNESS

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### Section 5. Duties and Powers

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**B. Meetings and Votes.** The Committee, or the subcommittees thereof, shall act upon each application at a special or regular meeting at which a quorum is present. ~~A quorum shall consist of a majority of the members and action on any matter may be taken by a majority vote of a quorum.~~ A quorum for a meeting of the Committee shall be five (5) members. A quorum for a meeting of a subcommittee shall be three (3) members. Action on any matter may be taken by a majority vote of a quorum. However, the members of the Committee or of a subcommittee may separately and without assembling in meeting consider any application together with the data submitted in support of such application ~~and may approve or disapprove an application~~ by written or oral poll conducted by the Chairman. Any unanimous action of the Committee or subcommittee, so taken, shall constitute valid action, but if such is not unanimous, the Committee, or subcommittee shall further consider and act upon such application in meeting assembled.

[Amended effective August 24, 2000]

### EXHIBIT "B"

#### 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 ~~\$10.00~~ \$25.00 for the packet of official application forms (money order, certified check, or cash only). Applications form may be obtained by writing to the Mississippi Board of Bar Admissions, P. O. Box 1449, Jackson, Mississippi 39215-1449 or may be obtained at the Bar Admissions Office at the First Floor, Mississippi Court of Appeals Building, 656 North State Street, Jackson, Mississippi.

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 an 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 supplication 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).

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[Amended effective August 24, 2000.]

## **RULE IV**

### **EXAMINATION APPLICATIONS**

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#### **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 ~~\$250.00~~ \$325.00, which shall be in addition to registration fees due under Rule III, Section 2(A) and 3. (Money order, certified check, or cash only) Application must be filed with the Board on or before November 1<sup>st</sup> preceding the February examination for which the applicant wishes to sit or on or before April 1<sup>st</sup> 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.

[Effective November 1, 1991; amended effective July 1, 1999; amended effective August 24, 2000, for applications for the February 2001 and subsequent examination.]

### **Section 3. Examination Applications for Applicants Not Registering as Law Students**

Any applicant who has not previously filed an Application for Registration as a Law Student as provided in Rule III, Section 2(A) or 3, must file a completed Application for Admission by Examination with the Board on or before October 1<sup>st</sup> preceding the February examination for which he or she wishes to sit or on or before March 1<sup>st</sup> preceding the July examination for which he or she wishes to sit. A filing fee of ~~\$550.00~~ \$625.00 must accompany the Application. (Money order, certified check, or cash only) Applicants admitted in other jurisdictions may be required to pay additional fees for character investigations. Such applicants must contact the Board of Bar Admissions Office for the amount of the additional fees required, if any.

[Effective November 1, 1991; amended effective July 1, 1999; amended effective August 24, 2000, for applications for the February 2001 and subsequent examinations]

### **Section 4. Late Applications for General Bar Examination**

Any applicant who failed to file a timely Application for Admission by Examination under Section 2 or Section 3 above may file a late Application for Admission by Examination with the Board from October 2<sup>nd</sup> to December 1<sup>st</sup> preceding the February examination for which he or she wishes to sit or March 2<sup>nd</sup> to May 1<sup>st</sup> preceding the July examination for which he or she wishes to sit. ~~A filing fee of \$750.00 (less any fees, if any previously paid) must accompany the Application.~~ A filing fee of \$525.00 must accompany the Application if the applicant has previously registered as a law student as provided in Rule III, Section 2(A) or 3, or by a filing fee of \$825.00 if the applicant has not previously registered as a law student as provided in Article III, Section 2(A) or 3. Applicants admitted in other jurisdictions may be required to pay additional fees for character investigations. Such applicants must contact the Board of Bar Admissions Office for the amount of the additional fees required, if any.

When an Application for Admissions by Examination is filed later than the prescribed deadlines the Board may act, but shall not be required to act, upon such application in time to permit the applicant to take such approaching examination.

However, under no circumstances will an application to sit for the examination be accepted after the prescribed late deadlines in this Section.

[Effective November 1, 1991; amended effective July 1, 1999; amended effective August 24, 2000, for applications for the February 2001 and subsequent examinations.]

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## **Section 6. Re-examination Deadlines and Fees.**

Any applicant who fails the bar examination shall be allowed to take the next scheduled examination without further investigation as to his character and fitness unless additional information requiring investigation comes to the attention of the Board.

The applicant must file an application on a form provided by the Board for re-examination with a fee of ~~\$200.00~~ \$350.00 (money order, certified check, or cash only) by December 1<sup>st</sup> preceding the February examination and by May 1<sup>st</sup> preceding the July examination.

[Effective November 1, 1991; amended effective July 1, 1999; amended effective August 24, 2000, for applications for the February 2001 and subsequent examinations.]

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## **Section 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 ~~\$50.00~~ \$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.

## **Section 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 not less than thirty (30) days prior to the first day of the 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 ~~\$250.00~~ \$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]

## **RULE VI**

## ADMISSION BY COMITY AND RECIPROCITY

### Section 3. Fees

Each application for admission by comity and reciprocity filed by the deadlines set forth in Rule VI, Section 2, must be accompanied by a fee of ~~\$500.00~~ \$1,000.00, plus an additional fee of \$200.00 to be used for a character investigation through the National Conference of Bar Examiners in jurisdiction(s) in which the attorney applicant has been previously admitted. The Board may in its discretion, for good cause shown, accept applications for admission by comity and reciprocity filed after the deadlines set forth in Rule VI, Section 2, provided that such application must be accompanied by a filing fee of \$1200.00, plus an additional fee of \$200.00 to be used for a character investigation through the National Conference of Bar Examiners in jurisdiction(s) in which the attorney applicant has been previously admitted. (Money order, certified check, or cash only) The Board shall not accept any application for admission by comity and reciprocity not accompanied by the full amount of fees due. The Board or the Committee may require payment of additional investigation fees and costs as provided in Rule III, Section 4. Payment of the fee shall be made to the "Board of Bar Admissions." The fee is not refundable in whole or in part.

[Effective November 1, 1991; amended effective August 24, 2000, for the February 2001 and subsequent examinations.]

## RULE IX

### EXAMINATION

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### Section 11. Examination Results

The Bar Admissions Administrator shall make a permanent record of the grades attained by each applicant and shall inform each applicant whether he has passed or failed the examination.

Each applicant failing to achieve a passing grade on the examination shall be provided (at no cost to the applicant) with a report showing his or her score on the MBE, on each of the MSE examinations, and on each question on the MEE and MPT.

An applicant receiving a passing grade on the examination may request, in writing, a report showing his or her score on the MBE and his or her combined score. A request for such report shall be accompanied by a report fee of \$25.00 (money order, certified check, or cash only).

An applicant may request in writing a certification of the scaled score achieved on the MBE suitable for transfer of the applicant's MBE scaled score to another jurisdiction which accepts transfers of MBE scaled scores. A request for such a certification shall be accompanied by a score certification fee of \$25.00 (money order, certified check, or cash only).

[Effective November 1, 1991; amended effective August 24, 2000]