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
August 23, 2011

MISSISSIPPI BOARD OF BAR ADMISSIONS

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RULE I. DEFINITIONS AND INTERPRETATIONS.

Section 1. Definitions.

As used in these Rules, the following terms have the following meanings, unless expressly otherwise provided, or as may result from necessary implication:

A. **Applicant.** Individual applying for admission to the Bar or registration as a law student.

B. **Bar.** Mississippi Bar.

C. **Board.** Board of Bar Admissions.

D. **Clerk.** Clerk of the Supreme Court.

E. **Committee.** Committee on Character and Fitness.

F. **Court.** Supreme Court of Mississippi.

G. **File or Filed.** Delivered and accepted in the office of the Board during normal working hours on or before the day required for filing.

H. **MBE.** Multistate Bar Examination.

I. **MEE.** Multistate Essay Examination.

J. **Notify or Notified.** Notice by the Board shall be effective when mailed by regular first class mail, postage prepaid, to the address listed by the applicant on his application. Applicants shall notify the Board in writing of any change of mailing address occurring after their applications are filed.

K. **Rules.** The Rules Governing Admission to the Mississippi Bar as adopted by the Board and approved by the Chief Justice of the Court.

L. **Secretary.** Secretary of the Board of Bar Admissions.

[Effective November 1, 1991]

Section 2. Interpretation.

Words in the masculine shall include the feminine and neuter gender except as may result from necessary implication.

[Effective November 1, 1991]

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.

[Effective November 1, 1991; amended effective April 15, 2004; amended effective July 1, 2010 to correct the office location.]

RULE II. BOARD OF BAR ADMISSIONS.

Section 1. Appointment -- Term of Office.

By virtue of Section 73-3-2, Mississippi Code of 1972, the Mississippi Legislature created a Board to be known as the "Board of Bar Admissions" which shall be appointed by the Supreme Court of Mississippi. The Board shall consist of nine (9) members, who shall be members in good standing of the Mississippi Bar and shall serve for terms of three (3) years. Three (3) members shall be appointed from each Supreme Court District, one (1) by each Supreme Court justice from his district, with the original appointments to be as follows: Three (3) to be appointed for a term of one (1) year, three (3) to be appointed for a term of two (2) years, and three (3) to be appointed for a term of three (3) years, one (1) from each district to be appointed each year. No member of the Board of Bar Admissions may be a member of the legislature. Board members will serve until replaced. Vacancies during a term shall be filled by the appointing justice or his successor for the remainder of the unexpired term.

[Effective November 1, 1991; amended effective April 15, 2004 to provide that Board members serve until replaced.]

Section 2. Duties.

It shall be the duty of the Board to administer these Rules and to determine the fitness and qualifications of persons seeking admission to practice law in the State of Mississippi. In the performance of these duties the Board, the Committee and their staff and assistants shall be deemed to be officers of the Court and members of the Judicial Branch of the Government of the State of Mississippi.

[Effective November 1, 1991.]

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.

B. In connection with the performance of its duties, to take testimony under oath and to compel the attendance of witnesses and the production of documents by the filing of a praecipe for a subpoena with the Clerk.

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.

D. To employ such stenographic or other assistance as may from time to time be necessary or proper.

E. To conduct, directly or through the Committee on Character and Fitness, such investigation of each applicant as shall be necessary to determine his character and fitness to practice law and his compliance with the Rules.

F. To certify to the Court the names of applicants who are qualified for admission to the Bar.

G. To elect one of its members as chairman and another as vice-chairman.

H. To appoint the members of the Committee on Character and Fitness to perform duties prescribed herein.

I. To appoint a Secretary (who may or may not be a member of the Board). The duties of the Secretary shall be as follows:

(1) Execute official documents as the Secretary of the Board which shall include but not be limited to Certificates of Eligibility for Admission to the Bar.

(2) Serve as liaison between the Board and the Supreme Court of Mississippi.

(3) Such other duties as the Board may determine.

J. To employ a Bar Admissions Administrator and other employees of the Board who shall be paid salaries and/or compensation fixed by the Board. The Bar Admissions Administrator and such other employees shall be supervised by an Executive Director who shall be the Director of the Administrative Office of Courts. The Bar Admissions Administrator and such other employees, as may be designated by the

Board, shall be bonded to insure faithful performance of their duties. The duties of the Bar Admissions Administrator shall be as follows:

(1) Dissemination of information as to the prerequisites which a person must have prior to taking the bar examination.

(2) Receiving and examining applications of persons for registration and admission and maintaining appropriate registers of applicants.

(3) Keeping on file all examination papers (except MBE examination booklets and answer sheets) for a period of (45) days following the publication of the results of the examination, after which he shall destroy all such papers unless a request for review has been filed by a failing applicant within the said (45) day period. In such a case, the examination papers of all applicants will be kept;

   a. until the entry of a final order of the Board changing every petitioning applicant's failing status or

   b. for a period of (6) months following the final order of the Board affirming the failure of any applicant, after which period all examination papers shall be destroyed unless the Board otherwise directs.

(4) Unless otherwise directed by the Board, keeping on file all information and documents pertaining to applicants for a period of five (5) years after the applicant is issued a "Certificate of Eligibility" at which time the Board shall have no obligation to retain the files and may thereafter destroy them. This rule does not apply to examination papers which shall be retained only as provided by Item J(3) above.

(5) Keeping a record of all meetings and proceedings, and keeping all minutes and records of the Board of Bar Admissions.

(6) Receiving application fees and other monies paid to the Board and properly depositing and accounting for the same in accordance with state law.

(7) Preparing an annual budget for approval by the Board and assisting in its presentation to the Mississippi State Legislature.

(8) Presenting to the State Auditor claims for payment of expenses incurred by the Board and otherwise administering, or assisting in the administration of the fiscal affairs of the Board.

(9) Supervising the work of other employees of the Board.

(10) Receiving from and preserving records of previous Boards of Bar Admissions, including lists of former applicants for admission.

(11) Such other duties as the Board may determine.

[Effective November 1, 1991 amended effective April 15, 2004 to designate the Director of the Administrative Office of Courts as Executive Director of the Board of Bar Admissions and to limit requirements concerning keeping and destruction of files; amended effective July 1, 2010 to correct the language in A and delete a portion of C which refers to a section of the Code which has been repealed.]

Section 4. Devotion to Duty.

A Board member should be willing and able to devote whatever time is necessary to perform the duties imposed upon him.

[Effective November 1, 1991.]

Section 5. Essential Conduct.

A Board member should be conscientious, studious, thorough and diligent in learning the methods, problems and progress of legal education, in preparing bar examinations, and in seeking to improve the examination, its administration and requirements for admission to the Bar. He should be just and impartial in recommending the admission of applicants. He should exhibit courage, judgment and moral stamina in refusing to recommend applicants who lack adequate general and professional preparation or who lack good moral character.

[Effective November 1, 1991.]

Section 6. Adverse Influences, Conflicting Duties and Inconsistent Obligations.

A Board member should not have adverse interests, conflicting duties nor inconsistent obligations which will in any way interfere or appear to interfere with the proper administration of his functions. A Board member or agents of the Board should not participate directly or indirectly in courses for the preparation of applicants for bar admission nor act as a trustee of a law school or of a university of which a law school is a part or with which a law school is affiliated. A Board member should so conduct himself that there may be no appearance that his judgment may be swayed by improper considerations.

[Effective November 1, 1991.]

Section 7. Oath.

The members of the Board shall take a prescribed Oath to be administered by one (1) of the Judges of the Court, or by another person authorized by law to take Oaths, to faithfully and impartially discharge the duties of the office.

[Effective November 1, 1991.]

Section 8. Compensation and Expenses.

The members of the Board shall receive compensation as established by the Court for preparing, giving and grading the examination, plus all reasonable and necessary travel expenses incurred in the performance of their duties.

[Effective November 1, 1991.]

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.

[Effective November 1, 1991; amended effective July 1, 2010 to provide for telephonic participation or telephonic or other electronic meetings.]

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.courts.ms.gov/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.)

[Effective November 1, 1991; amended May 18, 1999; effective July 1, 1999; amended effective August 24, 2000; amended effective July 1, 2010 to correct the location where applications can be obtained; amended May 21, 2012 to correct the website]

Section 2. Registration as a Law Student.

A. Except as otherwise hereinafter provided, every person who intends to apply for admission to the Bar through the general bar examination under Rule IX must file with the Board an Application for Registration as a Law Student. The said application must be filed on or before October 1st after completion of two (2) semesters of law school, or the equivalent thereof. Said application for registration shall be accompanied by a fee of $100.00. (Money order, certified check or cash only). All documents required by the Law Student Application form must be received by the Board within sixty (60) days following the filing of the Application, or such Law Student Application shall be deemed withdrawn and

no further action will be taken thereon until the Application is refiled and late filing fees prescribed in Rule III, Section 3, or Rule IV, Section 3 or Section 4, as the case may be, have been paid.

B. The filing of a law student application does not constitute the filing of an examination application. An examination application must be filed in addition to the law student application. See Rule IV, Section 2.

[Effective November 1, 1991; amended effective December 9, 2004 to provide a specific date for filing application.]

Section 3. Late Registration as a Law Student.

Any person who does not comply with Section 2(a) above shall be permitted to file a late law student application upon payment of a late registration fee of $300.00: provided, however, that the completed application must be filed with the Board on or before March 1st preceding the February examination deadline, or on or before August 1st preceding the July examination filing deadline. Such applications shall be considered after those filed under Section 2 above. (Money order, certified check or cash only.)

[Effective November 1, 1991; amended effective December 9, 2004 to change the filing deadline.]

Section 4. Additional Investigation Fees.

In addition to the law student registration and examination fees provided for in Rule III, Sections 2(A) and 3 and Rule IV, Sections 2 and 3, any applicant who has previously been admitted to the practice of law in any other jurisdiction shall pay at the time of registration an additional fee in such amount as the National Conference of Bar Examiners may charge in connection with a character investigation. The Board or the Committee may also require any applicant to pay the additional costs of investigation when circumstances require a character investigation more costly than the usual investigation.

The cost of any record, document, or conduction of an investigation or inquiry concerning an application shall be paid by the applicant. The cost of any transcript or record incurred during the conduction of a hearing shall be paid by the applicant. Upon determining that additional costs of investigation shall be assessed, the Board or the Committee shall notify the applicant thereof, along with the amount of the additional costs for which he is required to pay. Said sums shall be due from applicant immediately upon receipt of notice thereof. If payment of the additional costs is not received by the Board within thirty (30) days of the date of such notice to applicant, the application shall be considered withdrawn, and the applicant shall not be considered for admission. For good cause shown for non-payment, the Board may extend the time within which payment must be received before the application is deemed withdrawn. From the time of the determination that additional costs

of investigation should be charged to the applicant until the same are paid, neither the Board nor the Committee shall proceed further with the application.

[Effective November 1, 1991; amended effective April 4, 2004.]

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 $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.

[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; amended effective July 1, 2010 to move the deadline for filing applications back one month.]

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 $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 $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 $1,025.00 if the applicant has not previously registered as a law student as provided in Rule III, Section 2(A) or 3. (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.

When an Application for Admission 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 5(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 re-examination with a fee of $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 $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 application shall be prescribed by the Board. The application must be accompanied by an examination fee of $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.]

RULE V. DISCLOSURE AND CONFIDENTIALITY OF INFORMATION.

Section 1. Penalty for Failure to Disclose Information.

No one shall be licensed to practice law in this state:

A. who fails to disclose fully to the Committee and Board, whether requested to do so or not, the facts relating to any disciplinary proceedings or charges as to his professional

conduct, whether same have been terminated or not, in this or any other state, or any federal court or other jurisdiction, or

B. who fails to disclose fully to the Committee and Board all facts relating to any civil or criminal proceedings or other material information concerning his character and fitness called for by these Rules or by the application forms.

In the event an applicant shall fail to fully, timely and faithfully comply with the requirements of Rule III, Section 1, his application will be deferred to a future bar exam, if such failure comes to the attention of the Board prior to the administration of the bar examination. If such failure comes to the attention of the Board after the applicant has taken the bar examination, the Board may order that his result on that bar examination be deemed void. If such failure comes to the attention of the Board after the applicant has been admitted to the Bar, the Board may file a complaint with the appropriate disciplinary authorities.

The Committee and Board shall consider an applicant's failure to disclose material information in making its determination of whether the applicant has the requisite character and fitness to be admitted to the Bar. The Board may excuse the failure to disclose information and suspend the operations of the preceding portions of this Section only if it determines that the information which the applicant failed to fully and timely disclose or supplement is not significant or germane to the applicant's character and fitness.

[Effective November 1, 1991.]

Section 2. Release of Confidential Information.

By making application for registration as a law student or examination an applicant waives his right to confidentiality of medical/psychological communication, record, evaluations and any other pertinent medical/psychological information touching on the applicant's fitness to practice law as determined by the Board or Committee. A refusal by an applicant to furnish written release for such medical/psychological information or an applicant's objection to the disclosure of such information to the Board or Committee shall be cause for the dismissal of the application. Any written release executed by a law student registrant or examination applicant shall terminate immediately upon admission to the Bar or sixty (60) days after the application is terminated by voluntary withdrawal or by denial of admission on grounds of character and fitness.

An application is not terminated until any appeal or rights to appeal have terminated.

[Effective November 1, 1991.]

Section 3. Confidentiality of Information and Documents.

Information and documents concerning an applicant's character and fitness shall be considered confidential. Such information and documents shall not be disclosed except to members of the Board, members of the Committee on Character and Fitness, the

Secretary, Special Counsel (appointed pursuant to Rule VIII, Section 5), and necessary clerical personnel authorized by the Board, Committee, or Secretary to assist in their duties. An applicant shall have the right to inspect information and documents pertaining to his application during regular business hours. Such inspection shall be by appointment with the Bar Admissions Administrator and all materials shall remain under the surveillance of the Bar Admissions Administrator during such inspection. No person shall disclose information or documents concerning an applicant's character and fitness to persons other than those listed above, except to the extent that such disclosure is necessary to the investigation of applicant's character and fitness.

In addition to the foregoing, upon proper request, the Board, at its discretion, may disclose information or documents from an applicant's file to the admitting authorities in other jurisdictions, to any disciplinary agency and to any law enforcement agency for use in connection with disciplinary or criminal proceedings against such applicant.

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

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.

[Effective July 1, 2010 to add Section 4 in its entirety.]

RULE VI. ADMISSION BY COMITY AND RECIPROCITY.

Section 1. Qualification of Applicant.

A. Provided that the laws of the state from which the applicant comes grant similar privileges to attorney applicants from this state, any lawyer from another state whose requirements for admission to the bar are equivalent to those of this state, who has practiced not less than five (5) years may be admitted to practice in this state without

passing the general bar examination as to the applicant's knowledge of law required of all other applicants by Rule IX and upon complying with the other requirements as set out in these Rules Governing Admission to the Mississippi Bar. The Board shall determine whether another jurisdiction grants "similar privileges" to applicants from this state.

B. An applicant who has failed a bar examination administered in this jurisdiction within five (5) years of the date of filing an application under this rule shall not be eligible for admission under this Rule VI.

C. An applicant who has been subject to discipline in another state for conduct which would make the applicant ineligible for admission in this state shall not be eligible for admission under this Rule VI.

[Effective November 1, 1991; amended effective October 1, 2008 as set forth in the Comment; amended effective August 1, 2009.]

Section 2. Application.

Any lawyer from another state desiring to practice in Mississippi must make application to the Board on the same forms as required of applicants for admission by general bar examination. Such application shall be subject to the provisions of Rule III, Sections 1 and 4 and Rule V. In addition, such applicant shall file with the Board evidence of his good standing to practice law in the states in which he has previously been admitted, including a certificate from the Clerk of the highest appellate court of each state in which he has been admitted, and from two (2) members of the bar in each such state, certifying to his qualifications and good standing. The Board or the Committee on Character and Fitness may make additional inquiry as to the qualifications, good standing, and moral character of the applicant and may require submission of additional evidence by the applicant.

[Effective November 1, 1991; amended May 18, 1999, effective July 1, 1999 for applications for the February 2000 and subsequent examinations; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective October 1, 2008 as set forth in the Comment.]

Section 3. Action on Applications.

An application for admission under Rule VI may be made at any time. The Board and its Committee on Character and Fitness shall within a reasonable time investigate such application, and the Board shall act upon such application not later than its next regularly scheduled meeting forwarding receipt of the final report of the Committee on Character and Fitness on such application.

[Effective November 1, 1991; 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; amended effective October 1, 2008 as set forth in the Comment.]

Section 4. Fees.

Each application for admission by comity and reciprocity must be accompanied by a fee of $1,500.00, plus an additional fee in such amount as the National Conference of Bar Examiners may charge in connection with a character investigation in jurisdiction(s) in which the attorney applicant has been previously admitted. The Board shall not accept any application for admission by comity and reciprocity unless 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; amended effective April 15, 2004, for applications for the February 2005 and subsequent examinations; amended effective October 1, 2008 as set forth in the Comment.]

Section 5. Conflict of Laws Among States Concerning Reciprocity and Comity.

If the jurisdiction from which the applicant comes permits the admission of Mississippi judges and lawyers by comity and reciprocity but the rules of such jurisdiction are more stringent and exacting or contain other limitations, restrictions or conditions of admission or require payment of higher fees, the admission of applicant shall be governed by such rules and the applicant shall pay the same fees which would apply to applicants from Mississippi seeking admission to the bar in the applicant's former jurisdiction.

[Effective November 1, 1991; amended effective April 15, 2004 to renumber sections; amended effective October 1, 2008 as set forth in the Comment.]

Section 6. Applicant Licensed to Practice by More Than One State.

If an applicant has been licensed by more than one state, the Board shall determine in its discretion the licensing state to which reference shall be made in determining whether to admit an applicant by comity and reciprocity.

[Effective November 1, 1991; amended effective April 15, 2004 to renumber sections; amended effective October 1, 2008 as set forth in the Comment.]

Section 7. Definition of Practice of Law.

For purposes of admission under this Rule, practice for not less than five (5) years must consist of active practice of law, after admission to the bar of another jurisdiction, either as a partner or associate of a private or public law firm, as a legal officer of a corporation or other business organization, as a governmental employee whose duties are primarily providing legal advice or representation of the governmental agency in the courts, as a legal officer in the Armed Services, as a judge, magistrate, administrative judge or referee, or law clerk to a judge, or as a full time teacher in a law school approved by the Section on

Legal Education and Admission to the Bar of the American Bar Association. Practice of law which qualifies for purposes of this Rule must have occurred within a state or states in which the applicant was then admitted to practice law and must have occurred while applicant was licensed by and in good standing with the court or other agency having authority over the practice of law in such jurisdiction.

[Effective November 1, 1991; amended effective April 15, 2004 to renumber sections; amended effective October 1, 2008 as set forth in the Comment.]

Comment

This amended rule does away with the requirement of a one (1) day attorney's examination on topics of Mississippi law for attorneys seeking to establish a practice in Mississippi and returns the rule to its pre-1979 format of allowing complete reciprocity with other states granting similar privileges to Mississippi lawyers. The amended rule requires that any lawyer from another state which requires Mississippi attorneys to be examined before admission must take the entire Mississippi Bar Examination.

It is not the intention of this rule to provide an alternative means of admission for temporary practice in Mississippi, which is governed by the pro hac vice admission rules of the Mississippi Rules of Appellate Procedure.

The five (5) year practice of law requirement contemplates that the work done by the applicant be of a general legal nature but not work that is very narrow in scope, is of a type which need not be performed by an attorney, or does not generally require the services of an attorney. An attorney's five (5) years of prior practice must have constituted a full-time or regular undertaking and not have been on only an occasional or haphazard basis.

For the purposes of this Rule, the active practice of law does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

[Amended effective August 1, 2009.]

RULE VII. PROTEST OF APPLICATION.

Section 1. Nature of Protest.

Any person may protest the application of any applicant to be admitted to the practice of law either by examination or by comity and reciprocity.

[Effective November 1, 1991.]

Section 2. Format.

A protest shall be made in writing, signed by the person making the protest and bearing his home and business address, and shall be filed with the Board prior to the date on which the applicant is to be examined or within sixty (60) day after the filing of an application by an attorney for admission by comity and reciprocity.

[Effective November 1, 1991.]

Section 3. Notification: Right to Withdraw.

The Bar Admissions Administrator shall, as soon as practical, notify the applicant of the protest and of the charges therein made; and the applicant thereupon may file with the Board a written withdrawal as a candidate for admission to the practice of law.

[Effective November 1, 1991.]

Section 4. Hearing.

In case the applicant does not withdraw as a candidate for admission to the practice of law, the person or persons making the protest and the applicant in question shall appear before the Committee at a time and place to be designated by the Committee. In the event time will not permit a hearing on the protest, and a final determination prior to a scheduled examination, the applicant may not take the written examination unless the Board finds exceptional circumstances justifying the taking of the examination; however, if the applicant passes the written examination, no license to practice law shall be issued to him until final disposition of the protest in favor of the applicant.

[Effective November 1, 1991.]

Section 5. Withholding Certification.

Nothing herein contained shall prevent the Board on its own motion from withholding its certification of the applicant until it has been fully satisfied as to the moral fitness of the applicant.

[Effective November 1, 1991.]

RULE VIII. COMMITTEE ON CHARACTER AND FITNESS.

Section 1. Appointment -- Term of Office.

There is hereby created a committee to be known as the "Committee on Character and Fitness: which shall be appointed by the Board. Members of the Committee shall be members in good standing of the Mississippi Bar. At least three (3) members shall be

appointed from each of the Supreme Court Districts, provided, however, that the Board in its discretion may appoint more than three (3) members from any Supreme Court District. Members shall serve for terms of three (3) years provided that initial appointments shall be made for terms of one (1), two (2), or three (3) years so that expiration of terms shall thereafter be staggered. Vacancies during a term shall be filled by the Board for the remainder of the unexpired term.

[Effective November 1, 1991.]

Section 2. Officers.

The Board shall designate a Chairman and Vice-Chairman of the Committee on Character and Fitness. The Chairman shall serve as an ex officio non-voting member of the Board. The Chairman shall be responsible for the overall operation and coordination of the Committee's work. The Chairman shall be responsible for calling and presiding over meetings of the Committee. The Chairman of the Committee, or in his absence the Vice-Chairman, shall certify all recommendations concerning applicants to the Board. The Bar Admissions Administrator or other designated employee of the Board of Bar Admissions shall serve as Secretary to the Committee on Character and Fitness.

[Effective November 1, 1991.]

Section 3. Division Into Subcommittees.

The Committee shall act on individual applicants through subcommittees consisting of the members from any one Supreme Court District. Such a Subcommittee shall have all the rights, powers and obligations of the entire Committee. The Board shall select one of the Committee members from each District as Subcommittee Chairman who shall be responsible for receiving referrals of applicants from the Bar Admissions Administrator, for calling and presiding over meetings of the subcommittee and for reporting the recommendations of the Subcommittee to the Chairman of the full Committee, who shall certify the recommendations of the Subcommittee to the Board, as the recommendation of the full Committee, unless in the Chairman's opinion special circumstances require that the recommendation of the subcommittee be reconsidered by the full Committee.

[Effective November 1, 1991.]

Section 4. Referral of Applications.

Law student registration applications (as provided in RULE III), applications for admission by examination (as provided in RULE IV), applications for admission by comity and reciprocity (as provided in RULE VI), together with any other materials relevant to the application, shall be referred to the subcommittee of the Committee on Character and Fitness for the Supreme Court District in which the applicant resides. In the case of non-residents, applications will be divided among the subcommittees. The application shall be referred as soon as practicable after all required materials are filed with the Bar Admissions

Administrator. The Bar Admissions Administrator may, in his discretion, also send additional copies of the application to the subcommittee for any other District with which the applicant appears to have substantial contacts. A list of all applicants regardless of District of residence shall be simultaneously circulated to all members of the full Committee, and the Committee members from other Districts having information relevant to the applicant's character and fitness shall provide such information, as soon as practicable, to the Chairman of the subcommittee to which the application has been referred.

[Effective November 1, 1991.]

Section 5. Duties and Powers.

A. Investigation. The Committee on Character and Fitness, or its subcommittees, shall consider applications at such time and place and in such manner as it may elect, and may require the personal presence of any applicant at such time and place as the Committee may prescribe for interview and examination touching on his character and fitness. The Committee may also propound written interrogatories, requests for admissions and requests for production of documents to be answered by applicant under oath within thirty (30) days of service thereof. The Committee may take evidence under oath before a court reporter or notary public and shall have the power to compel attendance of witnesses and the production of documents by the filing of a praecipe for a subpoena with the Clerk of the Supreme Court. The Committee shall also have the power to receive information touching on the character and fitness of any applicant from any source deemed relevant and reliable by the Committee and to give such information the weight and credibility which the Committee deems proper.

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 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 by written or oral poll conducted by the Chairman. Any unanimous action of the Committee or a 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.

C. Special Counsel. In cases where the Committee, or subcommittee thereof, deems a formal hearing to be necessary, the Committee, or subcommittee, may appoint an attorney to appear on a voluntary basis as Special Counsel for the purpose of preparing and presenting evidence concerning applicant's character and fitness. Such counsel shall be an attorney in good standing with the Mississippi Bar Association and shall have no conflict of interest in regard to application under consideration.

D. Procedure at Formal Hearings. During formal hearings before the Committee, or its subcommittees, an applicant shall have the right to be represented by counsel, to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues, even if not covered in direct examination, to impeach the credibility of any witness regardless of by whom called and to rebut the evidence against him. The applicant may be called and examined as if under cross-examination whether or not he testifies on his own behalf. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient standing alone to support a finding unless it would be admissible over objection in civil actions. Except as required to be waived under other provisions of these Rules, the rules of privilege shall be effective to the extent that they are required by civil rules to be recognized. Irrelevant and unduly repetitious evidence shall be excluded. Hearings shall be private unless the applicant shall request that they be public. A complete stenographic record of the hearing shall be kept, and a typescript may be ordered by the applicant at his or her own expense.

E. Reports. The Committee shall report to the Board its recommendations as to approval or disapproval of each law student registrant and each applicant for admission by examination. Recommendations shall be filed with the Board as soon as reasonably practical after the completed application is referred to the Committee, provided that the Committee shall file with the Board not later than thirty (30) days before the examination at which the applicant purposes to sit, a recommendation with respect to each applicant who has filed a timely Application for Admission for that examination. If the Committee has not been able to complete its investigation of an applicant before thirty (30) days prior to the examination, the Committee shall so report to the Board along with the status of the case and a recommendation as to whether the applicant should be allowed to take the examination pending the outcome of the investigation.

[Effective November 1, 1991; amended effective August 24, 2002.]

Section 6. Standards for Disqualification of Applicant.

The Committee shall recommend that the applicant not be admitted to practice law in Mississippi if, in the judgment of the Committee, the applicant has exhibited conduct substantially evidencing an inclination:

A. To be dishonest;

B. To take unfair advantage of others;

C. To be disloyal to those to whom loyalty is legally owed;

D. To be irresponsible in business or professional matters;

E. To support or advocate the overthrow of the government of the United States by force;

F. To unlawfully engage in the practice of law while not being so licensed;

G. To violate reasonable rules of conduct governing any activity in which applicant has been engaged;

H. To fail to exercise substantial self-control, including excessive and continuing violation of traffic rules, the improper use of drugs, and the excessive use of alcohol;

I. To be mentally or emotionally unstable to the extent that applicant is not suited for the practice of law.

Every person who has been or shall hereafter be convicted of a felony, in a court of this or any state or a court of the United States, manslaughter or a violation of the Internal Revenue Code excepted, shall be incapable of obtaining a license to practice law.

Conviction for manslaughter or a felony violation of the Internal Revenue Code or commission of acts constituting felonious conduct not resulting in a conviction or the conviction of a misdemeanor involving moral turpitude may constitute grounds for denial of an application for admission to practice.

The commission of acts while a juvenile which, if done by an adult, would be the equivalent of such crimes shall be grounds for recommending that applicant be denied the right to practice law, unless special circumstances in the opinion of the Committee excuse the applicant.

A final decision having the legal effect of acquitting an applicant of an alleged offense shall not affect the right of the Committee to consider the alleged conduct, unless the decision is directly on the merits and necessarily negates any immoral or unethical conduct.

The doing of any act which would be a crime except as excused by mental condition may be considered as a ground for recommending denial of the application.

Provocation, if established to the satisfaction of the Committee, may be considered as excusing some types of improper conduct, such as minor batteries and other actions indicating a temporary loss of self control.

Any conduct of a kind which has been considered by the Supreme Court of Mississippi as ground for suspension or revocation of the right to practice law may be considered as sufficient to recommend denial of an application for admission. If an applicant has at any time committed acts or offenses not constituting a felony or misdemeanor, which would have been grounds for disbarment of a practicing attorney, such applicant shall be required to meet the same standards as a disbarred attorney would be required to meet for readmission in order for the Committee to make a favorable recommendation.

The Committee shall consider whether or not the past conduct of the applicant is likely to be repeated in the future and whether the applicant's past conduct evidences applicant's

character and fitness to practice law. If applicant is found to have engaged in conduct which at that time would have constituted grounds for an unfavorable recommendation, then applicant must affirmatively show that his character has been rehabilitated and that such inclination or instability is unlikely to recur in the future. The mere fact that there has been no repeat of any such conduct or other conduct evidencing unfitness to practice law shall not in and of itself be sufficient to constitute rehabilitation or proof of good character.

The following conduct, while not proper, will not in and of itself be considered as indicating a lack of moral or ethical qualification:

1. Traffic violations unless involving substantial disregard of the rights of others or evidencing substantial or continuing lack of self-discipline;

2. Conduct involving domestic relations unless under circumstances indicating violation of criminal law or disregard of moral obligations under circumstances where no reasonable provocation exists;

3. Conduct in the nature of horseplay;

4. Misconduct remote in time unless felonious in nature or recently repeated in similar acts.

[Effective November 1, 1991.]

Section 7. Burden of Establishing Character and Fitness.

The burden is on the applicant to establish to the reasonable satisfaction of a majority of the Committee that he possesses such character and qualifications as to justify his admission to the Bar and qualify him to perform the duties of an attorney and counselor at law.

[Effective November 1, 1991.]

Section 8. Recommendations on Character and Fitness.

A. Form of Favorable Recommendations. The Chairman of the Committee shall certify to the Board the name of each applicant whose application has been approved by the Committee on Character and Fitness. The Chairman of the Committee shall simultaneously therewith return to the Bar Admissions Administrator all materials relating to the application.

B. Form of Unfavorable Recommendations. In the case of an application which the Committee disapproves for admission to the Bar, the Chairman shall file with the Board a complete report setting forth the grounds and evidentiary basis for disapproval and attaching thereto all materials relating to the application.

C. Board Action. The Board, after receiving the recommendations of the Committee on Character and Fitness, shall enter an order approving or denying the application. In making its decision, the Board may make such additional investigation as it deems appropriate. The Bar Admissions Administrator shall notify the applicant of the Board's decision. Denial of an application for registration as a law student shall constitute notice to the applicant that any subsequent application for admission will be denied by the Board on the same grounds.

[Effective November 1, 1991.]

Section 9. Review of Adverse Determination on Character and Fitness.

An applicant may request a review of the decision of the Board denying his application for admission to the Bar by filing a written petition with the Bar Admissions Administrator within ten (10) days after applicant has been notified of the adverse action of the Board.

Such review shall be heard at the next regular, adjourned or special meeting of the Board held after the request for review has been filed, at which meeting the applicant may appear personally. The applicant shall be provided with a copy of the Committee's report. The applicant may file a statement, memorandum or other writing with the Board at least ten (10) days prior to the review hearing, setting forth the grounds on which the applicant seeks review and the reasons why the Board's decision should be reversed. At a review hearing, the burden shall be upon the applicant to show that the Board's denial of his application was in error. Review shall be made upon the records previously developed by the Committee on Character and Fitness. At the review hearing, the record may not be supplemented by additional evidence from the applicant or other sources. If the Board finds that further evidence should be considered, it shall remand the application to the Committee for further proceedings. Upon completion of review, the Board shall enter a final order affirming or reversing its previous action. During the pendency of review or appeal proceedings, the applicant shall not take the bar examination pending a final decision on his character and fitness.

[Effective November 1, 1991.]

Section 10. Appeal From Final Decision of Board.

An applicant whose petition for review of an adverse determination on his character and fitness has been unsuccessful and denial of the application affirmed by the Board shall have the right to appeal from the final decision of the Board to the Chancery Court of Hinds County within thirty (30) days of entry of such order of denial. The Board's decision may be reversed by the Chancery Court only if the applicant proves by a preponderance of the evidence in the record before the Board that denial of his application was arbitrary, capricious, or malicious. An appeal may be taken from the decision of the Chancery Court to the Supreme Court of Mississippi in accordance with the Mississippi Supreme Court Rules.

[Effective November 1, 1991.]

Section 11. Compensation and Expenses.

The members of the Committee on Character and Fitness shall receive the same compensation as established by the Supreme Court for members of the Board of Bar Admission, plus all reasonable and necessary travel expenses incurred in the performance of their duties under the provisions of these Rules.

[Effective November 1, 1991.]

Section 12. Immunity.

The sworn testimony of a witness subpoenaed under these Rules or otherwise received by the Board or Committee shall be deemed testimony received in a judicial proceeding. In any action for defamation arising out of such sworn testimony, the witness shall be entitled to the defense of privilege to the same extent available to witnesses in judicial proceedings. Board and Committee members, Special Counsel, and employees and agents of the Board and Committee shall be immune from civil suit from any conduct arising out of the performance of their official duties.

[Effective November 1, 1991.]

RULE IX. EXAMINATION.

Section 1. Requirements.

Every person desiring admission to the bar, except those exempt from the general bar examination under Rule VI, shall be required to take and pass a written bar examination in a manner satisfactory to the Board of Bar Admissions.

[Effective November 1, 1991.]

Section 2. Preparation of the Examination.

The Chairman shall make assignments among the members of the Board concerning preparation and grading of the examination. The Board members may prepare the examination questions personally or may utilize the services of expert draftsmen to prepare bar examination questions, including out-of-state law teachers, or may use the services of the National Conference of Bar Examiners or other national agency.

[Effective November 1, 1991.]

Section 3. Analysis of Questions.

Before an essay question is used in the bar examination, whether drafted by a Board member or by an expert draftsman, an outline or analysis of the important points of law which should be covered by the examinee shall be prepared. Each proposed question and

the outline or analysis for the grading of answers will be reviewed by at least one other member of the Board before the examination. Proposed models for grading may be adjusted and reevaluated in light of examinees' actual responses. A final version of the outline or analysis of the question used in grading answers will be filed in the Board's office by each examiner simultaneously with the submission of essay grades.

[Effective November 1, 1991.]

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 Tuesday and Wednesday of the week containing the last Wednesday in February and July.) Each examination shall be administered over a period of two 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 one day 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.

B. Utilization of Previous MBE Scaled Score. An applicant who has taken the Multistate Bar Examination (MBE) prepared by the National Conference of Bar Examiners, either in Mississippi or in another jurisdiction, within the immediately preceding 20-month period may elect to utilize the scaled score which he achieved on said previous administration of the MBE in lieu of retaking MBE during current Mississippi Bar Examination. Applicant's election to utilize MBE scaled score from a previous administration must be made in a written petition received by the Board not later than thirty (30) days before the Mississippi Bar Examination at which the applicant proposes to sit. Such petition shall state the date and place at which he took the MBE and the scaled score which he achieved. In the case of a request to utilize an MBE score from another administration of the MBE in a state other than Mississippi, the applicant must attach to his petition an authorization for the Board to obtain a certification of the MBE Scaled Score attained by the applicant from the Board of Bar Admissions (or equivalent agency) of the jurisdiction in which applicant sat for the subject MBE or from the National Conference of Bar Examiners. In the event that any change occurs in the procedure for preparation, grading or scaling of the MBE which, in the opinion of the Mississippi Board of Bar Admissions, renders impossible or inaccurate comparison of scaled scores between different administrations of the MBE, the Board may terminate or modify the utilization of previous MBE scores.

C. Multistate Professional Responsibility Examination. As a mandatory condition for admission to the Mississippi Bar by examination each applicant must achieve a scaled score of not less that 75 on the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners (NCBE). This score must be achieved on an administration of the MPRE within twenty-four (24) months before or within twelve (12) months after the date of administration of the Mississippi Bar Examination at which the applicant achieves a passing result. It shall be the responsibility of each applicant to register for and take the MPRE in the manner and at the time prescribed by the NCBE and to request that his scores be furnished by the NCBE to the Mississippi Board of Bar Admissions. The MPRE may be taken before or after the administration of the Mississippi Bar Examination at which an applicant proposes to sit. However, applicants are strongly encouraged to take the MPRE before taking the Mississippi Bar Examination, since no applicant will receive a "certificate of eligibility for admission" until the Board receives the certification of the applicant's achieving the said minimum scaled score on the MPRE within the time period prescribed in this subpart.

[Section 4A amended effective for Mississippi Bar Examinations administered in February 1992 and thereafter; Section 4B amended March 14, 1995 effective from and after July 1, 1995, but examinations administered February 1995 are to be scored according to existing rules and also by the rules in the March 14, 1995 order; amended effective April 24, 1997. Section 4C was further amended December 14, 2000 to increase the required scaled score from 70 to 75 and require that it be achieved within a stated time span; amended effective April 15, 2004; amended December 9, 2004 to delete transitional provision; Section 4A amended effective August 23, 2011 for the Mississippi Bar examinations administered in February 2012 and thereafter.]

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

[Effective November 1, 1991; amended effective February 1, 1998.]

Section 6. Conduct of Examination.

Bar examinations shall be held under the supervision of the Board, which shall be in actual charge thereof through one or more of its members or staff employees. The Chairman of the Board shall have authority to designate the duties of members of the Board with respect to the examination. The member of the Board or staff employee in charge at an examination session may be hereinafter referred to as the "examiner".

The Board may utilize such number of monitors as the Board deems necessary to assist in conducting the examinations.

[Effective November 1, 1991.]

Section 7. Mode of Examination.

A. Identification Procedure. The Board shall utilize an identification procedure which shall insure the anonymity of the examinees throughout the examination and grading process.

B. No Assistance During Examination. Applicants shall not bring with them into the examination room any books, memoranda, notes, brief cases, bags, parcels, or any materials or devices to assist them in answering questions. All questions shall be answered solely from the applicant's own knowledge and without assistance from any other source. Any applicant violating this rule, or knowingly assisting another applicant in a violation of this rule, shall be given an automatic failing grade on the entire examination. The circumstances of such violation may be considered by the Board as grounds for barring such applicant from retaking the Mississippi Bar Examination at a later session.

C. Oath of Applicant. Each applicant shall, upon concluding the last examination session, take and subscribe the following oath:

> I do solemnly swear (or affirm) that I never saw until handed me by the Examiner the questions upon which I have been examined in connection with my application for admission to the Bar, nor a copy thereof; that I have not, before my examination, received any information as to the contents of said questions, and that I did not, while said examination was in progress, use or refer to any memorandum of any kind or receive directly or indirectly, from any source whatever, any suggestion, but that I wrote each and every answer exclusively from my own knowledge.
>
> _____
> Sign name (not number) of Applicant
>
> _____
> Address where results of examination are to be mailed
>
> This paper shall be delivered to the examiner to be preserved as a part of the records of the Board.

D. Handling of Examination Papers. At the beginning of each examination session, the examiner shall deliver to the applicants a copy of the questions to be answered at that session.

The Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT) shall be administered in the manner prescribed therefor. No questions, answer sheets, or other materials relating to the MBE shall be copied or removed from the examination room.

Questions prepared by the Mississippi Board of Bar Admissions shall be consecutively numbered and shall be labeled as to their general subject matter. Answers to such questions shall be written in blank booklets supplied by the examiner. The applicant shall write all answers in ink. The Board may in its discretion permit applicants to typewrite their answers, in which case the Board may require payment of additional fees to defray additional expenses involved. The applicant must label and number his answers to correspond with the subject matter and numbers of that part of the examination and shall consecutively number each page of his answers to each part of the examination. The applicant shall not write his name or number, or otherwise attempt to identify himself on the pages containing his answers.

E. Anonymity of Grading. Applicants are forbidden to identify, or attempt to identify, themselves, their identification numbers, or their answers to any member of the Board or any other person. Applicants shall not in any manner attempt to influence the grading of their examination. The circumstances may be considered by the Board as a grounds for barring such applicant from retaking the Mississippi Bar Examination at a later session.

F. Absence From Examination Room. Each applicant must complete and turn in his answer to the portion of the examination given to him before leaving the examination room, except by permission of the examiner, or unless accompanied by a monitor.

G. Monitors. Monitors shall perform such duties as are assigned to them by the examiner. Their purpose shall be to facilitate the conduct of the examination and to insure its integrity. Monitors shall not under any circumstances discuss the content of the examination with an applicant. Any question relating to the examination shall be referred immediately to the examiner.

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.

[Effective November 1, 1991; amended effective July 1, 2010.]

Section 8. Grading of the Examination.

A. Procedure. All examinations (except MBE) shall be graded and reviewed by the Board or by members of the Mississippi Bar under the direction of the Board. If graders who are not members of the Board are employed they must meet the requirements against conflicts of interest applicable to members of the Board under Rule II, Section 6, above. The Board shall establish specific standards by which such graders perform their duties.

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.

C. Time Limits for Grading. Grades, exam papers and analysis shall be returned to the Bar Admissions Administrator no later than thirty (30) days following the examination. In the event of disability of an examination grader during the performance of his duties, the Board shall determine the procedures to be followed in grading the papers involved.

[Effective November 1, 1991; amended effective February 1, 1998.]

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 (hereinafter called the "**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 scores thus determined are hereinafter called "**converted scores**").

C. The applicant's converted scores on all examinations on the MSE shall be averaged to determine the applicant's "Average Converted MSE Score." The applicant's converted 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, weighting the applicant's "Average Converted MSE Score" (determined under Item C above) as 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.

[Effective November 1, 1991 with Section 9D(2) applied to determine results on Mississippi Bar Examination administered in July 1991 and thereafter; amended March 14, 1995 effective from and after July 1, 1995, but examinations administered February 1995 are to be scored according to existing rules and also by the rules in the March 14, 1995 order; amended effective February 1998; amended effective August 24, 2000 for February 2001 and subsequent examinations.]

Section 10. Borderline Reappraisal.

Prior to the final calculation of grades, each answer (excluding MBE) of those applicants achieving a combined score between 129 and 131.9 shall be individually reviewed by the Board. The procedures employed in such borderline reappraisal shall be determined by the Board.

[Amended March 14, 1995 effective from and after July 1, 1995, but examinations administered February 1995 are to be scored according to existing rules and also by the rules in the March 14, 1995 order.]

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.]

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.

[Effective November 1, 1991; amended effective July 1, 2010.]

Section 2. Petition for Review.

A failing applicant may petition for a review of his examination (excluding the MBE). Such petition must be filed not later than forty-five (45) days after the date on which the Board has mailed the examination results to the applicant.

[Effective November 1, 1991.]

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.

The applicant shall attach to his Petition for Review a separate Memorandum setting forth, for each examination designated in the Petition, the grounds for his request for review. To preserve anonymity during review, the Memorandum, which will be the only part of the Petition for Review circulated among members of the Review Committee and the Board, shall not mention the applicant's name and shall not be signed. For identification purposes, the applicant will use the coded number assigned him during the grading process. The Memorandum shall particularize how the grade awarded is unjustified by the merits of the answers. The Memorandum must include such citation of legal authority or other briefing as the applicant wishes to have considered by the Board. No generalized claims, not accompanied by a specification of errors, shall be considered by the Board.

No reference to the applicant's legal education, economic status, social standing, employment, personal hardship, past performance on Bar examinations, or other extraneous factors shall be made in the Petition or Memorandum or mentioned in any way in review proceedings. No applicant shall communicate directly with members of the Board

concerning his performance on the examination. Any violation of this Rule shall result in the automatic denial of the Petition for Review.

[Effective November 1, 1991; amended March 14, 1995 effective from and after July 1, 1995, but examinations administered February 1995 are to be scored according to existing rules and also by the rules in the March 14, 1995 order; amended effective April 24, 1997; amended effective February 1, 1998.]

Section 4. Review by Board.

Upon receipt of a Petition for Review, a review committee of not less than three (3) members of the Board shall review all papers on which the applicant alleges error in grading. The role of the Review Committee shall be to identify and consider specific errors in grading. It shall not be the function of the Review Committee merely to reconsider grades originally awarded. In the event that a majority of the members of the Review Committee find clear and manifest evidence that the applicant's papers have been substantially misgraded to such an extent that the result of the examination may have been affected, the Review Committee shall so report to the Board and the Board, as a whole, shall review the applicant's examination result. In the event that a majority of the members of the Review Committee find that the applicant's papers have not been substantially misgraded to an extent that the result of the examination was affected, such determination by the Review Committee shall be final without further action by the Board as a whole. After completion of the review process described in this Section and at least thirty (30) days prior to the administration of the next bar examination, an Order shall be entered in the Board minutes granting or denying the applicant's petition.

[Effective November 1, 1991.]

RULE XI. APPEAL FROM BOARD'S FINAL DETERMINATION OF FAILING GRADE.

Section 1. Right to Appeal.

A failing applicant who has filed a Petition for Review as provided in Rule X shall have the right to appeal from the order of the Board denying his Petition to the Chancery Court of Hinds County within thirty (30) days of entry of such order of denial.

[Effective November 1, 1991.]

Section 2. Record on Appeal.

The Board must within thirty (30) days after the applicant's appeal is filed in Hinds County Chancery Court, or within such further time as the court may grant, file with the Court and serve upon the applicant an answer. The Board shall therewith forward to the Court applicant's Petition together with copies of examination questions (excluding the MBE),

model answers or other analyses used in grading the examination, and the original of applicant's answers.

[Effective November 1, 1991.]

Section 3. Standard of Review.

The grounds of appeal shall be limited to those specified in the applicant's Petition for Review before the Board. The Chancery Court shall not regrade the examination or substitute its judgment of the merits of the applicant's examination for the decision of the Board. The Board's decision to fail an applicant shall be reversed by the Chancery Court only if the applicant proves by a preponderance of the evidence that the Board's denial of his Petition was arbitrary, capricious or malicious. An appeal may be taken from the decision of the Chancery Court to the Supreme Court of Mississippi in accordance with the Mississippi Supreme Court Rules.

[Effective November 1, 1991.]

RULE XII. CERTIFICATION OF ELIGIBILITY FOR ADMISSION.

The Board, upon finding the applicant qualified for admission by examination or by comity and reciprocity, shall issue to the applicant a "Certificate of Eligibility". The applicant shall file said certificate and a Petition for Admission in the Chancery Court of Hinds County, Mississippi, or in the Chancery Court in the county of his residence, or in the case of an applicant who is a non-resident of the State of Mississippi, in the Chancery Court of a county in which the applicant intends to practice. Said Chancery Court shall, in term time or in vacation, enter on the minutes of that court an order granting to the applicant license to practice in all courts in this state, upon taking by the applicant in the presence of the Court, the oath prescribed by law, Section 73-3-35, Mississippi Code of 1972, to-wit:

> I do solemnly swear (or affirm) that I will demean myself, as an attorney and counselor of this court; according, to the best of my learning and ability, and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the State of Mississippi. So help me God.

And thereupon the name of such person, with the date of his admission, shall be entered in a roll or book to be kept in each court for that purpose.

[Effective November 1, 1991.]

RULE XIII. PRECEPTOR STUDY.

An applicant who had notified the Board of Bar Admissions in writing of an intention to pursue a general course of study of law under the supervision of a Mississippi lawyer prior to July 1, 1979, and in fact began study prior to July 1, 1979, and who completed the required course of study prior to November 1, 1984, in accordance with Miss. Code 1972, Subsection 73-3-3(b) and Subsection 73-3-15, as the same existed prior to their repeal in 1979, and who complied with former Rule XIV of the Rules Governing Admission to the Mississippi State Bar, shall be eligible for admission upon satisfaction of all requirements for admission, other than the law school education requirements set forth in Rule IV, Section 5.

[Effective November 1, 1991.]

RULE XIV. EFFECTIVE DATE.

The effective date of these Rules shall be November 1, 1979, and as amended through August 23, 2011.