

Serial: 156093

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99012-SCT

FILED

JUL 08 2009

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

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

ORDER

This matter is before the Court en banc on the Mississippi Board of Bar Admissions' motion to amend the Rules Governing Admission to the Mississippi Bar to increase certain fees. After due consideration, the Court finds, pursuant to Section 73-3-2(7) of the Mississippi Code, that

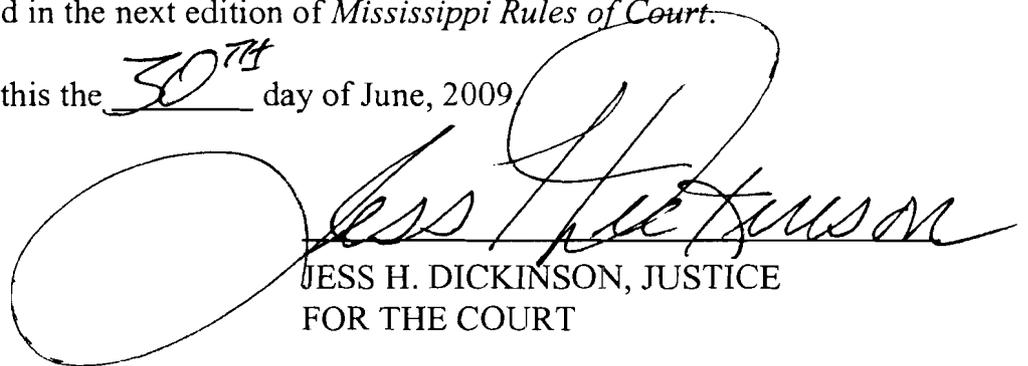
The board shall set and collect the fees for examination and for admission to the bar. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for admission shall be based upon the cost of conducting an investigation of the applicant and the administrative costs of sustaining the board. . . .

Miss. Code Ann. § 73-3-2(7). The Court further finds that the Board of Bar Admissions receives no appropriations from the Mississippi Legislature, and has no other source of funds from which to transact its business. The Court further finds that the motion for an increase in fees is necessary for the Board of Bar Admissions to continue to transact its business, including, but not limited to, administering the bar examination to applicants seeking admission to the Mississippi Bar. The Court finds that the amendments, as hereinafter set forth, will promote the fair and effective administration of justice and that they should be adopted as set forth herein.

IT IS THEREFORE ORDERED that Rule IV of the Rules Governing Admission to the Mississippi Bar is amended, effective July 10, 2009, as set forth in Exhibit A, hereto.

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 30th day of June, 2009



JESS H. DICKINSON, JUSTICE
FOR THE COURT

TO DENY: PIERCE, J.

Exhibit A

RULE IV. EXAMINATION APPLICATIONS

Section 1. Application Forms.

The application for admission by examination shall be on a form prescribed by the Board. The provisions of Rule III, Section 1 shall apply to applications for admission by examination.

[Effective November 1, 1991.]

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 ~~\$325.00~~ \$525.00, 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 October 1st preceding the February examination for which the applicant wishes to sit or on or before March 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.

[Effective November 1, 1991; amended effective July 1, 1999; amended effective August 24, 2000, for applications for the February 2001 and subsequent examination; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective July 10, 2009.]

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 September 1st preceding the February examination for which he or she wishes to sit or on or before February 1st preceding the July examination for which he or she wishes to sit. A filing fee of ~~\$625.00~~ \$825.00 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; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective July 10, 2009.]

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 September 2nd to November 1st preceding the February examination for which he or she wishes to sit or February 2nd to April 1st preceding the July examination for which he or she wishes to sit. A filing fee of ~~\$525.00~~ \$725.00 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~~ \$1,025.00 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; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective July 10, 2009.]

Section 5. Qualifications for Examination Applicants.

An application for admission to the Bar by examination may be filed by an individual who:

A. is 21 years of age:

B. has received a bachelor's degree from an accredited college or university or has received credit for the requirements of the first three (3) years of college work from a college or university offering an integrated six-year prelaw and law course, and has completed his law course at a college or university offering such an integrated six-year course; and

C. (1) has successfully completed, or (2) at the time of taking the bar examination, will be within sixty (60) days of completion of, a general course of study of law in a law school which is provisionally or fully approved by the Section on Legal Education and Admission to the Bar of the American Bar Association. Any applicant filing an exam application under Subsection 1(C)(2) of this Rule shall file with the Board on a form prescribed by the Board, a statement requesting to take the bar exam pursuant to the above Rule and must request the dean or registrar of his law school to file with the Board, on a form prescribed by the Board, a certification stating that said applicant should complete his course of study on or before sixty (60) days from the date of the examination for which the applicant is registered. At the completion of said course and within sixty (60) days after the exam date, the applicant must request his law school dean or registrar to file with the Board a "Certificate of Completion" evidencing the satisfactory completion of such course of study within the prescribed sixty (60) day period. A Certificate of Eligibility for Admission will not be issued to applicant without the final certification from his law school dean or registrar. Failure to complete the course of study within sixty (60) days of the examination and to have the dean or registrar of the applicant's law school so certify shall render the applicant's results on the subject examination void. (However, an applicant who, as of November 1, 1981, was or had been previously enrolled in a law school in active existence in Mississippi for more than ten (10) years prior to the date of application shall be eligible for examination for admission; provided that such an applicant must have graduated from such law school prior to November 1, 1984).

[Effective November 1, 1991.]

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 reexamination with a fee of ~~\$350.00~~ \$550.00 (money order, certified check, or cash only) by November 1st preceding the February examination and by May 1st 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; amended

effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective July 10, 2009.]

[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. 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~~ \$325.00 (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; amended effective July 10, 2009.]

Section 8. 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~~ \$525.00 (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.; amended effective July 10, 2009.]